City of Coral Gables
Local Planning Agency (LPA)/Planning and Zoning Board Meeting
Wednesday, May 14, 2014
Coral Gables City Commission Chambers
405 Biltmore Way, Coral Gables, Florida

MEMBERS	J9	F12	M12	A9	M14	J11	J9	A13	S10	O8	APPOINTMENT
	'14	'14	'14	'14	'14	'14	'14	'14	'14	'14	
Eibi Aizenstat – Chair	P	P	P	P	P						City Manager Patrick Salerno
Marshall Bellin	P	P	P	P	P						Commissioner Vince Lago
Anthony Bello	-	P	P	P	P						
Jeffrey Flanagan – Vice Chair	P	P	P	P	P						Commissioner Pat Keon
Julio Grabiel	P	P	P	P	E						Mayor Jim Cason
Maria A. Menendez	P	P	P	P	P						VM William H. Kerdyk, Jr.
Alberto Perez	P	P	P	P	P						Commissioner Frank C. Quesada

DRAFT

P = Present
E = Excused
C = Meeting Cancelled

City Staff and Consultants:
Charles Wu, Asst. Development Services Director
Scot Bolyard, Principal Planner
Jill Menendez, Adm. Assistant
Craig E. Leen, City Attorney
Jane Tompkins, Development Services Director
Yamilet Senespleda, City Engineer

Susan Trevarthen, Esq.

Commissioner Patricia Keon
Commissioner Frank C. Quesada

Court Reporter:
Joan Bailey

Attachments:
- 05 14 14 Planning and Zoning Board Meeting Verbatim Minutes
- Document (Mozell Aguilar letter) entered into the record by Laura Russo, Attorney

CITY OF CORAL GABLES
LOCAL PLANNING AGENCY (LPA)/
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
CORAL GABLES CITY HALL
405 BILTMORE WAY, COMMISSION CHAMBERS
CORAL GABLES, FLORIDA
WEDNESDAY, MAY 14, 2014, COMMENCING AT 6:02 P.M.

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

City Staff and Consultants:
Charles Wu, Assistant Development Services Director
Craig E. Leen, City Attorney
Jane Tompkins, Development Services Director
Jill Menendez, Planning Administrative Assistant
Scot Bolyard, Principal Planner
Yamilet Senespleda, City Engineer

Susan Lanelle Trevarthen, Esq.
Weiss Serota Helfman Pastoriza Cole & Boniske
Special Counsel to the City

Also Participating:

Laura Russo, Esq. (Items 5 & 6)
Christopher Lopez, AIA (Items 5 & 6)
Debra Sinkle-Kolsky (Items 5 & 6)

Public Speakers:

Mosezell Aguilar
Leona Cooper
Perry Adair, Esq.
Zeke Guilford, Esq.

THEREUPON:
The following proceedings were had:
CHAIRMAN AIZENSTAT: Okay, let's go ahead and get started, please.
I'd like to welcome everybody to our Planning and Zoning Board meeting. Just a little background and overview. This Board is comprised of seven members. Four members of the Board shall constitute a quorum. Tonight we have all the members here. And an affirmative vote of four members of the Board present shall be necessary for adoption of any motion.
MR. BELLO: Mr. Chairman?
CHAIRMAN AIZENSTAT: Yes.
MR. BELLO: I believe Julio is not here.
CHAIRMAN AIZENSTAT: I'm sorry?
MR. BELLO: Julio is not here.
CHAIRMAN AIZENSTAT: Oh, Julio is not here. I apologize. There is one member not here.
A tie vote shall result in the automatic continuance of the matter to the next meeting, which shall continue until a majority vote is achieved. If only four members of the Board are present, an applicant shall be entitled to

a postponement to the next regularly scheduled Board meeting.
As far as lobbyists, there's a registration and a disclosure, which any person who acts as a lobbyist pursuant to the City of Coral Gables Ordinance Number 2006-11 must register with the City Clerk prior to engaging in lobbying activities and presentations before City Staff, Boards, Committees and/or the City Commission. A copy of the ordinance is available in the Office of the City Clerk. And failure to register and provide proof of registration shall prohibit any ability to present to the Board.
I now officially call the City of Coral Gables Planning and Zoning Board meeting of Wednesday, May 14, 2014 to order. The time is now 6:04.
Jill, will you call the roll, please?
MS. MENENDEZ: Marshall Bellin?
MR. BELLIN: Here.
MS. MENENDEZ: Anthony Bello?
MR. BELLO: Here.
MS. MENENDEZ: Jeff Flanagan?
MR. FLANAGAN: Here.

MS. MENENDEZ: Julio Grabiel?
Maria Menendez?
MS. ALBERRO MENDENDEZ: Here.
MS. MENENDEZ: Alberto Perez?
MR. PEREZ: Here.
MS. MENENDEZ: Eibi Aizenstat?
CHAIRMAN AIZENSTAT: Here.
Charles --
MR. WU: Yes, sir.
What I wanted to do now is to talk about ex parte communication.
Please be advised that this Board is a quasi-judicial Board, and the items on the agenda are quasi-judicial in nature, which requires all Board members to disclose any and all ex parte communications and site visits.
An ex parte communication is defined as any contact, communication, conversation, correspondence, memorandum or 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 today. If anyone made any contact with a Board member regarding any issue before the Board,

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1 the Board member must state on the record the
2 existence of the ex parte communication and the
3 party who originated the communication. Also,
4 if a Board member conducted a site visit
5 specifically related to the case before the
6 Board, the Board member must disclose such
7 visit. In either case, the Board member must
8 state on the record whether the ex parte
9 communication and/or site visit will affect the
10 Board member's ability to impartially consider
11 the evidence to be presented regarding the
12 matter. The Board member should also state
13 that his or her decision will be based on
14 competent, substantial evidence and testimony
15 presented on the record today.
16 And something we started new today,
17 Mr. Chair, is that we included a reading text
18 for your motion, for your first two cases
19 tonight. Your first two cases are
20 quasi-judicial in nature, and the other cases
21 are not. So please keep in mind, if you make a
22 motion to vote, please follow the text, and
23 there are three options: Motion to approve, to
24 approve with conditions, or to deny.
25 At this time, does any member of the Board

1 have any communication and/or site visit to
2 disclose at this time?
3 Let's start with Ms. Menendez?
4 MS. ALBERRO MENENDEZ: No.
5 MR. WU: Mr. Flanagan?
6 MR. FLANAGAN: I've had no conversations,
7 but I've driven by the properties.
8 MR. WU: And you can state on the record
9 you'll make a decision based on competent,
10 substantial evidence from tonight?
11 MR. FLANAGAN: Of course.
12 MR. WU: Mr. Chair?
13 CHAIRMAN AIZENSTAT: No, not at all.
14 MR. WU: Mr. Bello?
15 MR. BELLO: No.
16 MR. WU: Mr. Perez?
17 MR. PEREZ: No.
18 CHAIRMAN AIZENSTAT: And Mr. Bellin?
19 MR. BELLIN: No.
20 MR. WU: Thank you.
21 CHAIRMAN AIZENSTAT: Thank you.
22 At this time, we're going to be doing the
23 swearing in. Everybody who speaks this evening
24 must complete the roster on the podium I hope
25 that everybody has filled in. We ask that you

1 print clearly so the official records of your
2 name and address will be correct.
3 Now, has everybody gone ahead and, that's
4 going to be speaking, filled in?
5 MS. RUSSO: It's working its way around.
6 CHAIRMAN AIZENSTAT: Okay, so that's
7 perfect.
8 Now, with the exception of attorneys, all
9 persons who will speak on the agenda items
10 before us this evening, please rise to be sworn
11 in.
12 (Thereupon, all who were to speak were duly
13 sworn by the court reporter.)
14 CHAIRMAN AIZENSTAT: Thank you.
15 Also, I would ask everybody to please
16 silence their cell phones or turn off their
17 cell phones. If they would just take a second
18 to do that, we would greatly appreciate that.
19 Jill, if you will go ahead and -- Oh, you
20 already called the roll. Okay.
21 The first item is the approval of the
22 minutes from the April 9th, 2014 meeting.
23 MR. FLANAGAN: So moved.
24 CHAIRMAN AIZENSTAT: We have a motion. Is
25 there a second?

1 MR. BELLO: Second.
2 CHAIRMAN AIZENSTAT: Second. Any
3 discussion?
4 Having heard none, call the roll, please.
5 MS. MENENDEZ: Anthony Bello?
6 MR. BELLO: Yes.
7 MS. MENENDEZ: Jeff Flanagan?
8 MR. FLANAGAN: Yes.
9 MS. MENENDEZ: Maria Menendez?
10 MS. ALBERRO MENENDEZ: Yes.
11 MS. MENENDEZ: Alberto Perez?
12 MR. PEREZ: Yes.
13 MS. MENENDEZ: Marshall Bellin?
14 MR. BELLIN: Yes.
15 MS. MENENDEZ: Eibi Aizenstat?
16 CHAIRMAN AIZENSTAT: Yes.
17 What I'm going to ask tonight, because we
18 have quite a few people, I assume, that are
19 going to want to speak, I'm going go ahead and
20 limit the time to about two to three minutes
21 per individual, with the exception of the
22 applicant and the Staff that are going to be
23 doing the presentation. So I would ask that
24 you please adhere to that.
25 Also, if there's any comments that you've

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1 already heard that other people have said, you
2 may want to just give some new comments or so
3 forth, or say that you agree with a certain
4 person, and make up some time.
5 Craig, the first two items, since they're
6 together, would you like for me to read them on
7 the record at the same time?
8 MR. LEEN: Yes, I would recommend that you
9 read both and that you have a public hearing as
10 to both at the same time, and then you vote on
11 them separately.
12 CHAIRMAN AIZENSTAT: Okay, thank you.
13 The first item is an Ordinance of the City
14 Commission of Coral Gables, Florida, requesting
15 review of a Planning -- of a Planned Area
16 Development pursuant to Zoning Code Article 3,
17 "Development Review," Division 5, "Planned Area
18 Development," known as PAD, for the proposed
19 project referred to as "Gables Pointe Plaza,"
20 on the property legally described as Lots 7-27,
21 Block 1B, MacFarlane Homestead and St. Alban's
22 Park Section, whose address is 280 South Dixie
23 Highway, in Coral Gables, Florida; including
24 required conditions; providing for
25 severability, repealer and an effective date.

1 The legal description is on file with the City.
2 The second item is an Ordinance of the City
3 Commission of Coral Gables, Florida, requesting
4 a change of zoning pursuant to Zoning Code
5 Article 3, "Development Review," Division 14,
6 "Zoning Code Text and Map Amendments" from
7 Commercial Limited District, known as CL, to
8 Commercial District, known as C, for the
9 property legally described as Lot 13 and Lot
10 17-23, Block 1B, MacFarlane Homestead and
11 St. Alban's Park Section, whose address is 280
12 South Dixie Highway, located in Coral Gables,
13 Florida; and providing for severability,
14 repealer and an effective date. The legal
15 description for this property is on file with
16 the City.
17 At this time, we'll go ahead and have the
18 applicant do their presentation, please.
19 MS. RUSSO: Good evening, Mr. Chairman,
20 Members of the Board. For the record, my name
21 is Laura Russo, with offices at 2655 LeJeune
22 Road. I am here this evening representing the
23 Bahamian Village, LLC, which is a private/
24 public joint venture, composed of Redevco
25 Grand, which is the developer, which owns 50

1 percent of the project, and the LBW Homeowners,
2 Inc., which owns the other 50 percent of the
3 project. LBW Homeowners, Inc. is a
4 wholly-owned subsidiary of the LBW Foundation
5 of Coral Gables, a not-for-profit organization.
6 I am also here this evening representing
7 Tapco Restaurant Group, LLC, that is the tenant
8 for one of the two buildings on the project.
9 I'm going to introduce some of the players.
10 I have with me this evening Debra
11 Sinkle-Kolsky, from Redevco, and Leona Cooper,
12 Edwina Prime and Linda Dixie, who are members
13 of both boards, the profit and the
14 not-for-profit board, and I also have Mr. Doug
15 Rudolph, who is the operator of the proposed
16 restaurant.
17 CHAIRMAN AIZENSTAT: If I may interrupt you
18 a second --
19 MS. RUSSO: Uh-huh.
20 CHAIRMAN AIZENSTAT: -- I'd like to welcome
21 Commissioner Pat Keon, who has joined us.
22 Thank you, and welcome back.
23 COMMISSIONER KEON: Thank you.
24 CHAIRMAN AIZENSTAT: Sorry, Laura.
25 MS. RUSSO: That's okay.

1 I'm going to take a little bit and tell you
2 a little bit about the mission of the LBW
3 Homeowners Foundation. They were formed in
4 order to attract and bring back individuals to
5 their community. Their goal is to preserve
6 their Bahamian culture, create economic
7 development and restore some of the historic
8 homes that are in the their community and do
9 infill construction on vacant lots.
10 This project is a joint venture. The
11 proceeds from this project will be used to
12 further those goals, and so that you know, I
13 want to tell you a little bit about their
14 accomplishments. To date, they have already
15 successfully restored three of the 14
16 designated historic homes in Coral Gables, on
17 Frow and Florida Avenues, and this was done in
18 approximately 2007. They have also built four
19 homes, workforce housing, on four lots that
20 were donated, and those homes were built
21 within -- sold within the first quarter. I
22 mean, it was amazing. It was quite successful.
23 So you understand a bit of the players,
24 Redevco is the master developer of both the
25 infill construction as well as the historic

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1 restoration. She worked on processing the
2 Federal grants.
3 And then Tapco, who is going to be our
4 tenant for this project, is a successful
5 restaurateur. He currently has Tap 42. Some
6 of you may or may not be familiar with the
7 restaurant in Fort Lauderdale, on Andrews
8 Avenue.
9 So we have a team, and now I'm going to
10 introduce some of the other members of the team
11 that we have. We have an architect for our
12 community center, who is Chloe Keidaish of
13 Studio X Architecture. We have Scott Lurie and
14 Chris Lopez, who are architects of the
15 restaurant building. I have Deena Bell, who is
16 our landscape architect. And I have Juan
17 Espinosa, of David Plummer & Associates, who is
18 our traffic engineer.
19 And you can see, we have members of our
20 community who are here to see this come
21 through.
22 To give you a little bit of history on the
23 project, this project has been the subject of
24 two prior site plans, one in 2006, one in 2007.
25 I came on board in 2007. That project is a

1 very different project than we had here. For
2 numerous reasons, the site plan was never
3 implemented. There were some illegal
4 encroachments that until just recently, with
5 litigation, were removed. So what you have
6 with you now is an entirely different plan than
7 those two. That's old history. So what we
8 have here are two applications before you, a
9 PAD site plan approval and a change in zoning
10 for a portion of the property.
11 The property is located at the intersection
12 of U.S. 1 and Grand Avenue at the southwest
13 end, Florida Avenue on the northeast. The
14 property is unusually shaped, as you can see.
15 It's a triangle attached to a rectangle. The
16 property was actually a bit -- let's call it
17 deeper, but about 20, 25 years ago, Grand
18 Avenue was widened and 50 feet were taken from
19 the southern edge of this property. So it
20 makes it a little bit difficult to develop, and
21 as you can see, the angle, and what is
22 important and what is most profitable, of
23 course, is the U.S. 1, the U.S. 1 facing.
24 So, actually, Chris -- I don't know if you
25 can see the hatch marks, but I'm going to ask

1 Chris to please go and show you the portions
2 that we're asking to change in zoning from
3 Commercial Limited to Commercial, and it is
4 just the portions adjacent to the restaurant,
5 and the primary reason for this is that under
6 our Zoning Code, CL uses and C uses have a
7 little bit of a difference when it comes to
8 being adjacent to single-family for nighttime
9 uses. We have reviewed this with the
10 neighborhood, and the real difference is that
11 you're not allowed to have any music, any
12 particular noise, after a certain amount of
13 time. You can't have a kitchen open over a
14 certain amount of time. We felt confident that
15 we might make it under the CL zoning, but to be
16 perfectly safe and not have any issues, we
17 wanted to change the zoning on the restaurant
18 portion.
19 I'm going to state on the record now, there
20 will be no live music. The only music we're
21 talking about is music that will be coming from
22 inside the restaurant and maybe piped outside
23 to the outdoor dining area, but because of the
24 location, we didn't want to run the risk that
25 it would be not interpreted this way when it

1 was actually in operation.
2 The restaurant is approximately 6200 square
3 feet. It is a full-service restaurant with a
4 full liquor license, and it has a very nice
5 patio seating area. So that you know, before
6 this tenant was approved, the majority of the
7 board went to Fort Lauderdale and ate at Tap 42
8 in order to understand what restaurant they
9 were doing, because as you know, this is a
10 community project. It is in their best
11 interest that it be a successful project.
12 The restaurant, the outdoor seating has
13 purposely been oriented to the south, to Grand
14 Avenue, because across the street on Grand
15 Avenue is Carver Elementary and Carver Middle
16 School, and then park on either side of that;
17 east and west are park land. To the north, we
18 also have a park, and then across the street,
19 on Florida, on the east side of the driveway,
20 are single-family homes.
21 The second building, which you see over in
22 the far northeast corner, is a community
23 center. It's actually a building that will
24 house a 1400 square feet of the community
25 center, along with approximately 1200 square

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1 feet of the office for Redevco, who will be
2 on-site.
3 We have -- Let's see. We have incredibly
4 landscaped the site. The site has been
5 landscaped by Deena Bell. As you can see from
6 the renderings of Tapco, the one on top is
7 facing U.S. 1, the one on the bottom is the
8 parking lot view, and the one in the middle is
9 what you see on Grand Avenue. The goal here
10 was to keep the property very well landscaped.
11 Some of you may or may not know, but there's a
12 linear park that runs along the boundary of the
13 property, and it is owned by the applicant, but
14 there is a City easement on it.
15 What we have, and you have -- Just so you
16 know, there's been some slight amendments. You
17 should have this little packet that was put at
18 your seat. Some slight amendments, because we
19 have been to the Board of Architects. Tomorrow
20 will be our fourth time. Last week we were
21 approved with conditions, and we've been
22 working very closely with the Planning and
23 Zoning Board Staff and with Board of Architects
24 members and with the community, trying to
25 address everybody's needs, concerns, use of the

1 building and the unusual configuration.
2 What you will see here is a site plan that
3 shows, at the request of Board of Architects,
4 is a removal of a portion of that wall. The
5 wall was built by the City, but they're
6 requesting that a portion of that wall be
7 removed and that there be enhanced landscaping
8 in the City park.
9 We have looked at all the conditions that
10 Staff has placed in their Staff Report, and we
11 are fine with all the conditions but for one,
12 and that one condition is the landscaping
13 around the perimeter. When you have commercial
14 adjacent to single-family, or across from
15 single-family, you're required to have a
16 six-foot-high hedge. So the six-foot-high
17 hedge was proposed surrounding the site, along
18 with the six-foot wall, which is along the
19 eastern boundary. The neighborhood does not
20 want a six-foot-high hedge. They believe that
21 when the wall was constructed, they were walled
22 in. You put a six-foot-high hedge, you're
23 walling them away from their own project. They
24 would like to see the hedge height come down to
25 four feet, which is the norm in a commercial

1 project. So they are making this request.
2 The purpose of the enhanced landscaping and
3 additional height is to keep traffic lights and
4 car vehicle lights, but the neighborhood wants
5 it at four feet. They want to feel part of the
6 project. The project has outdoor seating.
7 It's anticipated that people will be walking
8 from the neighborhood, people will be driving.
9 They want it to feel part of the neighborhood
10 and not sort of something that's walled off
11 from them, even in that visual -- in that
12 visual sense. So it's there as part of some of
13 the requirements for landscaping around a
14 commercial and adjacent to commercial. So we
15 would -- We would proffer the request from the
16 neighborhood that that landscaping be dropped
17 down.
18 And at this time, I respectfully request
19 your approval of both of our applications, and
20 I have an entire team here that is able to
21 answer any questions you may have on this, and
22 I also have members of the community that would
23 like to speak and share their support of the
24 project with you.
25 CHAIRMAN AIZENSTAT: Thank you, Laura.

1 Next let's go ahead and have Staff do their
2 presentation, please.
3 MR. WU: Sure. If Aaron can pull up the
4 PowerPoint. Thank you, Aaron.
5 This is to show you a geography of the
6 property. I'd like to take a few minutes to
7 introduce the surroundings. Laura talked about
8 it briefly, but now we have a map showing you
9 where the area is. The property is highlighted
10 in white, between Grand and Florida Avenue,
11 east of Dixie. There's approximately 1.3
12 acres. There's a linear park, as you can see
13 here in green, along Dixie Highway on the
14 north. The easement Laura talked about is on
15 the west side, and it further extends south of
16 the property, along Grand, as well. This
17 linear park is a very important buffer for the
18 intense traffic along Dixie and the uses behind
19 it, and some of it are primarily residential.
20 As the applicant mentioned, there's a
21 school to the south, Washington Carver, and the
22 boundary in red is actually the boundary of the
23 city limits of Miami.
24 The Zoning Code requires that one building
25 site has to have one building, and hence, you

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have the first application before you, is to go through a PAD, called a Planned Area Development Review, which will allow two buildings on the building site. So that's Request Number 1.

The next slide shows some images of the property. Here, if you're standing on the median, looking east, you can see vaguely the landscaping, and it's quite lush at the corner of Grand and Federal. There's the buffer here, there's a meandering sidewalk, and there's a low wall separating the easement onto the property. Again, this is standing west of the property, looking east.

The image to the bottom is standing right at the corner, between Grand -- this is Grand here, and this is Dixie, looking north, somewhat at an angle, and this is the corner, which is, again, somewhat mature landscaping. There is another -- a taller wall here in the back.

The next image is facing Grand and standing east of the property, looking west, and the area to the right is a property, and the area to the left is the school. An image to the

bottom is at the corner of Federal -- Federal and Florida, and the image on the right, again, is a property at the corner here, and you can see the linear park extends across from Florida. And again, this is Federal Highway here.

So those are the images of the property. The second request concerns changing the zoning. As the applicant mentioned, they are changing some parcels, Lot 13, 17 through 23, from Commercial Light to Commercial. The image to the left is the existing zoning map, and the image to the right shows, upon zoning, what will occur. Those lots will become Commercial.

Again, as the applicant mentioned, Commercial allows nighttime uses between 8:00 p.m. and 6:00 a.m. within 150 feet of the residential area, which is highlighted in yellow, as a permitted use. As opposed to if it were still a conditional use image, on the left, it will be a conditional (sic) use.

As the applicant mentioned, certain uses will not be allowed in Commercial Limited, which are outdoor decks, dining, drinking, live music. Now, with the change, those will be

permissible.

Some history on the project. In '05, the City Commission approved the site plan of 11,500 square feet, for a one-story building -- one-story, two buildings that include a community center. This is the image of the '05. I'll just fly by these images. In the '05, there was an outparcel here, and the community center was located at the southeast corner.

In '08, the Commission approved a modified plan that shows the outparcel now becoming part of the project and included 21,000 square feet, a two-story commercial building and 79 parking spaces.

This image, substantially close to what you have in front of you, is the restaurant space and the community center before you. Again, 1.3 acres, 81 parking spaces proposed. The front area of the wall is proposed to be removed. Again, this is the corner, the landscaping with the corner wall here. Again, a 6,196-square-feet restaurant, highlighted in purple, and a community center, slash, office at 2,450 square feet.

This is the site plan, floor plan of the restaurant. The parking lot is towards the bottom. To the top is Federal Highway and the linear park. The entry will be somewhat in the middle to support kitchen and bathrooms. To the right, the sit-down and bar area, and other seating to the left. And this is an artist's rendering -- I believe it's in your handout today -- from south, looking north at an angle. Again, the restaurant, the parking lot and community center.

Some images of the restaurant from Federal Highway. There is a tower element at the corner, there's an entryway opened up, and this is requested by the Board of Architects to be inviting from the public. The Board of Architects also requested that the wall become -- be removed, to be more inviting to the public, and some landscaping between the sidewalk and the building.

All these windows are activated uses. The public can see inside, and likewise from the inside, looking out.

The next image is from the parking lot, looking into the building. Another image from

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the parking lot looking into the building.
Last but not least, a community center rendering, very important for the community. This is a rendering of the community center proposed today, and a simple floor plan of the community room, and some office space in the front.
The Board of Architects reviewed this at its May 8th meeting and had two conditions upon a preliminary approval. One is to modify the layout and the elevations acceptable to Staff prior to tonight's meeting, and they have done that, and to revise the restaurant plan and review by the Board of Architects for tomorrow morning. For your information, the community center was approved by the Board of Architects last week.
This is some site plan data. They are way below the FAR allowed by the Code, which is 3.5. They're proposing about 0.15. Again, they're proposing 8,646 square feet in total. They are way under the building height requirement. It does allow three floors. They're proposing one floor. In terms of setbacks, there are minor adjustments they have

to make, that upon the PAD approval can be reduced. One is the setback at Grand Avenue. The site-specific requirement of 20 feet, they're proposing 15 feet, as well as Florida Avenue, based on the new proposal, they also have some reduction there. So this number is incorrect. Fifteen feet is being proposed, to be reduced.
CHAIRMAN AIZENSTAT: Which number is incorrect?
MR. WU: It's the Florida Avenue side. The Florida Avenue side has some encroachments.
Some minor housekeeping matters: We have reviewed the application for preliminary zoning analysis and we have about nine or 10 conditions we'd like to include for your information. One is, a restrictive covenant should be provided for each of the parking for each building. The restaurant should have the parking spaces that are needed, as well as the community center. Provision for off-street bicycle parking. The sign plan should have all signs indicated and meet Code. The utility plan should have utilities located underground. A pedestrian and vehicular circulation plan.

Buffering and design provisions for nighttime uses according to the Code. Outdoor dining area shall not exceed 30 percent of the indoor dining area. Payment in lieu of the loss of on-street parking. Detailed plan elevations for the trash room and screening, and the trash room are required to be air conditioned, per Code, so we look forward for that having upon building submittal.
Findings of Fact, and this becomes an important component for you making your decision on whether this meets the Code. According to Section 3-503, Staff has evaluated the application based on these standards, the six standards in front of you, and Staff had deemed that they meet the requirements and the standards have been satisfied.
Regarding changing the zoning, also Section 3-1404, we have three standards. Likewise, Staff's finding is, the standards have been satisfied.
In conclusion, the Staff recommends approval, based on the conditions included in your Staff Report, such as: Construction shall be in conformance with the plan submittal,

substantial plan submittal dated 5/14/14. Within 30 days, submit a restrictive covenant including these conditions. We mentioned the nine or 10 conditions earlier, as well as some of these listed in front of you today, and they're mostly traffic. Install right-of-way improvements per plan. The median opening on Grand to prevent left turns; that exit from Grand has to be right turn only, for both exits. The driveway on the north shall comply with sight distance requirements, per Public Works. Directional signage and marking plans according to the City, and any improvements upon Grand need to be approved by Miami-Dade County Public Works Department.
Another condition, nighttime use of the community center and the restaurant needs to meet Code requirements, according to the Director of Planning and Zoning, and changes of right-of-way requires approval by the Public Works, Public Services, Planning and Zoning, and Parking Departments.
That concludes Staff's presentation.
CHAIRMAN AIZENSTAT: Thank you.
I'd like to welcome Commissioner Frank

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Quesada to our meeting. Thank you for coming.
COMMISSIONER QUESADA: Real quick. Good evening. I just want to say thank you for serving on the Planning and Zoning Board and volunteering your time, especially with the Heat playoff game. So thank you so much.
MS. RUSSO: You had to say that, right?
COMMISSIONER QUESADA: And thank all of you for being so involved in our community.
So, thanks so much.
MS. RUSSO: Are you going to put the game on outside?
COMMISSIONER QUESADA: No. Have a good night. Thank you, guys.
CHAIRMAN AIZENSTAT: Thank you.
MS. RUSSO: Mr. Chair, if I may, I just want to make a couple clarifications on the record. With the change from last week's Board of Architects to this week, what you have -- And there's a scrivener's error on the packet that you received. The community center is actually 2660 square feet. The restaurant is approximately 6200. So we're talking 8800 square feet. So it's a little bit bigger, and our encroachments go a little bit more to the

north and to the south on both ends of the property, and some of that was to accommodate some of the design issues and the wall, and they were answering issues both from Board of Architects members and from the Planning and Zoning Board Staff. So the trash room before had a different angle, we angled it out, and because the PAD does allow some flexibility, the changes weren't significant enough, but the Board of Architects will be seeing the revised plans.
The other thing is, and I don't know if I mentioned it, but we had two community meetings. At both community meetings, we had, if you combine the total, close to 40 in attendance. And you have these renderings here. You have a different rendering that was up on the screen in the PowerPoint, very, very similar. The only difference is, on the front elevation, on the U.S. 1, we have Bahamian shutters. We have shutters on the windows. On the elevation that you saw, we do not. We're taking both to the Board of Architects tomorrow. Just so you know, the community here prefers the shutter elevation, but tomorrow the

decision is made by the Board of Architects.
So I just wanted you to know why, if someone caught that there were two, that there were two different ones, and I also want to turn in the letter from Ms. Mosezell Aguilar, who lives in the pink house, which is the house immediately on the north, the very first single-family home, and hers is the specific request for the four-foot-high hedge. So I'm going to turn this in to be part of the record.
CHAIRMAN AIZENSTAT: Thank you.
Laura, let me just ask you one question. I notice that when you did your presentation, you said that the second time that it was brought before the P & Z Board was in 2007, and Charles said that it -- I'm sorry, you said 2007. Charles said 2008.
MS. RUSSO: That's because I started in 2007 or 2006, and by the time it was approved by the Commission, it was approved in 2008.
CHAIRMAN AIZENSTAT: So, to be clear, it was 2008.
MS. RUSSO: So, yes, it is the same.
CHAIRMAN AIZENSTAT: Right.
MS. RUSSO: It is the same. There were two

previous site plans. The one was finally approved in 2008.
CHAIRMAN AIZENSTAT: Okay, thank you.
MS. RUSSO: You're very welcome.
MR. LEEN: Mr. Chair?
CHAIRMAN AIZENSTAT: Yes, go ahead, please.
MR. LEEN: I just had one point. I just wanted to discuss the City Attorney's Office involvement in this matter, a little bit, because there was -- Ms. Russo did mention that there was a time when they could not proceed because of an encroachment. It wasn't a City encroachment. It was a utility encroachment.
MS. RUSSO: Correct.
MR. LEEN: And they did need to move that, and that's one of the reasons that this was delayed for so long. I know that this is very important to the community, this building, and one of the issues that came up is that they need to obtain a grant, and so that's one of the reasons why, to some extent, my office, you know, recommended that this be expedited and brought before you. It doesn't affect what you do here. You can do whatever you wish, but it was important that it be brought before you, so

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if you do decide to recommend approval to the City Commission, it would assist them in getting their grant. At the very least, though, they wanted to know today, so that -- and that's more because of certain Federal and County requirements, and that's why it's being brought to you now.

MS. ALBERRO MENENDEZ: What's the grant for?

MS. RUSSO: I'm going to allow --

MS. SINKLE-KOLSKY: Debra Sinkle-Kolsky.

CHAIRMAN AIZENSTAT: Could you state your address, please?

MS. SINKLE-KOLSKY: Sure. 11098 Biscayne Boulevard, Miami, 33161.

The grant has already been received by the community to move this project forward, many years ago. It had a deadline to complete the project, but because of the utility encroachment and having to take legal action, we -- HUD is basically asking for the community to write them a check back right now. So we need to be able to show them that we're moving forward, in an effort for them to work out a payment plan that if we get it moved forward,

they won't have to pay it back.

MS. ALBERRO MENENDEZ: But what is the grant for?

MS. SINKLE-KOLSKY: The grant was for them to form their organization and move this project forward for their community.

MS. ALBERRO MENENDEZ: But you said "move this project forward." Are you talking about the community center?

MS. SINKLE-KOLSKY: Legal fees, architects. Their community center, correct. Correct. The organizational cost. No money for construction, just for the initial soft costs.

MS. ALBERRO MENENDEZ: I see.

CHAIRMAN AIZENSTAT: Only for that section, for that part where the community center is?

MS. SINKLE-KOLSKY: Yes, exactly.

MR. LEEN: And I just wanted to mention that I did make that request of Development Services, that they --

MS. SINKLE-KOLSKY: Thank you.

MR. LEEN: -- try to put that on this agenda, and I did want to commend them for the amount of work they did to get this on the agenda, and they did an excellent job.

CHAIRMAN AIZENSTAT: Thank you.

At this time, I'd like to go ahead and open up for public comments. Please remember that we're going to go ahead and limit it --

How many people do we have, Jill?

MS. MENENDEZ: We actually have two speakers.

CHAIRMAN AIZENSTAT: Only two speakers, so maybe about five minutes or so, if that's okay.

The first speaker --

MS. MENENDEZ: Mosezell --

CHAIRMAN AIZENSTAT: Would you call the first person, please?

MS. MENENDEZ: Mosezell Aguilar.

MS. AGUILAR: Good evening, to the Chairman of the Board and to all of the Board Members.

CHAIRMAN AIZENSTAT: Speak a little louder, into the microphone, please.

MS. AGUILAR: Oh. Good evening to the Chairman of the Board and to all of the Board Members. I just wanted to --

CHAIRMAN AIZENSTAT: If you could state your name and address for the record.

MS. AGUILAR: My name is Mosezell Aguilar, and I live at 221 Florida Avenue --

CHAIRMAN AIZENSTAT: Thank you.

MS. AGUILAR: -- in the MacFarlane area, and this is my husband, Carlos Aguilar, and he also lives there, 221 Florida Avenue, and we just wanted to stand before you and make the request, as well, that we do want to be a part of the project and not be, you know, felt to be -- made to feel left out of the project, so, in having the hedge be six feet, it would kind of -- not only just cause us to feel left out, but also security issues, too, you know. So I think, you know, with it being this high, you know, people could -- you know, all kinds of things, anything could happen back there. So that was one of our other concerns, as well. So we would prefer, if it's okay with you guys, four feet.

MS. ALBERRO MENENDEZ: Can you show us on the map where you live, approximately?

MS. RUSSO: This right here.

This is the park. You're the first one.

MS. AGUILAR: Yes, the first house.

MS. ALBERRO MENENDEZ: So the hedge you're referring to is the one that's on the northern part of the property?

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MS. AGUILAR: Yes, right here.
MS. ALBERRO MENENDEZ: Okay.
MS. AGUILAR: It would be so high.
MS. ALBERRO MENENDEZ: Got it.
MS. AGUILAR: That was it.
CHAIRMAN AIZENSTAT: Thank you very much for coming.
MS. AGUILAR: Okay.
CHAIRMAN AIZENSTAT: Thank you.
The second, please.
MS. MENENDEZ: Ms. Cooper?
MS. COOPER: Good evening. My name is Leona Ferguson Cooper. I live at 200 Washington Drive, and I only have one short -- This is unusual for me. This is very short. I want to tell you, I appreciate you hearing us today and I hope that you will act favorably to us, and that is it. We want to get this project going. I am getting older, not younger, and it has to happen now, and I appreciate you doing it. Thank you very much, from me and my husband and my community. Thank you very much.
CHAIRMAN AIZENSTAT: Thank you for taking the time to come.

Any other speakers?
MS. MENENDEZ: No more speakers.
MS. RUSSO: There are no other speakers, but if you want to ask by a show of hands, the rest of the community is here in favor. They're just not going to speak.
So, if everyone here who's in favor of the project, please raise their hands.
CHAIRMAN AIZENSTAT: Is there anybody not in favor of the project?
MS. RUSSO: We didn't allow them to come.
CHAIRMAN AIZENSTAT: Thank you.
Just -- Is there anybody not in favor of the project? Okay. Thank you.
At this time, I will go ahead and close the floor for public comments and open it up for Board discussion.
MS. ALBERRO MENENDEZ: I have a few questions.
CHAIRMAN AIZENSTAT: Please.
MS. ALBERRO MENENDEZ: A question to the architect. How many seats --
CHAIRMAN AIZENSTAT: I think there's two architects, the restaurant --
MS. ALBERRO MENENDEZ: Well, whoever -- the

restaurant, the restaurant architect.
How many seats indoor and how many seats outdoors?
MR. LOPEZ: We have a total of -- It's on -- Oh, you have it on the sheet here, Page 4 of 7. There are 119 seats indoor and 112 outdoor.
MS. ALBERRO MENENDEZ: Why so much outdoor?
MR. LOPEZ: Part of the appeal of the restaurant is the outdoor seating. You know, we have two very different functions, an indoor area and an outdoor area, and I think, being in the location that it is, patrons will enjoy sitting outside. You can see from the renderings, it's a very organic, very green, very garden-like feel to it. So we did want to maximize the ability to sit outside, and that's really why.
MS. ALBERRO MENENDEZ: How do we -- How do we -- What are the timings of the outdoor use? In other words, what time would you be closing down the operations of the outdoor use?
CHAIRMAN AIZENSTAT: Actually, if I can expand on that, just give us the hours, also, of the restaurant.

MS. RUSSO: The hours the restaurant will be -- The restaurant will be open for lunch and dinner, so it will be open as late as it can, pursuant to Zoning Code requirements.
MS. ALBERRO MENENDEZ: It says 6:00 a.m. If it's a Commercial use, it says 6:00 a.m., so I'm trying to --
MS. RUSSO: Well, I think they're going to open for lunch.
You're going to open for lunch around eleven o'clock? I guess staff will come in to start working for lunch. And you will work till midnight?
MR. RUDOLPH: Well, during the week --
MS. RUSSO: Eleven, probably, weeknights, and later -- I think that the Code allows to you one or two o'clock on weekends, 1:00 to 2:00 a.m.
MS. ALBERRO MENENDEZ: Okay.
MS. RUSSO: So that's the intent, is to meet the hours of a full-service restaurant with a bar on weekend hours.
MS. ALBERRO MENENDEZ: Do you know what the restrictions for a bar so close to schools, for licensing purposes?

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MS. RUSSO: This does not fall within that criteria. The criteria that exists is permission when you sell for consumption off the premises. When you have a liquor store, you need to get permission from the City when it's within 500 feet of a church or a school, when you're selling packaged, whether it's packaged beer, packaged wine, but it's for consumption off the premises, not for a restaurant.

MS. ALBERRO MENENDEZ: Not for the consumption --

MS. RUSSO: Not for consumption on the premises.

MS. ALBERRO MENENDEZ: All righty. What's your concern with the Commercial Limited?

MS. RUSSO: The Commercial Limited has -- The particular section of the Code, and it's referenced there, talks about overnight accommodations and dining, outdoor dining. So the concern was, even though the outdoor dining has been oriented toward Grand Avenue, would be that someone would interpret Code Enforcement, actually -- because the neighborhood is behind and knows what the project involves -- is, the

difference between Commercial Limited and Commercial, besides the hearing process, which didn't matter to us because we would be here anyway, is, there can be no noise or outdoor dining after 8:00 p.m., and so noise -- and it can't be seen from a single-family. Well, we've landscaped it enough, both in the restaurant area as well as on the perimeter area, that we were not concerned that it was going to be seen, and we even had that legal interpretation from the City Attorney. The concern became having outdoor activities after 8:00 p.m. at night. Obviously, the intent is to have outdoor dining until eleven o'clock at night on weekdays and later on the weekends. So we had to then change the zoning, because the C zoning does allow that for the restaurants.

MS. ALBERRO MENENDEZ: Okay.

MS. RUSSO: That's the distinction, and that was the reason for the request.

MS. ALBERRO MENENDEZ: Okay.

MR. LEEN: In answer to your question about the nuisance law regarding sound, basically the playing of music or anything like that, that

could be heard more than a hundred feet from the building or structure, it's till 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and it's until midnight on Friday and Saturday.

MS. ALBERRO MENENDEZ: Okay, thank you. Okay, thank you.

CHAIRMAN AIZENSTAT: Craig, what are the hours of -- or Charles, what are the hours, according to our Zoning Code, for a restaurant of this type, that it's allowed to be open?

MR. FLANAGAN: Can I ask a question while they're looking for that answer?

CHAIRMAN AIZENSTAT: Yes.

MR. FLANAGAN: While they're looking for that, Ms. Russo, I think Staff's Report says that the community center will be used at night. It will have to comply with the nighttime use limitations of the Code?

MS. RUSSO: Yes, it will comply with the nighttime uses. The use of the community center at night will be indoors. So the nighttime uses has to do with outside -- with outdoor activities, keeping noise inside.

MR. FLANAGAN: Okay, so the nighttime uses

of the community center can happen within the CL District?

MS. RUSSO: Correct, and -- Yes, that is correct.

MR. FLANAGAN: And then who sends -- Does the applicant send the mailing notices, or is that the City?

MS. RUSSO: For the neighborhood? For the mailing notices?

MR. FLANAGAN: The mailing notices, right.

MS. RUSSO: Well, the applicant provides the mailing list, a certified mailing list of the property owners within a thousand linear feet. Staff sends out notice of tonight's meeting, but the applicant sends out a notice, and we had a community meeting. We actually had two, one of the neighborhood and then one noticed with the larger thousand linear feet.

MR. FLANAGAN: Okay, and I ask -- This may wait until they answer this first question. I live within a thousand square foot -- a thousand foot radius of the project, and I have received zero notices.

MS. RUSSO: You were within a thousand from the perimeter of this, and you were not on the

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1 list? I will look at the list, because it's a
2 certified list. What is your --
3 MR. FLANAGAN: Yeah, I'd like to
4 double-check the list --
5 MS. RUSSO: Yeah.
6 MR. FLANAGAN: -- and make sure that, in
7 fact, mailings did go out, because I think
8 that's important.
9 MS. RUSSO: And you did not get one from
10 the City, either?
11 MR. FLANAGAN: No.
12 MS. RUSSO: What is your address, Mr.
13 Flanagan?
14 MR. FLANAGAN: 417 Cadagua.
15 MS. RUSSO: 417 --
16 MR. FLANAGAN: Cadagua.
17 MS. ALBERRO MENENDEZ: Cadagua. Cadagua
18 Avenue.
19 MS. RUSSO: And that's on the other side of
20 U.S. 1?
21 MR. FLANAGAN: Yeah.
22 MS. RUSSO: I'll check the radius. No,
23 I'll look at the radius map and let you know,
24 and find out.
25 MR. FLANAGAN: Okay. I mean, I think we

1 should -- Do you have it with you, or does the
2 City have it with you?
3 MS. RUSSO: The City should have the
4 regular --
5 MR. WU: We have it. I'm trying to dig it
6 up.
7 MR. FLANAGAN: I'm not trying to pile on
8 questions right now. We'll do one at a time.
9 MR. WU: There's a map on Page 25.
10 MS. RUSSO: It's on Page 25 of your --
11 MR. FLANAGAN: No, I saw the map. But I
12 live within the radius, and I haven't received
13 any mailing, so I'm questioning and want to
14 make sure that, in fact, the mailings have gone
15 out and that proper legal notice has been
16 provided to everybody.
17 MS. RUSSO: I will double-check the
18 property list. This is just the map, but I
19 will look at the property owners list, as well
20 as the mailing labels, and let you know,
21 because you are --
22 CHAIRMAN AIZENSTAT: Is the mailing list --
23 When you do a mailing, is it done certified or
24 it just goes out?
25 MS. RUSSO: Well, the mailing list is not

1 certified mail. But the list that we obtain is
2 obtained from a real estate data services
3 provider that certifies that, in fact, they
4 have obtained the list of all the property
5 owners, so you get a list of property owners
6 and then you get separate mailing labels.
7 So I will check on that, Mr. Flanagan, and
8 let you know.
9 CHAIRMAN AIZENSTAT: Charles, do you have
10 the hours?
11 MR. WU: Yes. The Code only talks about
12 when it's outdoor facilities.
13 CHAIRMAN AIZENSTAT: When it's what, I'm
14 sorry?
15 MR. WU: Outdoor facilities for
16 restaurants. Overnight -- I'm sorry. No
17 outdoor facilities, including pools, decks,
18 outdoor dining, drinking, which are visible
19 from land designated residential shall be used
20 or operated between the hours of 10:00 p.m. and
21 8:00 a.m. weekdays, and 10:00 p.m. and 8:00
22 a.m. on weekends.
23 MS. RUSSO: But that's in CL zoning, isn't
24 it?
25 MS. ALBERRO MENENDEZ: Yes.

1 MS. RUSSO: That's in CL zoning. That's
2 why we asked for the switch.
3 CHAIRMAN AIZENSTAT: But I'd like to know
4 what it is and what they're asking in the C.
5 MR. WU: The C, no patron -- It's not in C.
6 MR. LEEN: I did give an interpretation
7 that it has to be visible, though.
8 MS. RUSSO: Right.
9 MR. LEEN: And my understanding was, you
10 were going to block it off, so it was not
11 visible.
12 MS. RUSSO: No, we are blocking it off, but
13 the question that the Chairman has asked is,
14 what are the hours, in other words, regardless.
15 For example, if you go up and down U.S. 1, I
16 don't think the Zoning Code, the new Zoning
17 Code -- I think the old Zoning Code had hours
18 of operation for restaurants.
19 CHAIRMAN AIZENSTAT: Correct.
20 MS. RUSSO: And I want to say my
21 recollection is, it was like 11:00 or 12:00
22 during the week, and it had a 2:00 p.m. (sic)
23 cutoff on a weekend. It could be 1:00, maybe
24 it was 2:00.
25 MS. ALBERRO MENENDEZ: 2:00 a.m., 2:00 a.m.

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MS. RUSSO: 2:00 a.m., right? But the new Zoning Code does not address the hours of operation, at least not --

MS. ALBERRO MENENDEZ: Is that going to be in some form of restrictive covenant? Is that what we intend to do or --

CHAIRMAN AIZENSTAT: The reason I'm asking --

MS. RUSSO: The lease --

MS. SINKLE-KOLSKY: I restrict it under the lease, just so you know.

MS. ALBERRO MENENDEZ: A lease restriction?

MS. SINKLE-KOLSKY: It can be no later than 2:00 a.m. on weekends.

MS. ALBERRO MENENDEZ: Okay.

MS. SINKLE-KOLSKY: We had to restrict it within your -- within their lease.

CHAIRMAN AIZENSTAT: And then you will go ahead and restrict that with the City as whatever you --

MS. RUSSO: We will put it in the City's restrictive covenant.

MR. LEEN: You proffer that?

MS. RUSSO: We proffer that the restaurant on weekends will not stay open later than 2:00

a.m.

CHAIRMAN AIZENSTAT: Okay. The reason I ask is because if I remember correctly, some time ago, there was a restaurant on Ponce, on a corner of Ponce, and --

MS. RUSSO: Uva.

CHAIRMAN AIZENSTAT: -- the City of Coral Gables was having an issue with the hours.

MS. ALBERRO MENENDEZ: Yeah.

MS. RUSSO: They were having an issue with the type of operation. The City thought it was operating as a club and not as a restaurant.

MR. LEEN: Right. We don't allow nightclubs. It's generally a prohibited use except for -- and if there is anything like that, there's a limitation on alcohol, as well.

CHAIRMAN AIZENSTAT: Okay.

MR. LEEN: So I think that that was the concern there. But the reason why I mentioned that was, I did think that you could do this in a CL. But you were concerned that perhaps it would be visible, that there would be complaints, and it was clear in a Commercial area.

MS. RUSSO: So --

MR. LEEN: The other thing I wanted to say is that even though it's 2:00 p.m. (sic), and that's fine -- Thank you for that proffer.

CHAIRMAN AIZENSTAT: 2:00 a.m.

MR. LEEN: 2:00 a.m., thank you, Mr. Chair. The noise ordinance still applies, though. So you do have to be careful about the noise being heard a hundred feet from that area. So, if it is disturbing the neighbors, they would be able to call up and make a complaint, and normally what happens is, the police will go out there and they'll ask you to be quiet, and they'll write a report if you don't.

CHAIRMAN AIZENSTAT: Just so I understand I'm clear, on Friday and Saturday, it's 2:00 a.m.?

MS. RUSSO: Correct.

CHAIRMAN AIZENSTAT: And on Sunday through Thursday, it is 11:00 p.m.?

MS. RUSSO: I think before, was it 11:00 or midnight, under our old --

MS. ALBERRO MENDENDEZ: It was midnight.

MS. RUSSO: Midnight.

MS. ALBERRO MENENDEZ: I don't think it was eleven.

MS. RUSSO: I mean, I don't know that it will be --

CHAIRMAN AIZENSTAT: That's fine. Okay, just --

MS. RUSSO: Yeah.

CHAIRMAN AIZENSTAT: So you've put --

MS. RUSSO: I don't know what it will be, but that's what the City hours --

CHAIRMAN AIZENSTAT: You agree to that?

MS. RUSSO: Yes, I will agree to Sunday through Thursday, midnight.

MS. ALBERRO MENENDEZ: I'd like to ask a question of Staff, and I'll finish my questions. Do we count -- Do we have parking requirements for outdoor seating?

MR. WU: No, we don't, if it's -- If the outdoor seating is 30 percent or less than the indoor seating area. That's the catch.

CHAIRMAN AIZENSTAT: And in this case, they fall within that?

MR. WU: Well, we have not been provided data on the square footage area between the outdoor and the indoor.

MS. RUSSO: We have a larger plaza area, but our outdoor dining is approximately 1381

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1 square feet -- here, I'll tell you -- and we're
2 willing to limit the number of seats. See, we
3 have a little bit more -- There's atmosphere in
4 the outdoor plaza area, but I will limit the
5 number of seats to what is shown so that it
6 can't be --
7 MS. ALBERRO MENENDEZ: I'm just concerned
8 with the activity in the outdoors, the
9 proximity to the residents.
10 MS. RUSSO: Exterior seating area is 1,380,
11 and the building area is 6,626, so it breaks
12 down to 21 percent. But we show 112 seats, and
13 I'd be more than happy to proffer and make it
14 part of the restrictive covenant that the
15 outdoor won't have more than 112 seats, which
16 is --
17 CHAIRMAN AIZENSTAT: If I may --
18 MS. RUSSO: Yes.
19 CHAIRMAN AIZENSTAT: Your indoor seating is
20 going to be dictated, also, by the Fire
21 Marshall, as to what you're allowed to put in
22 for indoor seating.
23 MS. RUSSO: Correct.
24 CHAIRMAN AIZENSTAT: So let's do it based
25 on the seating, not on the square footage,

1 because you're saying that the outdoor area is
2 going to go ahead and be used for other
3 activities, and that's why you need that size.
4 MS. RUSSO: Well, activity -- not other
5 activities, just landscaping. In other words,
6 the plaza area is larger --
7 CHAIRMAN AIZENSTAT: I'm talking about the
8 sitting area.
9 MS. RUSSO: Right. The sitting area is
10 confined to 1380 --
11 CHAIRMAN AIZENSTAT: I understand, but what
12 I'm saying is, if you have X amount of seats
13 indoors --
14 MR. LOPEZ: Right.
15 CHAIRMAN AIZENSTAT: -- then does the Code
16 say that you're allowed to have up to 30
17 percent of those seats outdoors?
18 MR. WU: No. It's based on square footage.
19 MS. RUSSO: It's on square footage.
20 CHAIRMAN AIZENSTAT: It's strictly on
21 square footage. So you can basically --
22 MS. ALBERRO MENENDEZ: Squeeze in.
23 CHAIRMAN AIZENSTAT: -- squeeze in --
24 MR. FLANAGAN: Double.
25 CHAIRMAN AIZENSTAT: -- double the amount

1 of seating outside, because I don't know how
2 the -- I really don't know how the Fire
3 Marshall dictates exterior, but they do dictate
4 interior, and they make you put a plaque that
5 says the maximum seating is X amount.
6 MR. FLANAGAN: Correct.
7 MR. LOPEZ: That's why we have the seating
8 summary and table summary, because like Laura
9 said, the net area of dining area, exterior, is
10 well below 30 percent. It's actually 21
11 percent. But because we have a circulation
12 area, we need areas for access to the building,
13 et cetera, the plaza itself by square footage
14 is what you're --
15 CHAIRMAN AIZENSTAT: Right, but I'm not
16 concerned so much about the square footage of
17 the plaza area. I'm just asking more for your
18 patrons sitting within that area. You know, I
19 understand you may have some patrons standing
20 outside, you know, smoking cigarettes -- I
21 don't know how it is, if you can smoke inside
22 or not, if it's a bar, so I'm not so concerned
23 with that.
24 MR. LOPEZ: Okay.
25 CHAIRMAN AIZENSTAT: I'm more concerned

1 about the amount of space that you would be
2 having outside for patrons and not have the
3 adequate parking within your facility.
4 MR. LOPEZ: For the patrons standing in the
5 plaza?
6 CHAIRMAN AIZENSTAT: No, not so much
7 standing, but the patrons that are actually
8 getting food service and so forth, because I'm
9 also going to assume that from the
10 neighborhood, you're going to have patrons that
11 are going to be coming from the neighborhood
12 and walking over there.
13 MS. RUSSO: Right.
14 MR. LOPEZ: Correct.
15 CHAIRMAN AIZENSTAT: That's the whole
16 purpose that you stated of this project.
17 MS. RUSSO: Right. Right, and if we're
18 lucky, there may even be a trolley stop so that
19 people could come via trolley and come from
20 other parts of Coral Gables and dine at Tapco,
21 with our trolley stop.
22 MS. ALBERRO MENENDEZ: I've heard that for
23 some time.
24 MS. RUSSO: I just throw that out there as
25 a --

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1 CHAIRMAN AIZENSTAT: And the other reason
2 is because you are in a residential
3 neighborhood, and then Code Enforcement is
4 going to get calls saying, you know, "I've got
5 all these cars that are parking on -- "
6 MS. ALBERRO MENENDEZ: Or the police.
7 CHAIRMAN AIZENSTAT: Or the police.
8 MS. RUSSO: Once again, I remind you that
9 the tenant -- that there's going to be some
10 lease restrictions, because the community is
11 part of the owner. So, as owner of the
12 project, they are participating in the lease
13 negotiations to make sure that the restaurant
14 lives up to its expectations under the lease,
15 but at the same time, they want it to be as
16 successful as possible, because they benefit
17 from the profits of the restaurant, that will
18 help them restore. So it's a delicate balance,
19 but they want the restaurant to be as
20 successful as possible, and this restaurant
21 concept does rely on outdoor seating, which is
22 why even designing it was difficult, because we
23 were trying to make sure that we oriented it
24 away from the single-family homes and toward
25 the uses that don't have nighttime uses. I

1 mean, the elementary school and the parks
2 really are not used in the evening.
3 CHAIRMAN AIZENSTAT: And if I remember
4 correctly, when this project was brought before
5 us previously, there was a parcel that the
6 gentleman didn't want to sell.
7 MS. RUSSO: That is in the original. In
8 the original site plan, there was a hole in the
9 donut, and there was a single-family home, and
10 when I presented the second site plan, the
11 single-family home had been purchased, so that
12 closed the hole in the donut --
13 CHAIRMAN AIZENSTAT: Okay.
14 MS. RUSSO: -- and allowed it to be a --
15 CHAIRMAN AIZENSTAT: Okay.
16 MS. RUSSO: Very good memory.
17 MR. BELLO: No questions.
18 MR. BELLIN: I have one question -- well, I
19 have two questions. What is the issue with the
20 hedge being four feet or six feet? Is it
21 because of the single-family across the street?
22 MS. RUSSO: It's because of the
23 single-family across the street, the Zoning
24 Code requires the six-foot wall along the
25 eastern boundary, adjacent -- commercial

1 adjacent to single-family, and it also requires
2 the heavy landscaping, but it requires the
3 hedge height to be six feet.
4 From the neighbors' standpoint, they didn't
5 like the wall when it was built, being walled
6 in. It's a feeling of being -- you know, being
7 blocked out of your own project. So they like
8 the hedge, they want the landscaping; they just
9 want it lowered so it doesn't appear as if
10 they're being walled out of their own project.
11 MR. BELLIN: But it's a Code requirement.
12 MS. RUSSO: Well, in a PAD, I think that
13 you as Board members have some Staff and some
14 ability, some flexibility, to relax some of
15 those Code requirements.
16 MR. BELLIN: Do we?
17 MS. ALBERRO MENENDEZ: Well, it's a
18 recommendation.
19 MS. RUSSO: Mr. City Attorney --
20 MS. ALBERRO MENENDEZ: It's a
21 recommendation.
22 MS. RUSSO: Right, it would be --
23 MR. LEEN: It depends on the --
24 MS. ALBERRO MENENDEZ: It will be up to the
25 Commission.

1 MS. RUSSO: The Commission.
2 MR. LEEN: It depends on the -- There is a
3 criteria that you're making a finding on. The
4 extent to which the proposed plan departs from
5 the zoning and subdivision regulations
6 otherwise applicable to the subject property,
7 including but not limited to density, size,
8 area, bulk and use, and the reasons why such
9 departures are or are not deemed to be in the
10 public interest.
11 So there is some -- There is a mechanism,
12 there is a provision that obviously allows some
13 departure from those requirements as long as
14 they're in the public interest.
15 Now, there are some specific requirements
16 in the PAD, though, too, that need to be
17 complied with, and Staff will go through them,
18 if you want, but yes, there is some
19 flexibility.
20 MR. BELLIN: My last question is, how was
21 the seating determined?
22 MS. RUSSO: How was the seating --
23 MR. BELLIN: How was the seating
24 determined? How did they figure, so many
25 seats?

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MS. RUSSO: I will allow the architect to answer that.
MR. LOPEZ: Seating on the exterior seats?
MR. BELLIN: Interior.
MR. LOPEZ: Interior?
MR. BELLIN: Yes.
MR. LOPEZ: Well, like Laura has mentioned, there is a restaurant currently at Fort Lauderdale and this was based somewhat on the success and the operation of that restaurant, and mimicking the scope of that restaurant to this one.
MR. BELLIN: But isn't the seating based on so many seats on a square-foot basis?
MR. LOPEZ: By Code?
MR. BELLIN: Yes.
MR. LOPEZ: Well, you are -- I do not know for sure, to be honest with you. The seating requirement for indoor patrons, I do not believe is a requirement of -- is not a -- you know, I don't think it's a by-product of area of restaurant. I don't know that for sure.
MR. BELLIN: Okay.
CHAIRMAN AIZENSTAT: Well, can -- City Staff, is there somebody that can answer that?

MR. WU: I'm sorry, what's the question, please?
CHAIRMAN AIZENSTAT: The question is, how is the seating area determined -- in the indoor area, how do you determine how many seats they're allowed to have? Is it determined by the square footage? Is it determined by parking spaces, maybe?
MS. RUSSO: Parking.
MR. WU: The seating area is based -- The question is, how is the indoor seating area determined?
CHAIRMAN AIZENSTAT: Yes.
MR. BELLIN: My question is, how did they get to X number of seats? What is it based on?
MS. RUSSO: It's back to the parking, isn't it?
MR. WU: It's based on the floor plan.
MR. LOPEZ: Yeah, it's --
MR. WU: The layout, the tables and chairs --
(Simultaneous voices)
MR. LOPEZ: The floor plan, the layout, the size of the restaurant, the number of patrons that we're looking to accommodate. The parking

is related to the square footage. So the seating isn't a by-product of how many parking spaces we have. The parking is a by-product of how much square footage we have in the building. So, if you're asking if we come up with 119 interior seats based on the amount of dining area, that is not what we've done. That's not what we've done. We've done, based on what we think we need to accommodate the number of patrons we anticipate visiting the site.
CHAIRMAN AIZENSTAT: Charles, do you have any information?
MR. WU: If you can look at the floor plan, you can see how -- I'm trying to find the page here.
MS. RUSSO: Page 5 of 7 in the little booklet.
MR. WU: It shows how they lay out the tables, and every table has the seating of six, and that pretty much determines the seating for the indoors. And I don't know if this answers your question. This is pretty much a design layout for the restaurant operator and how they designed the restaurant.

MR. BELLIN: But there's certain criteria that determine how many seats you could have in a restaurant. If you've got a thousand square feet, you can't have a thousand seats.
MR. LOPEZ: Sure.
CHAIRMAN AIZENSTAT: So I guess what he's asking is --
MS. RUSSO: Circulation?
CHAIRMAN AIZENSTAT: -- what's your criteria? How do you determine?
MS. RUSSO: Circulation, kitchen function, the ability of the wait staff to --
MR. BELLIN: Normally, it's figured so many square feet equals --
MR. LOPEZ: One seat.
MR. BELLIN: -- one seat.
MR. LOPEZ: Okay.
MR. BELLIN: But that wasn't taken into account?
MR. LOPEZ: I'm not familiar with that, no.
MR. BELLIN: The only reason I bring it up is because if you don't base it on -- especially when you get to the Fire Marshall, you know, there's a whole lot of criteria, but I think you need to take a look at that.

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MR. LOPEZ: Okay, we'll certainly look at it.
CHAIRMAN AIZENSTAT: I mean, I assume that when they're going to go for plans and --
MS. RUSSO: For construction, the Fire Marshall is going to --
CHAIRMAN AIZENSTAT: Well, apart from the Fire Marshall, I have to assume that the City Staff, whoever is reviewing the plans, are going to look at the number of seats and do it accordingly as to what the Code requires.
MS. RUSSO: Absolutely. Part of it being permitted through the construction process, the Fire Marshall -- Fire has to sign off on the actual --
MR. BELLIN: I think it would be a good exercise to figure out now if they've got more seating than they're allowed.
MS. RUSSO: Correct. I agree. We'll set up a meeting. Between now and then, I'll set up a meeting with the Fire Department and with the architect, so they can go through that and make sure, absolutely. So I'll do that.
CHAIRMAN AIZENSTAT: So the seating can change, depending upon what you're allowed by

Code and Fire Marshall; is that correct?
MR. LOPEZ: That's correct. I will tell you that the exits, the exit requirement, that's all based on number of occupants anticipated per assembly use, so all that stuff does comply as far as life safety, egress issues, based on the seating that we've provided.
CHAIRMAN AIZENSTAT: But your square footage will not change because you're doing a site plan as per the approval.
MS. RUSSO: Correct. What you have, this site plan is what is -- Correct, the 6200 whatever, that's not going to --
CHAIRMAN AIZENSTAT: Because if you're saying, "I'm going to have 150 seats inside" --
MS. RUSSO: We have 119.
CHAIRMAN AIZENSTAT: You've got 119 seats inside, and then you get to the plan process and they tell you, "Well, you can only have 67 seats," and then you say, "Well, to get 119, now we've got to do the restaurant, you know, 9,000 and change square feet."
MS. RUSSO: We have to come back to you, so there's no -- so it's not something that

could happen without us --
CHAIRMAN AIZENSTAT: It would be based on the site plan?
MS. RUSSO: On the site plan, correct.
MR. FLANAGAN: I'd like to --
MS. RUSSO: Absolutely correct.
MR. FLANAGAN: Can I --
CHAIRMAN AIZENSTAT: Marshall, were you done?
MR. BELLIN: Yeah.
CHAIRMAN AIZENSTAT: Okay.
MR. FLANAGAN: I've just got a follow-up on that, though, Charles. Then how is the parking ratio determined for this type of project?
MR. WU: I'm looking at that now.
MR. BELLIN: It's based on so many parking spaces per square feet.
MS. RUSSO: Per square foot --
MR. FLANAGAN: Per square foot of building or is it per seat in a restaurant?
MR. BELLIN: Building.
MS. RUSSO: Per square foot of building.
MR. BELLIN: The seating area.
MR. FLANAGAN: The seating area?
CHAIRMAN AIZENSTAT: It's the seating area.

MR. FLANAGAN: Well, I'm waiting for this end -- for the --
MR. WU: I want to clarify one thing about the 30 percent. The Code does say that 30 percent of the outdoor seating area is based on the indoor seating area only.
CHAIRMAN AIZENSTAT: Indoor seating --
MR. WU: Area.
MS. ALBERRO MENENDEZ: Right, so it can't include the bathrooms or the kitchen.
CHAIRMAN AIZENSTAT: It doesn't include the kitchen.
MS. RUSSO: That's correct.
MR. WU: Correct. So we do not have that data to tell you whether they met 30 percent or not, so that's why we put the condition that they have to meet 30 percent, period.
MS. RUSSO: We've shown it in our calculations, but, you know, Zoning has to go through it when you do your construction drawings, so it will be dictated by --
CHAIRMAN AIZENSTAT: Is there a --
Charles, would there be a possibility that, let's say, when they do their construction drawings, it ends up that they can only have --

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1 I'm just saying 60 seats inside as an example,
2 but -- because we're calculating by the floor
3 area ratio of the restaurant, they can have
4 outdoor 140 seats. I don't know, I'm just
5 giving it a hypothetical. Could that happen,
6 since it's not calculated based on a percentage
7 of the seats?
8 MR. WU: Correct. If it's just based on
9 the area, and I don't think we've run into that
10 problem, per se, and until we run into that
11 problem, we'll bring forth some Code changes to
12 address it, but that's how the Code is written,
13 and I understand it's been in force for a
14 while. It's based on the square footage of the
15 interior dining, because we felt, based on the
16 ratio of the sitting area from the inside,
17 likewise on the outside, we have a comfort
18 level that 30 percent is the cutoff that you do
19 not have to provide parking.
20 MR. LEEN: Yes, Mr. Chair, I think it's
21 important to recognize that the different
22 concerns that have been raised are each
23 addressed in different ways, but there's no --
24 There's nothing in the Code about the total
25 limit of seats, which is what I think you're

1 saying. What it's talking about is, noise is
2 regulated by the noise ordinance; square
3 footage -- parking is regulated by square
4 footage here.
5 Now, I mean, if what you're getting at is,
6 are you able to place a condition limiting the
7 amount of people or the amount of chairs or
8 something like that, well, first I would see if
9 they're willing to proffer that, but in
10 addition, I do -- ultimately, if you think that
11 there's an impact to the community, the
12 surrounding community, because there's too many
13 people at the site -- but you'd have to find
14 that, and there would have to be some evidence
15 of that, and you'd have to explain why you
16 think there needs to be that limit, but there
17 are a couple provisions that would relate to
18 that, the desirability of the proposed PAD to
19 physical development of the entire -- Pardon
20 me. The compatibility of the proposed PAD with
21 the adjacent properties and neighborhood, as
22 well as the current neighborhood context,
23 including current uses. So, if you had some
24 specific concern about the amount of people or
25 the amount of patrons of this restaurant,

1 there's probably something you could do about
2 it, but first I would see if they're willing to
3 proffer something, and then you should -- you
4 know, you need to consider that, because you're
5 also getting involved then with the amount
6 of -- because the Code talks about square
7 footage, but now you're saying, "Well, you can
8 only have so many chairs within that square
9 footage," and that would be -- We haven't done
10 that before, at least since I've been here.
11 MS. ALBERRO MENENDEZ: I'm more concerned
12 with the -- The number of patrons, I'm not
13 ready to regulate that, but the number of
14 parking spaces, to make sure that it doesn't
15 overflow into the neighborhood. I live close
16 to a commercial area, and I can tell you, we
17 always have commercial parking in my
18 neighborhood. So it's just really to protect
19 the neighborhood. But, you know, if it meets
20 zoning, I'm fine with it.
21 CHAIRMAN AIZENSTAT: But in this case,
22 also, the neighborhood and the neighbors are
23 part of the project.
24 MS. ALBERRO MENENDEZ: Right. Exactly.
25 CHAIRMAN AIZENSTAT: So it's a little

1 different.
2 MR. WU: Mr. Chair, just for full
3 disclosure, the parking ratio for restaurant is
4 based on square footage of the restaurant, 12
5 spaces per thousand square feet.
6 CHAIRMAN AIZENSTAT: 12 per thousand?
7 MR. WU: Square feet, and the second part I
8 would like to disclose is that as proposed
9 today, they're short two parking spaces.
10 MR. FLANAGAN: Say it -- I'm sorry?
11 MR. WU: They're already short two parking
12 spaces.
13 MR. FLANAGAN: They're short two parking
14 spaces?
15 CHAIRMAN AIZENSTAT: They're short?
16 Because it showed that they were in excess, no?
17 MR. WU: Well --
18 MS. ALBERRO MENENDEZ: I saw in the
19 zoning --
20 MS. RUSSO: The shortage -- the shortage
21 may be a result, and we're not sure, the
22 calculations haven't all been done, but we may
23 be short two based on changes requested by the
24 Planning and Zoning Director, who's not here
25 tonight, and members of the Board of

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1 Architects. Ramon Trias and members of the
2 Board of Architects wanted to move the trash
3 room, which was situated in a way, and the
4 original restaurant layout inside had rest
5 rooms on -- I'm going to let Chris point out to
6 you. So Ramon and members of the Board of
7 Architects, it was a joint effort, decided they
8 didn't like the rest rooms in that location,
9 and they wanted the rest rooms to be moved and
10 windows to be opened so that that intersection
11 of Grand and U.S. 1 would be a dining area,
12 where people could sit and look out to U.S. 1.
13 So that's why we went to the Board so many
14 times.
15 So, as a result of moving what were the
16 restaurant's original proposed plans for their
17 internal operations, based on the Board of
18 Architects -- and I did make an argument that I
19 didn't think it was appropriate to go indoors,
20 but they felt that because of the indoors, it
21 was impacting the physical aesthetic on the
22 exterior, that they had the ability to make
23 that. We had to change the interior function
24 of the restaurant. So it's not matching the
25 one in Fort Lauderdale, because the one in Fort

1 Lauderdale has the bathrooms in that location.
2 So the bathrooms were moved over, messing up
3 the kitchen that was planned. The kitchen had
4 to be expanded.
5 And Ramon Trias and the members of the
6 Board of Architects said, "Well, since you're
7 doing a PAD, a PAD allows you some flexibility
8 with your setbacks, so you're able to encroach
9 a little bit more. If you're getting a better
10 design and something that functions better
11 internally, it all in all will be a better
12 project."
13 So in order to accommodate the flip -- it
14 wasn't that easy, the flipping of the
15 bathrooms, and it also had to do with the
16 aesthetic of the front entrance on U.S. 1,
17 which we don't think will really be a super
18 front entrance because you're going to, you
19 know, probably be a hood ornament, crossing
20 U.S. 1, but to give it the aesthetic, and
21 that's why there was a request to remove the
22 wall and add enhanced landscaping in the park.
23 So, as a result, which was last Thursday --
24 but because of the grant and what Mr. Leen told
25 you, we didn't have all the time in the world

1 to make those changes -- this revised package
2 is going before the Board of Architects
3 tomorrow at a time certain, so we can stay on
4 our track. So we may be off by two parking
5 spaces, but Ramon said the PAD could
6 accommodate these -- these, you know,
7 deviations from the Zoning Code in order to get
8 a better project for the City and for the
9 community.
10 MR. LEEN: And if I may, I share a similar
11 view to the one expressed by Ms. Russo
12 regarding Ramon's view here, because the PAD
13 provisions do say that you apply the parking
14 requirements of the zoning district, the
15 underlying zoning district. It says that. The
16 PAD requirements also say that you can deviate
17 from the Zoning Code in the public interest, at
18 least that provision I read to you before.
19 I think here, where the change was made by
20 the Board of Architects, and it was not
21 required by law, it was a design change, and
22 that causes them not to have two parking
23 spaces, I think it can be approved. I think
24 ultimately the Commission can approve that
25 without a variance.

1 CHAIRMAN AIZENSTAT: But what was presented
2 to us, if I'm not mistaken, was that you had a
3 surplus of two parking spaces.
4 MS. RUSSO: In the calculation. You
5 have --
6 MS. ALBERRO MENENDEZ: The zoning analysis
7 says that.
8 MS. RUSSO: And if you look at --
9 MS. ALBERRO MENENDEZ: And now it changed.
10 MS. RUSSO: It changed.
11 MS. ALBERRO MENENDEZ: Okay.
12 MR. FLANAGAN: And the problem is, like the
13 project or not, we're being asked to make a
14 decision based on competent, substantial
15 evidence that's been presented before us, and
16 it sounds like this is a moving target, and I
17 don't feel that we have the whole picture
18 before us. This cake is basically half-baked.
19 And I understand why it's before us, and I can
20 fully appreciate that and trying to fast-track
21 it, but we keep getting conflicting
22 information, which makes it very difficult --
23 and I've said it in past meetings and you've
24 probably heard me. When we're getting
25 conflicting information, it makes it very

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1 difficult for us, or at least for me, to make
2 an informed decision, which is what is my
3 responsibility.
4 But following up with that, Charles, can
5 you discuss what the right-of-way
6 improvements -- This kind of piggybacks onto
7 parking. What are the right-of-way
8 improvements that are talked about in the
9 Staff Rec. that are going to need to be made,
10 and what on-street parking is being lost and
11 where, that they'll have to make a contribution
12 for?
13 MR. WU: The numbers, I don't believe has
14 been finalized, in terms of how many parking --
15 on-street parking spaces have been lost,
16 because that also needs to be reviewed by the
17 County, because Grand is the jurisdiction of
18 the County. The curb cut along Grand needs to
19 be modified, if you can look at the graphic on
20 4 of 7 in the handout you got today.
21 MR. FLANAGAN: I'm sorry, which --
22 CHAIRMAN AIZENSTAT: 4 of 7.
23 MR. WU: 4 of 7.
24 MR. FLANAGAN: Here, today?
25 MS. RUSSO: If I may, Mr. Flanagan, the

1 curb cut that you're seeing on Grand Avenue has
2 already been approved by Miami-Dade County, and
3 my traffic engineer tells me that on this plan
4 that's here, we have no loss of on-street
5 parking. We are aware that if there were to
6 be, based on calculations of, you know, moving
7 trees, a loss of on-street parking, that there
8 is a payment required for it.
9 MR. FLANAGAN: Okay, so you're talking, Ms.
10 Russo, about the eastern curb cut that will
11 allow you to make a left turn movement into the
12 property?
13 MS. RUSSO: That is correct. That has
14 already been approved by --
15 MR. FLANAGAN: Okay.
16 MS. RUSSO: -- Miami-Dade County.
17 MR. FLANAGAN: That's fine. So as now,
18 you're saying no loss of on-street parking?
19 MS. RUSSO: That's correct.
20 MR. FLANAGAN: Okay, and I ask because, as
21 most people know, Carver is very -- That area
22 gets extremely crowded and congested during
23 drop-off and pick-up for Carver, and I know a
24 lot of the parents park on both sides, north
25 and south of Grand, in order to drop off or

1 retrieve the kids.
2 MS. RUSSO: Right.
3 MR. FLANAGAN: All right. The
4 intersection -- and I'm going to put this out
5 there for the City. It's not for the
6 applicant. Grand Avenue, heading eastbound at
7 the intersection with U.S. 1, you have two
8 lanes that go eastbound. Historically, there
9 was striping so that the right lane was the
10 through lane going east on Grand into the
11 Grove, and the left lane was a left turn only,
12 so you would have to go north on U.S. 1. That
13 striping has been worn out for many, many
14 moons. I have been the recipient of some
15 not-so-polite drivers who don't realize that
16 they're supposed to go left, and as they go
17 through the intersection, trying to go
18 straight, they try and merge to the right, and
19 two cars colliding side by side, that hasn't
20 happened yet, but we've come awfully close
21 several times. So I've actually asked -- The
22 City at one point followed up with FDOT, who I
23 think is responsible for -- I don't know if it
24 was FDOT or the County for maintaining and
25 restriping, and I'm going to put it out there

1 again, because there's been some fresh
2 pavement, some fresh striping, but the left
3 turn arrow is still missing.
4 MR. WU: Okay.
5 MR. FLANAGAN: So, if it's not going to be
6 a left-turn lane, I think it becomes a much
7 bigger discussion. Hopefully, you're going to
8 have a lot more people going through that
9 intersection to go to the restaurant, so
10 something is going to have to be done on the
11 other side of U.S. 1, to figure out what the
12 proper turning movements are and how to
13 accommodate two through lanes, if that in fact
14 is going to remain the way it sits today.
15 So I put it out there for Staff, and you
16 may want to take a look at it, because there
17 are some conflicts created.
18 MS. RUSSO: Okay. I'll have our traffic
19 engineer take a look at that and then discuss
20 it with Public Works, as well as FDOT and the
21 County.
22 MR. FLANAGAN: That's all I have.
23 CHAIRMAN AIZENSTAT: Marshall?
24 MR. BELLIN: Okay, I think that this boils
25 down to, really, do we want this project or

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1 don't we want this project, and the --
2 and there are a number of problems, but I think
3 that if we determine we want this project, then
4 we go ahead and vote for it. I see a lot of
5 problems with respect to the restaurant area.
6 Apparently, nobody's figured out what the
7 occupancy load allowed is, and all the other
8 things are based on that, the number of
9 bathrooms, the width of the exits, the number
10 of exits, and I -- I just don't understand at
11 this point, you know, how you came up with the
12 number. It seems like it was very arbitrary.
13 MR. LOPEZ: If I may, the number of seats,
14 like I said, has been determined, not by Code,
15 but by what we thought -- what the tenant is
16 anticipating as far as business.
17 MR. BELLIN: Yeah, but that's not how it
18 works.
19 MR. LOPEZ: Egress, number of bathrooms,
20 all of those things, all the life safety
21 issues, all the Code issues, all those things
22 have been addressed, and this does meet the
23 Code; the plan in front of you does.
24 MR. BELLIN: Okay.
25 CHAIRMAN AIZENSTAT: Marshall --

1 MS. RUSSO: And for your concern, I
2 understand your concern, and I will make
3 arrangements for the architect to meet with the
4 Fire Department, with Chief Lowman, if
5 necessary, in order to determine that --
6 MR. BELLIN: Sure.
7 MS. RUSSO: -- the proposed number, so I
8 will --
9 MR. BELLIN: I'm just trying to save --
10 MS. RUSSO: Right. No, no, no.
11 MR. BELLIN: -- a lot of heartache in the
12 future.
13 MR. LOPEZ: Sure. I appreciate it.
14 MS. RUSSO: I will try to get that -- in
15 fact, I'll try to make that appointment
16 tomorrow so that we have this before we go to
17 the Commission.
18 CHAIRMAN AIZENSTAT: Well, yeah, when they
19 go -- Assuming that it is approved and
20 everything is approved when they go ahead and
21 do their working drawings --
22 MS. RUSSO: Well, I understand, but
23 Marshall wants us to solve that problem way
24 ahead.
25 CHAIRMAN AIZENSTAT: I understand, but

1 you're going to hit a brick wall at that point.
2 MR. BELLIN: Yeah, but we want to avoid
3 that.
4 CHAIRMAN AIZENSTAT: I understand. I
5 understand.
6 He's just trying to be helpful.
7 MS. RUSSO: I thank you, and I will work on
8 that starting tomorrow morning.
9 MR. PEREZ: I just have one quick question.
10 Is it full liquor, a full liquor bar?
11 MS. RUSSO: Excuse me?
12 MR. PEREZ: Is there a full liquor bar?
13 MS. RUSSO: There is a full liquor bar.
14 MR. PEREZ: So just from a zoning
15 perspective, how does that play into the school
16 across the street?
17 MS. ALBERRO MENENDEZ: I asked that.
18 MS. RUSSO: Ms. Menendez asked the same
19 question. As long as you're not selling
20 packaged for consumption off the premises,
21 there is no special requirement. If this were
22 to be a liquor store, a package store, for
23 consumption, a 7-Eleven, or a convenience
24 store, or even a Walgreens or a CVS, you know
25 how they sell six-packs of beer, then you would

1 have to get approval from -- it used to be the
2 Board of Adjustment, you would need permission
3 if you had a school or a church within 500
4 linear feet, but because this is for
5 consumption on the premises, that does not
6 apply.
7 CHAIRMAN AIZENSTAT: Thank you.
8 Anybody else?
9 MR. WU: Mr. Chair, if I could add one
10 thing for consideration.
11 CHAIRMAN AIZENSTAT: Yes.
12 MR. WU: The applicant did put on the table
13 no live music, whether you want to put that as
14 a restriction.
15 CHAIRMAN AIZENSTAT: Well, that's what
16 we'll see as far as if there's a motion and so
17 forth. We'll --
18 MR. WU: And don't forget your script.
19 MR. FLANAGAN: I don't have a script.
20 CHAIRMAN AIZENSTAT: I don't have one.
21 MR. WU: It's the very last page of your
22 Staff Report.
23 CHAIRMAN AIZENSTAT: Very last page?
24 MS. ALBERRO MENENDEZ: What are the
25 scripts?

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MR. FLANAGAN: You need to read that if you want to make a motion.
MS. ALBERRO MENENDEZ: No, I'm going to make a motion -- Are we ready to make a motion?
CHAIRMAN AIZENSTAT: If you'd like to make a motion --
MS. ALBERRO MENENDEZ: I'd like to make a motion that we recommend approval, subject to a condition that in the restricted covenant that I guess is being proffered, that will be signed by this -- or, you know, given to the City, that we make sure that we have the necessary conditions that will protect the neighborhood, such as the noise, make sure that they adhere to the noise ordinance, make sure that they have the services cut at a certain time. I heard 2:00 a.m., which is typical in the Gables. The overflow parking, no overflow parking in the residential neighborhoods, et cetera, et cetera, just so that there's no, you know, suffer quality of life issues as a result of the restaurant/bar.
CHAIRMAN AIZENSTAT: So, if I can clarify, you're adding no live music?
MS. ALBERRO MENENDEZ: No, I didn't say

that. I want them to adhere to the existing noise ordinance, which --
CHAIRMAN AIZENSTAT: And what about the hours of operation?
MS. ALBERRO MENENDEZ: I heard that the operations will be typical of restaurants in the Gables, which is 2:00 a.m. on the weekends?
MS. RUSSO: Friday and Saturday night.
MS. ALBERRO MENENDEZ: And Fridays and Saturdays at 12:00 -- I mean, I'm sorry, weekdays --
MS. RUSSO: Midnight.
MS. ALBERRO MENENDEZ: Midnight.
CHAIRMAN AIZENSTAT: Would you ask the applicant to proffer --
MS. RUSSO: We are proffering no live music, so that will be added to our restrictive covenant.
CHAIRMAN AIZENSTAT: So no live music, and the hours you're proffering --
MS. ALBERRO MENENDEZ: The hours is the ones that --
MS. RUSSO: 2:00 a.m.
MS. ALBERRO MENENDEZ: Yeah, they proffered it, so --

MS. RUSSO: Right, 2:00 a.m., on Fridays and Saturdays, and 12:00 midnight on the other days of the week, Sunday through Thursday.
MS. ALBERRO MENENDEZ: And the parking overflow.
MS. RUSSO: And the parking.
CHAIRMAN AIZENSTAT: And what about the hedges, the hedge?
MS. ALBERRO MENENDEZ: I think if the residents don't want a six-foot hedge, why would we require a six-foot hedge? You know, that's really for their protection. It's a buffer between commercial and residential. I mean, that could change. I mean, if it becomes a problem, I guess the City could revisit it and require the hedge, if they're willing to do that.
MS. RUSSO: I'm happy to put in that --
MS. ALBERRO MENENDEZ: I mean, a hedge is a hedge.
MS. RUSSO: -- with the neighbors' permission, that we go with a four-foot hedge, and if the neighbors have an issue, you will let us know and then --
MS. ALBERRO MENENDEZ: Right.

MS. RUSSO: -- we can make sure that the hedges grow up to six feet high.
CHAIRMAN AIZENSTAT: Okay, we have that motion.
MS. ALBERRO MENENDEZ: That's my motion.
CHAIRMAN AIZENSTAT: That way. Is there a second?
MR. PEREZ: I'll second.
MR. LEEN: So, just to clarify, the motion is as to the first one, the ordinance --
CHAIRMAN AIZENSTAT: Yes.
MR. LEEN: -- requesting review of the Planned Area Development, okay.
CHAIRMAN AIZENSTAT: Yes, let's do the first item.
MR. LEEN: Yes, okay.
CHAIRMAN AIZENSTAT: We have a first and second. Is there any discussion?
Having heard none, call the roll, please.
MS. MENENDEZ: Maria Menendez?
MS. ALBERRO MENENDEZ: Yes.
MS. MENENDEZ: Alberto Perez?
MR. PEREZ: Yes.
MS. MENENDEZ: Marshall Bellin?
MR. BELLIN: Yes.

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MS. MENENDEZ: Anthony Bello?
MR. BELLO: Yes.
MS. MENENDEZ: Jeff Flanagan?
MR. FLANAGAN: Yes.
MS. MENENDEZ: Eibi Aizenstat?
CHAIRMAN AIZENSTAT: Yes.
As to the second item --
MS. ALBERRO MENENDEZ: I'd like to make the same motion, unless somebody wants to add something to it.
CHAIRMAN AIZENSTAT: Please continue.
MS. ALBERRO MENENDEZ: The motion is that we recommend approval, subject to conditions set forth in the restrictive covenant that provides protection to the neighborhoods -- the residential neighborhood.
CHAIRMAN AIZENSTAT: And with Staff's recommendations?
MS. ALBERRO MENENDEZ: Oh, I didn't read the recommendations. Let me read the recommendations.
MR. LEEN: Ms. Russo, are you okay proffering that? It is a rezoning.
MS. ALBERRO MENENDEZ: Is this the script?
MR. LEEN: Are you proffering those?

MS. RUSSO: In the rezoning? I think Maria -- Ms. Menendez, I think in that, because the second ordinance is for the rezoning --
MR. LEEN: It's just for rezoning.
MS. RUSSO: -- that we want the conditions to be on the site plan, but on the change in zoning, if you put the --
MS. ALBERRO MENENDEZ: Got it. You're right. Yes.
MS. RUSSO: Okay, because --
MR. LEEN: It's only if they would proffer it.
MS. ALBERRO MENENDEZ: Yes.
MR. LEEN: But you have already -- You're proffering that as to the first one.
MS. RUSSO: I'm already proffering the conditions for the site plan.
MS. ALBERRO MENENDEZ: Okay.
MS. RUSSO: On the change in zoning, we'd like it to just be --
MS. ALBERRO MENENDEZ: Okay. So I recommend that we recommend the change in zoning.
CHAIRMAN AIZENSTAT: As was read into --
MS. ALBERRO MENENDEZ: The record.

CHAIRMAN AIZENSTAT: -- the record at the beginning.
MS. ALBERRO MENENDEZ: Yes.
MR. PEREZ: Second.
MR. FLANAGAN: Second -- oops, sorry.
CHAIRMAN AIZENSTAT: Let it show that --
MR. PEREZ: I'll second.
CHAIRMAN AIZENSTAT: Alberto went ahead and seconded. Any discussion?
Call the roll, please.
MS. MENENDEZ: Alberto Perez?
MR. PEREZ: Yes.
MS. MENENDEZ: Marshall Bellin?
MR. BELLIN: Yes.
MS. MENENDEZ: Anthony Bello?
MR. BELLO: Yes.
MS. MENENDEZ: Jeff Flanagan?
MR. FLANAGAN: Yes.
MS. MENENDEZ: Maria Menendez?
MS. ALBERRO MENENDEZ: Yes.
MS. MENENDEZ: Eibi Aizenstat?
CHAIRMAN AIZENSTAT: Yes.
MR. FLANAGAN: Okay, could I just suggest, for your own protection, that the radius list and everything be reviewed?

MS. RUSSO: I'm going to review it, and I'm going to check it and make sure that all the properties match, and I will report back to you and to Staff.
MR. LEEN: And Mr. Chair, I would just like to say, for purposes of the record, and Laura, please provide this to the U.S. Government and the County, but we would -- We're hopeful that they will continue to support you with your grant so that the City Commission can consider this. This is a very important project for the community and it should be able to be considered by the City Commission.
MS. RUSSO: Thank you very much. Thank you all very much, ladies and gentlemen.
CHAIRMAN AIZENSTAT: Thank you. Let's take a five-minute recess and then we'll continue.
(Thereupon, a brief recess was taken.)
CHAIRMAN AIZENSTAT: Okay, moving forward, the next item on the agenda is an Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code: Amending Article 5, "Development Standards," Section 5-1408, "Common driveways and remote off-street

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1 parking," by providing regulations,
2 restrictions and procedures for the use of
3 remote parking in and near the Central Business
4 District, known as CBD; amending the reference
5 to remote parking in Article 5, "Development
6 Standards," Section 5-1409, "Amount of required
7 parking," to match the changes to Section
8 5-1408; providing for severability, repealer,
9 codification and an effective date. This item
10 is continued from the March 12, 2014 meeting
11 and also from the April 9th, 2014 meeting of
12 the Planning and Zoning Board.
13 Presentation, please.
14 MR. WU: Thank you, Mr. Chair.
15 If Aaron can pull up the slides. Thank
16 you.
17 We have some updates before you. The
18 current provision at 5-1408 allows remote
19 parking in the CBD. It has to be within 500
20 feet of the building site, it cannot be located
21 within a single-family district, and need to
22 provide either a restrictive covenant or
23 parking easement. A different section of the
24 Code caps it at 50 percent for residential
25 uses.

1 We're showing you where the Downtown area
2 is. What we'd like to do is to give you a
3 summary of the changes since your last hearing.
4 First, pursuant to request, we deleted the
5 ownership requirement and the unity of title
6 requirement. Now we do allow covenant in lieu
7 of unity of title.
8 Second, we do allow City Commission waiver
9 to exceed 1,000 foot distance separation
10 between the use and the remote parking
11 location.
12 Third, we also allow City Commission waiver
13 to allow remote parking outside the City.
14 Fourth, we do allow remote parking for all
15 uses. At one time, we only allowed 50 percent
16 for restaurant and retail uses. Now we allow
17 it for all uses.
18 And we also allow remote parking for
19 post-1964 structures. In the past, it was not
20 allowed for post-1964 structures.
21 We deleted the requirement that it has to
22 be "exceptional relief" to be part of the
23 application.
24 Further, the changes we made reduced the
25 lease term from five years to an annual lease,

1 which is one year.
2 We increased the reporting period if there
3 are changes made for remote parking use from
4 two days to five days. That's a part of the
5 public comment.
6 And the discretion from the Director to
7 approve the remedial plan needs to be
8 "reasonable." And the decision for
9 noncompliance has to only be pertaining to
10 material matters.
11 Staff inspection of remote parking is going
12 to be based on the normal operating hours of
13 the intended use, that is, the use that needed
14 the remote parking, those are the hours we will
15 follow to inspect the remote parking location.
16 And last but not least, but it's very
17 important from the public, is to allow annual
18 affidavit confirming the information is
19 correct, as opposed to providing all new
20 documentation on an annual basis as part of the
21 certificate of use.
22 This is a graphic to show where the
23 Downtown is, and outside the Downtown is where
24 the use requesting the remote parking can
25 expand, and generally it's about three and a

1 half blocks north and three and a half blocks
2 south. We just wanted to show you that area
3 for the Downtown is expanded -- for the CBD is
4 expanded about twice the size when you go
5 outside a thousand feet. So the use can be as
6 far away as three blocks away from the CBD,
7 north or south, but remote parking can be even
8 a thousand feet away from that. And this is
9 the graphic to demonstrate how we believe it
10 encompasses pretty much the entire Downtown.
11 Project eligibility. This is some of the
12 old information from the past ordinance. It
13 pertains to expansion of use or a change of
14 use. The use has to be within the CBD or
15 within a thousand feet of the CBD, as we've
16 shown in the previous map. The Director has to
17 find it's infeasible or impracticable to
18 provide required parking on-site. And a
19 one-time finding cannot be a basis for later
20 enforcement, so once it's approved, it's done.
21 Requirements for remote parking. May be
22 outside CBD, but has to be 1,000 feet. As I
23 said, that's going to be waivable by the City
24 Commission. It has to be within City limits.
25 Also, the second waiver can be applied by the

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City Commission. Again, not in a single-family district, and it can be either owned and leased by the applicant. It's not going to be required to be owned, only. It's going to be leased or owned.

Application has not changed. You have to provide information on the survey of the parking.

Documentation, whether it's owned or leased, and if it's leased, a minimum of one-year lease, and if it's terminated, not to be less than 90 days. That was reduced from 180 days, from the last time you saw this.

You have to demonstrate that remote parking is not needed to serve the development where they are located or they're excess parking, and a copy of the approved plan for remote parking, and demonstrate that no action will interfere with the arrangement, and an application fee.

Covenant in lieu of unity of title is very important for the public, and now it's either leased or owned. And if they are going to relocate it, it requires a new application.

To report on plan changes within five days, that was increased from two days, and submit a

remedial plan within 10 days, and that can be extended by the Director for good cause.

Authorize Staff entry during normal operating hours of the intended use. Annual affidavit submittal. As I said, that was an important change from the public, as part of the COU renewal, on an annual basis. And appeals of the Director's decisions already embedded in the Code provisions today.

Remedial plan is pretty much the same, payment in lieu of, modify intended use, secure additional remote parking or provide parking on-site.

Failure to comply, which is if they fail to notify or cure. Fail to cure and the application is revoked and may not reapply for six months.

Again, very important, City Commission waiver. They can waive the 1,000-foot distance between the remote parking and the project, and the parking has to be located within the City. That's also waivable by the City Commission.

And the City Commission has to make two findings: One, no harm to the public interest, and will not create parking problems.

We would like to put on the record our concerns for remote parking located outside the City. One, it can't be verified whether the parking meets the needs of the original intended use. For instance, if someone found parking within a City of Miami garage, we don't know if that garage -- whether that use who is using that garage meets the intended use or whether they have surplus parking or they have sufficient parking and they're just leasing parking in addition to the required parking.

We have no authority to enforce the Zoning Code in another jurisdiction. Let's say that jurisdiction -- the use says they have enough parking. We have no way to verify that information.

We have a lack of information of where that use is, what the type of use is and their parking ratio, and we don't have any information as to a change of use that is forthcoming, because that is on a year-to-year or maybe month-to-month basis, whether the parking ratios or parking needs change when the use is changed. We also have no knowledge if parking spaces are over-committed or if they

serve different projects or uses outside the City.

It's very difficult for Staff to do site visits for locations located outside the City. And we are concerned about our parking; public parking will be taxed if the remote parking located outside the City is not being used as originally intended.

So, regardless, we still have a waiver provision, for the Commission to waive the requirement that it has to be within the City. If the Commission waives it, it can be outside the City.

That concludes Staff's presentation.

CHAIRMAN AIZENSTAT: Thank you. At this time, I'd like to open it up to the floor. How many speakers do we have?

MS. MENENDEZ: We have one speaker.

CHAIRMAN AIZENSTAT: One speaker? Okay, if you can call the gentleman, please.

MS. MENENDEZ: Mr. Adair?

MR. ADAIR: Thank you.

Good evening. Perry Adair, 121 Alhambra Plaza, Tenth Floor, Coral Gables. So we're making progress. Let me go through and tell

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1 you the remaining concerns that we have about
2 the ordinance, and I'll just take them in turn.
3 Let me just pick up with the last one, the
4 parking outside the City. When I -- When I
5 left our last hearing, my understanding from
6 the Board was that the direction was, the
7 parking was to be allowed outside the City. It
8 wasn't a request; it was a direction from this
9 Board. It's not for me to interfere between
10 you and your Staff, that's not my point, but
11 there's some things that have happened and
12 that's the first one that came to mind, is that
13 the direction I thought was very clear, the
14 parking was to be allowed outside the City, and
15 that change has not been made. It is now
16 something that's up to the City Commission, in
17 other words -- Variance is not the right word.
18 They have a right to give a waiver. I don't
19 think that was your instruction.
20 So some of these things are wordsmithing.
21 If we go to Page 2, Subsection B -- one, two,
22 three, four, five lines from the bottom, it
23 shouldn't be "may be granted." It should be
24 "shall be granted," if you meet the
25 requirements of the ordinance. So, where it

1 says, "It may be granted at the reasonable
2 discretion of the City and only applies to the
3 terms of this section," this is a -- It sounds
4 like wordsmithing, but it goes a little bit
5 beyond that. So what are we trying to
6 accomplish? We're trying to put in place an
7 ordinance to allow for remote parking, so
8 someone looking to come to the City or to
9 change an existing use can look at the
10 ordinance and say, "If I do these things, I
11 have a right to the remote parking, if I meet
12 these requirements." The point is to add some
13 certainty to the process, to make it objective
14 and take the discretion out of it, so if you
15 meet A, B, C and D, sort of like a -- I don't
16 know what you call it -- the law as to a
17 special exception, right, so if you meet these
18 requirements, the special exception is granted.
19 It shouldn't be any more discretion left to it.
20 If you meet these requirements, you should be
21 able to have the certainty of being entitled to
22 remote parking.
23 So, again, maybe it's just phraseology or
24 semantics, but it says "may be granted in the
25 reasonable discretion." That really defeats

1 the purpose.
2 MR. WU: Can you repeat that, where you
3 are, again?
4 MR. ADAIR: Sure. So that comment is on
5 Page 2. It is 5-1408, subparagraph capital B.
6 MS. ALBERRO MENENDEZ: Are you looking at
7 the ordinance?
8 MR. ADAIR: Yes. Absolutely, yes.
9 So, if we go one, two, three, four, five
10 lines from the bottom, you see where we took
11 out "constitutes exceptional relief which," and
12 we picked up -- and it says "may be granted in
13 the reasonable discretion." My point is that
14 that's really not what we're trying to
15 accomplish. It should be, "It shall be
16 granted," if you meet the requirements of the
17 ordinance.
18 Okay. So, if we go on to Page 3, in
19 subparagraph A, at the top there, location
20 within the City, we discussed that at the last
21 hearing. I explained what I thought, why it
22 should be outside the City, and I thought we
23 ended up with your direction to Staff, it must
24 be allowed outside the City.
25 Now, here is probably the biggest area

1 of -- how to put it -- policy disagreement:
2 The infeasibility or impracticality of
3 providing required parking, and this is what it
4 says now. "Application may be approved" -- we
5 took out "only" -- "if the physical layout of
6 the proposed project, as determined in the
7 reasonable discretion of the Director of
8 Development Services, cannot reasonably be
9 altered to provide the Zoning Code required
10 parking on-site as part of a proposed expansion
11 or change of use."
12 Well, that's not what we're trying to
13 accomplish, right? Because now we're saying
14 you can't change the physical plan to allow for
15 the parking, but that's not -- The change to a
16 physical plan is not the only reason someone
17 might want to have the remote parking
18 elsewhere. Some of the discussion we've had
19 from the Board is, it is not the ideal solution
20 in all cases to have a parking garage on the
21 first few floors of the building and have the
22 uses above. It works in some places; it
23 doesn't work in others. But why should it be
24 for the City -- If it's going to allow remote
25 parking, why tell the person who wants to

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1 change their use or bring in a new use, "It's
2 our decision, us, the City, to decide what's
3 impractical or infeasible"? That's not the way
4 the private market should operate. It should
5 be the developer saying, "You know what, I can
6 have a better project here if I put my parking
7 remotely, within a thousand feet. It is not an
8 ideal solution in this part of the City for me
9 to put my parking on-site."
10 But the way it reads now, and this may not
11 be the intent of it, but the way it appears to
12 read now is, a developer comes and says, "I
13 want to change this use, I want to alter this
14 use or expand this use," and the response will
15 be, from the City, "Well, you could alter the
16 physical plan and have your parking on-site, so
17 you're out of the game."
18 Well, that's not what we're trying to
19 accomplish. We're trying to put some certainty
20 in a process where someone says, "It is a
21 better solution for this project to have the
22 parking off-site," and not to foreclose that
23 and not to put the feasibility in the hands of
24 the City, to tell the developer what makes a
25 better project. It's for them to propose it.

1 So, if you're going to allow it within a
2 thousand feet, and a hundred percent of it
3 off-site, anyway, then why limit the
4 possibilities to do that only when you can't
5 alter the physical plan to have your parking
6 on-site? That really wasn't -- I came away
7 from our prior hearing that that was not the
8 intent of this Board.
9 Okay, so now we go on to the next -- on to
10 Page 4, and up at the top -- This really goes
11 to the City parking -- I'm sorry, the parking
12 outside of the City. So, if the parking is
13 inside -- When you go to determine what's
14 surplus parking, in the City it should be
15 according to your Code. I mean, how else would
16 you decide? What's surplus is surplus,
17 according to your Code. The same thing outside
18 the City. What is surplus for them, they have
19 to rent. Whatever their parking -- For
20 instance, here surplus parking is surplus, this
21 number of spaces above the required parking.
22 That's the simple definition in the City. But
23 another jurisdiction may have another
24 definition of it, of what is surplus parking to
25 them. Their surplus parking ought to be

1 determined with their rules. So, if that owner
2 of that property has spaces to lease that are
3 surplus within whatever the meaning that Code
4 is, that should be the end of it. They have
5 the spaces to lease.
6 I can -- on a practical level, I can
7 understand that you're concerned about not
8 having control over that property outside the
9 City. I'm going to say what I said last time.
10 You don't need that. What you need is control
11 over the use in your City, because as soon as
12 you close down the use, there won't be any need
13 for any parking remotely, inside the City or
14 outside the City. Either they show you they're
15 in compliance, they show you they have the
16 parking to be available, wherever it is -- you
17 don't need any jurisdiction over the property
18 outside the City. Even though you're going to
19 ask for a covenant from them, and we're at
20 peace with that, you don't need control over
21 that property. You need control over the use.
22 And I've not heard the first thing in any of
23 our hearings about you don't have absolute
24 control over the uses, the use that's in the
25 City.

1 Okay, so if we go, still on Page 4, under
2 the covenants -- We call it a covenant in lieu
3 of unity of title. I don't think you should
4 call it that at all anymore. It should just be
5 a covenant. But then what the covenant has to
6 say, so that -- and I think we may just not
7 have been as precise about what we want in the
8 covenant as we practically should have been.
9 So Paragraph 7b, what it reads to me as, you're
10 asking for a covenant of the person who owns
11 the ground where the spaces are going to be.
12 You want that person to say that if the
13 applicant plans to relocate their remote
14 parking to another location that meets the
15 requirements of this subsection, it shall
16 submit an application to amend their remote
17 parking approval promptly, at least 90 days
18 prior to the termination of the remote parking
19 arrangement. Such amendment shall be subject
20 to the same application requirements,
21 procedure, et cetera.
22 Okay. So, now, this is what this appears
23 to say, that we want the person who owns the
24 property where the remote parking is to sign a
25 covenant that says what the applicant, the

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1 operator of the use, is going to do. How is he
2 going to know what the operator of the use is
3 going to do? And not to be glib about it, what
4 does he care? I have a lease with this guy,
5 for this term, to use these spaces. If he's
6 going to go -- if he doesn't want them anymore,
7 I don't care why he doesn't want them. It's
8 not important to me.
9 So why would you require the owner of the
10 property where the spaces are going to be to
11 covenant to anything else except, "I've got the
12 spaces and I've got the lease with this guy,
13 and I agree with you, I can't terminate the
14 lease in less than 90 days." What else
15 matters? So I don't think that he would have
16 any reason to be in a position for that person
17 to say, "I know what the applicant is going to
18 do," going forward.
19 Okay. Now, at the bottom of Page 4, and I
20 think I understand the concept of it, you want
21 to be able to go and inspect where the parking
22 is during the hours the use is in operation.
23 So I think this is just a little broader than
24 what you had intended, because it says, "The
25 applicant authorizes the City to enter the

1 premises of the facilities housing the remote
2 parking during normal hours of the operation of
3 the use."
4 So we have a restaurant over here that's
5 open till 2:00 in the morning. The City wants
6 to be able to access the premises where the
7 parking are, but that premises might very well
8 be closed. What you really want to be able to
9 enter is where the parking is. You want to be
10 able to go where the off-site parking is. So,
11 if it's excess parking in an office building,
12 you're not asking the owner of that property to
13 say, "You can come in my property -- because
14 this restaurant that's using the parking is
15 open till 2:00 in the morning, you can come in
16 my office building at 2:00 morning." I don't
17 think you have any interest in that, and I
18 don't think that's what was intended. What you
19 want to do is be able to make sure the parking
20 facility is accessible during those hours that
21 the use is open. So I think maybe that
22 language is just a little broader than you had
23 meant it to be.
24 If we go over to the remedial plan, on Page
25 5, so we go to -- one, two, three, four -- four

1 lines from the bottom, actually five lines from
2 the bottom, so now we're talking about the
3 remedial plan, and it says you can use any
4 combination of alternatives. So the context
5 we're in now is, something has happened to my
6 remote parking that I had originally gotten
7 approved. So I've got to go somewhere else.
8 So here's my remedial plan, here's what I'm
9 going to do to fix the problem, because that
10 parking is no longer available. Permitted by
11 the -- so the alternative is going to be any of
12 them permitted by the City Code and Zoning Code
13 in effect at the time, which may include
14 partial or total alternative remote parking
15 arrangements. Then it goes to say, "as the
16 Development Services Director finds in
17 accordance with this section." Well, there's
18 no finding to be made, right? There's no
19 finding -- There's no discretion, there's
20 nothing for the Development Director to find.
21 The point of it is, there are a finite number
22 of solutions. You either find other remote
23 parking or you have your -- you figure a way to
24 put your parking on-site, or you alter your
25 use, where you don't need the extra spaces

1 anymore. There's nothing to find. It's those
2 three things. There's no other determination
3 to make. And maybe the intent of that was,
4 he's got to find you've done one of those
5 things and that was all that was intended, but
6 that's not exactly how it reads.
7 Okay, so now we go down to Paragraph 8, sub
8 c, where it says -- again, we're in the context
9 of the remedial plan, what you can do to fix
10 the problem if your parking has disappeared,
11 "Secure alternate remote parking," and then you
12 struck out, I don't know why, "or provide
13 additional on-site parking." I mean, you
14 wouldn't strike that out. That would be a
15 solution. If you could make the change and
16 have it on-site, that's an option that's always
17 available to you. I think maybe that was just
18 a typo.
19 MR. WU: That became d.
20 MR. ADAIR: I see.
21 MS. ALBERRO MENENDEZ: Yeah.
22 MR. ADAIR: I take it all back.
23 MR. WU: Yes.
24 MS. ALBERRO MENENDEZ: He covered that.
25 MR. ADAIR: He's right and I'm wrong.

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So now we go to renewal and I think that in the renewal section, you see that in the -- one, two, three lines from the bottom, where it says "Matters addressed under subsection B.6," right? Then you go to the bottom, the last line. It says subsection B. Now, it really should be B.6 in both places, because not all of subsection B will apply in that circumstance, right? All of subsection B is not just what you need to get the remote parking, but your remedial plan and everything else. That's really not what you're interested in. At the time of the renewal, what you're interested in is, "What you told us in the beginning is still the case." So you don't -- The point is, you don't need to capture all of Part B. You need to really capture the items in B.6, and that may be just a typo, as well, because I think if you go to the third line, you'll see B.6 is there, and I think really that's what you meant to have at the end.

On Page 6, the "located in the City" is repeated. I've made my point on that. And then if we go to Page 7, the remote parking spaces, you see in E.3, again, we have a

section note in the next-to-last line of subsection 3, of Section 5-1408, capital B. I don't think you really mean that, because then you capture the entirety of the ordinance, and that's not what you're trying to capture there. What you're really trying to capture is if they've got in compliance with the requirements to have remote parking.

And that's all the comments I have. If there's questions, I'm happy to entertain them, but it's relatively straightforward, I think. Thank you.

CHAIRMAN AIZENSTAT: Thank you.

MR. LEEN: Mr. Chair?

CHAIRMAN AIZENSTAT: Yes.

MR. LEEN: If I may, because Mr. Adair is an attorney, I would like to ask Susan to be able to respond on behalf of Staff, so she could explain the reasoning behind some of those terms, and then of course if you need to hear from either of them or -- I have a couple thoughts, too, I wanted to express to you before you begin your discussion, but I'd ask Susan to come up first.

CHAIRMAN AIZENSTAT: Thank you.

MS. TREVARTHEN: Good evening, Mr. Chair, Members of the Board.

Susan Trevarthen -- Weiss Serota Helfman -- for the City. I took some notes, so let me see if I've caught everything that just came up in the presentation. Mr. Adair --

CHAIRMAN AIZENSTAT: State the office address, please?

MS. TREVARTHEN: Pardon?

CHAIRMAN AIZENSTAT: Could you state the office address, please?

MS. TREVARTHEN: Oh. 2525 Ponce. Okay.

CHAIRMAN AIZENSTAT: Thank you.

MS. TREVARTHEN: Just down the street.

CHAIRMAN AIZENSTAT: For the record.

MS. TREVARTHEN: So Mr. Adair's point is that the Board had suggested that the parking be outside of the City, in his first point, and of course, that's been addressed thoroughly in the Staff PowerPoint, where they gave you a list of eight reasons why they're concerned, and this is ultimately a policy determination of whether this is sustainable or not.

We understand Mr. Adair's position is that as long as you control the use, you're fine,

but we know that we've seen situations, as we've researched and looked into the use of parking in the City so far, in working on this ordinance and looking at other requests, where what the user knew about the parking and what was actually being done with the parking were two different things, and it's always been the guiding principle, I think, of Staff's work on this and their directions in terms of drafting this ordinance, is that we need to have both sides of the equation tied so that we can assure that this works in the manner in which it's intended. So they have laid out their rationale in the PowerPoint presentation for why parking outside the City is not something that they feel comfortable with. Ultimately, you will make a recommendation on that, but that they are firm in that position.

The second issue that was raised by Mr. Adair was changing the "may be granted" to the "shall be granted," and at that point we're looking at the ordinance on -- let me turn to the right page here -- Page 2. And his -- I'm going to address that with his third point, which was regarding the determination of the

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1 infeasibility or impracticability of providing
2 the required parking on-site. Those two things
3 are tied together, and that is precisely why it
4 says "may" and not "shall," because there is an
5 element of discretion in the way that the
6 ordinance has been drafted, that as a
7 preliminary matter, a justification needs to be
8 made and a determination needs to be made that
9 it's not feasible to provide the parking
10 solution on-site.
11 Throughout the process of looking at the
12 issues associated with this ordinance, your
13 Staff has considered alternatives, they've
14 heard the input received, but continues to
15 believe that that is the better approach, and
16 not to open this procedure to be able to be
17 used just for any reason, that it should only
18 be something that comes into use if it's not
19 feasible to provide that parking on-site. The
20 whole philosophy behind it, from Staff's
21 perspective, is that you're providing relief to
22 people in difficult situations, where they
23 really don't have the capacity to handle it on
24 their site.
25 So, again, these are differences, really,

1 of policy, and the Board will deliberate on
2 that, but Staff's position is that it is --
3 there is an element of discretion. Certainly,
4 much of the discretion has been removed from
5 the ordinance through the revisions to it, but
6 this element of discretion remains.
7 Would you like to add to that?
8 MR. WU: I just wanted to add the very
9 important word, "reasonable." It's not just
10 sole discretion of one person.
11 MS. TREVARTHEN: Exactly.
12 MR. WU: We specifically followed Mr.
13 Adair's request to add the word "reasonable."
14 So there must be some reasonable discussion
15 that if it's denied, it's not going to be
16 unreasonable. It has to be reasonable for us
17 to approve it.
18 So I think that is the middle ground we
19 felt comfortable with.
20 MS. TREVARTHEN: And it provides some
21 accountability in terms of the concerns that
22 were expressed previously about, perhaps, fears
23 of an arbitrary determination.
24 The next point that I have here is -- I
25 believe there was something about how you

1 calculate the surplus if you're outside of the
2 City, and I'm not sure I totally followed that
3 question. Did you pick up on that?
4 MR. WU: Well, I can tell what Staff's
5 position is, is that we have no way to affirm
6 whether indeed there's a surplus for a parking
7 facility outside the City. We would just have
8 to take the application at its face value. We
9 don't have the wherewithal to follow through,
10 or the time to go through a large use and
11 verify each intended use and verify the parking
12 ratio. So we're concerned about, in the entire
13 process for remote parking outside the City, a
14 number of things that can go wrong, that will
15 not make it an effective remote parking
16 situation.
17 But in any respect, we thought that we
18 would allow the Commission waiver so it could
19 be done on a case-by-case basis, in very
20 selective cases.
21 MS. TREVARTHEN: And I believe Mr. Adair
22 was talking about what rules are used to
23 measure the availability of parking outside the
24 City, and I'm not sure we really wrote this to
25 say that, for example, a facility outside the

1 City would be measured by Coral Gables rules.
2 That was not something that was part of our --
3 MR. WU: And it's is not, and I don't know
4 if a person with authority may be -- well,
5 let's be frank here, we're just talking about
6 the City of Miami here -- with authority to
7 say, "I will certify something that you assess
8 parking for this facility." I don't know if
9 that's going to occur. So what we'll have is,
10 we cannot rely on an applicant doing the counts
11 on their own, without someone, third-party
12 verification, of whether those counts are
13 correct and approving a lease that may or may
14 not be that it contains surplus parking.
15 MS. TREVARTHEN: So that was that concern.
16 The next one was the terminology regarding the
17 covenant. We can certainly look at that again
18 with the City Attorney, but originally we were
19 tapping into the covenant in lieu, which has a
20 whole set of Code provisions associated with
21 it, so that's why that terminology is the way
22 it is.
23 In 7b, on Page 4, Mr. Adair was asking why
24 the owner needs to covenant to the things that
25 are listed here, and I think, you know,

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1 certainly this started off where the owner of
2 the parking and the owner of the use were one
3 and the same, but even now that we've allowed
4 by right for this to be a lease situation,
5 where the use is a tenant and not the owner of
6 the facility, what we found in some of the
7 situations that we've looked at is, when
8 there's a gap between how the parking is
9 treated in the lease and how the parking is
10 treated for zoning purposes, that's created
11 some real headaches, and so if you -- you know,
12 we think, and I urge Charles to jump in if he
13 has a different feeling, but based on our prior
14 conversations, aligning these things is
15 important so that everybody's expectations are
16 the same. We've had the situation where people
17 have leased more than they were entitled to
18 have under the zoning, and it created lots of
19 problems. So, when the owner is also
20 covenanting, as well as the use being bound to
21 it, through their approval from the City, and
22 ideally through their lease, as well, then you
23 have everything aligning and you have more
24 assurances that it's going to work as intended
25 so was there anything you would like to add on

1 that?
2 MR. WU: Well, I don't want to sound
3 pessimistic about it, but we also don't want to
4 create a market that a parking facility will
5 start seeing this as a business opportunity to
6 start leasing spaces. We know parking might
7 be -- might have surplus space on a practical
8 operation, but it may not be based on what the
9 Code requires. Folks will be parking based on
10 what the parking requirements are, not
11 necessarily go out and build excess parking
12 just because they want to. So we just don't
13 want to create a Code that creates a market for
14 leasing spaces left and right.
15 MS. TREVARTHEN: The next comment that was
16 raised was regarding the hours of operation. I
17 don't read the language the way Mr. Adair is.
18 Obviously, the intent is to access the parking
19 itself. We're not asking that some office
20 building be opened at 2:00 a.m. So that's
21 something where it's not a problem. We're in
22 agreement that it's the access to the parking
23 itself that's the issue.
24 The next item was regarding the remedial
25 plan, which is Number 8 on Page 5 of your

1 ordinance, and this is something where
2 Mr. Adair suggests that there's no finding,
3 but, you know, this language is saying that
4 there needs to be a finding that everything is
5 in order so that the remedial plan works.
6 Certainly you're choosing one of the four
7 options that are listed here, but it's also a
8 finding that the whole thing works, because
9 what that brings in is the various requirements
10 to document, to covenant, and the other
11 requirements that are in the section. So it
12 was drafted as a finding, and it is appropriate
13 as a finding because it's a general finding of
14 accordance with the entire section, not just
15 with this section.
16 The next item there was a comment on was
17 the renewal, and that the certification at the
18 time of certificate of use should only be
19 required to demonstrate that the requirements
20 of B.6 should remain in place. And some of
21 these things are interrelated. We could
22 certainly look at that, but I'm inclined to
23 stick with the original drafting, which is that
24 that should be a finding that B is still in
25 effect, so looking at the whole section, not

1 just at the subsection.
2 I believe that comment was also made on
3 Page 7, and again, these are intentionally B,
4 and not B.6, because these are moments where we
5 feel it's appropriate to look at whether the
6 whole scheme is in compliance with this
7 section.
8 So, based on my notes, I hope I've touched
9 on all of the issues raised. If there's
10 anything else you'd like me to address, I'd be
11 happy to do so at this time.
12 MR. LEEN: Mr. Chair, I would like to add
13 one thing. And then you could stay up to
14 answer their questions, if they have any.
15 You know, I think that -- I just wanted to
16 comment. I know this has gone through a few
17 times here where you've looked at it and given
18 comments, and I do think that Mr. Adair's
19 comments have been helpful and instructive, and
20 I think Staff has taken them in, a lot of them,
21 and incorporated them, in that spirit.
22 I do think that there should be some
23 discretion in the Development Services
24 Director. You know, one of the ideas behind
25 this is that this is not a right, it's still a

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1 privilege to some extent, and there's a policy
2 determination here, which is ultimately up to
3 you and the Commission, that it's better to
4 have the parking on-site than off-site. Now,
5 you don't have to agree with that, but if you
6 do agree with it, I do think you need to give
7 some discretion to the Development Services
8 Director.
9 The other thing I would point out is, the
10 way that this is drafted is that there's two
11 different mechanisms, really, if the applicant
12 is unhappy. If the applicant, for example --
13 Let's say, for example, the applicant does not
14 agree with the feasibility determination of the
15 Development Services Director. Even though the
16 Development Services Director has some
17 discretion, that can be appealed. That can be
18 appealed to the Board of Adjustment and then to
19 the City Commission.
20 Alternatively, if there's a determination
21 made regarding, you know, maybe -- Let's say
22 the applicant agrees with the Development
23 Services Director, but feels like there might
24 be -- Pardon me. Let's say the Development
25 Services Director finds it to be infeasible but

1 there's no -- pardon me, finds it justified to
2 allow the satellite parking, to allow the
3 off-site parking, but there's not parking
4 within a thousand feet. Then you can seek the
5 Commission review and get the waiver.
6 So, if you don't agree with how it's
7 applied, you can appeal. If you need a waiver,
8 you can go to the Commission. So there's a lot
9 of mechanisms here to seek further review, and
10 the final decision will not be the Development
11 Services Director's, if the applicant wishes to
12 go to another body.
13 So I do think that that's why it's prudent
14 to leave some discretion to the Development
15 Services Director. Thank you.
16 CHAIRMAN AIZENSTAT: Thank you.
17 Any questions from the Board?
18 MR. FLANAGAN: I have one.
19 The change -- I don't know who to address
20 the question to, I mean, Staff or Susan.
21 You've eliminated the requirement for annual
22 submittal of renewal documentation and you're
23 going to rely on an affidavit from the
24 applicant? I would suggest -- and you've
25 reduced the lease term from five years to one

1 year -- that upon each lease renewal, that the
2 documentation be resubmitted, as opposed to a
3 possibly self-serving affidavit that says, "Oh,
4 I renewed my lease," but you may have no idea
5 that that actually happened.
6 MS. TREVARTHEN: That is a change that was
7 requested by Mr. Adair, at I believe the last
8 meeting, if not the meeting before, and so
9 Staff chose to include that, but that's
10 certainly why we started with actually
11 redocumenting --
12 MR. FLANAGAN: Right.
13 MS. TREVARTHEN: You articulated our
14 original concern.
15 MR. FLANAGAN: I mean, I think this has
16 turned out to be a fine compromise. The easy
17 answer is, you don't change the use and you
18 deal with what you have and what you can
19 accommodate. And so I think this has expanded
20 it tremendously, created tremendous
21 opportunity. I do agree with Craig that there
22 needs to be some discretion within Staff and
23 the City, but I think even reducing the lease
24 term from five years to one year, you ought --
25 I would prefer to see redocumentation upon

1 whatever, the expiration of each lease term or
2 the commencement of any new lease term.
3 MS. TREVARTHEN: That's a good comment.
4 MR. FLANAGAN: That's the only comment I
5 have on this.
6 MS. ALBERRO MENENDEZ: I'd like to make
7 just a --
8 CHAIRMAN AIZENSTAT: Marshall?
9 MS. ALBERRO MENENDEZ: Sorry.
10 CHAIRMAN AIZENSTAT: That's okay.
11 MR. BELLIN: Can somebody explain to me why
12 a change of use requires the parking situation
13 to change?
14 MS. TREVARTHEN: It does not. It creates
15 the eligibility to ask for this to happen. You
16 know, some changes of uses are even, where they
17 have similar parking demand or they have lesser
18 parking demand. But in the event that change
19 of use triggers the need for the additional
20 parking, this is written so that person can ask
21 to use this.
22 MR. BELLIN: But how does a change of use
23 do that?
24 MR. WU: If it requires more parking, based
25 on the use.

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MR. BELLIN: But in the CBD, there is no parking requirement, so whether it's a restaurant or --

MS. TREVARTHEN: That's incorrect. There's no parking required for under FAR of 1.45.

MR. BELLIN: 1.25 or 1.45?

MR. WU: That's correct.

MS. TREVARTHEN: These are uses that are over that.

MR. BELLIN: Okay, so you've got -- Let's, for argument's sake, say you have 10,000 square feet in one story. So your FAR can't be any more than 1, if you cover the whole site.

MS. TREVARTHEN: Uh-huh.

MR. BELLIN: If you change your use -- and that's the way it generally is on Miracle Mile. It's pretty much the same, in all those retail spaces.

MR. WU: And it will not trigger --

MS. TREVARTHEN: This is not a requirement. This is an option. So, if they are covered by the 1.25/1.45 FAR exemption from required parking, then they would never ask for this. This is only something that the applicant would ask to do.

MR. BELLIN: They can do it, anyway.

MR. WU: Yes. Today they can do that. They would not need this.

MS. TREVARTHEN: Right, and it would never be a remote parking issue. It would simply be no provision of parking.

MR. BELLIN: So, then, should the change of use be taken out?

MS. TREVARTHEN: No, because there are buildings that are of greater FAR, that we have actually had inquiries from and have been talking with over the last year, who seek to have this as a mechanism because they don't qualify for that exemption from required parking.

MR. WU: Yes, you do have buildings in Downtown, obviously greater than 1.45, Med bonus.

MR. BELLIN: You do, but those buildings exist --

MR. WU: Yes.

MR. BELLIN: -- and generally the change of use is in an office building; that's really where it occurs. So the change of use from an office space to a psychiatrist's office,

basically it's the same, but the use is different, so therefore what happens?

MS. TREVARTHEN: What happens is, the applicant never comes to the City and this never becomes an issue. This is an applicant-driven process. It's not something that's going to be forced on applicants.

MR. BELLIN: But if we take the change of use requirement out, the eligibility, if we take that out for change of use, wouldn't that simplify things?

MS. TREVARTHEN: No, it would actually remove its eligibility for people who actually want to use it, people who have office buildings who have changed that use to a much more intense parking demand.

MR. BELLIN: They can use it, anyway.

MR. FLANAGAN: Like an office building to a school.

MS. TREVARTHEN: Yes, precisely.

MR. BELLIN: But they can do it, anyway. If I want to have remote parking for a particular use and I don't have any requirement for the parking, I can, you know, have my clients park in the City of Miami. I just

don't see the reason for it, if --

MS. TREVARTHEN: They are more than more than 1.45 FAR.

MR. WU: Yes.

MS. TREVARTHEN: Therefore, they do not qualify. You're absolutely right, there's a form of relief already in the Code, and those people are happy and nobody is messing with them, but then there are people who are not within that class who are now coming to you, asking for a different kind of relief. That's what this is, because they find that the existing remote parking at 500 feet doesn't work for them, and so they've asked for the liberalization of this procedure.

MR. BELLIN: Okay.

CHAIRMAN AIZENSTAT: Go ahead.

MS. MENENDEZ: No, no, no. Go ahead, please.

CHAIRMAN AIZENSTAT: Since you've had the provision in the Code that was very basic and went only 500 feet, how long has that been in the Code?

MS. TREVARTHEN: I believe 1968 was what Staff's research determined, and they were not

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1 able to find a single one that was ever
2 approved.
3 CHAIRMAN AIZENSTAT: So --
4 MS. TREVARTHEN: At least in the documents.
5 CHAIRMAN AIZENSTAT: -- just increasing it
6 to a thousand feet and calling it a day?
7 MS. ALBERRO MENENDEZ: Right. That's where
8 I was going with all this, because we started
9 out with just trying to address a few things
10 and this has become, you know --
11 CHAIRMAN AIZENSTAT: A nightmare.
12 MS. ALBERRO MENENDEZ: A nightmare, from my
13 perspective. Some of you might love it, but I
14 have a lot of concerns and I agree with Staff,
15 with some of their comments, and -- you know.
16 I'm --
17 This chart on Page 2, when you look at it,
18 I would imagine that that covers, as it states,
19 all of Board and public comment, and then the
20 Staff's response. There's a lot of these items
21 that I, as a member, am not ready to support.
22 I'm talking about the Board and public comment.
23 MR. WU: With all due respect, we followed
24 the specific motion you made.
25 MS. ALBERRO MENENDEZ: No, no, I know.

1 This is not a reflection on you all. It's
2 really towards my members.
3 CHAIRMAN AIZENSTAT: I mean, you've done a
4 great job. You really have.
5 MS. ALBERRO MENENDEZ: No, no, on the
6 contrary, I think you did a great job. This is
7 a great chart and it helps me visualize, you
8 know, where we've come to, because it started
9 out being three or four issues -- I think there
10 was a concern with the ownership of the lot,
11 there was a concern, you know, with the
12 thousand feet, and there was a -- And now all
13 of a sudden we have liberalized this whole
14 section, and my concern is the enforcement of
15 this and ensure that it does not impact the
16 area.
17 MR. WU: Well, we share your concerns. We
18 told you --
19 MS. ALBERRO MENENDEZ: I understand.
20 MR. WU: -- we prefer --
21 MS. ALBERRO MENENDEZ: This is more towards
22 my Board members. It's not towards Staff.
23 MR. WU: We prefer, whenever we adopt
24 regulations, to do it incrementally, and it
25 doesn't work, we can always come back with

1 changes to open a door ajar. That's why we
2 have serious concerns about expanding this
3 beyond a thousand feet beyond the City, and
4 that's why we felt very strongly that we cannot
5 recommend an ordinance for remote parking
6 outside the City.
7 CHAIRMAN AIZENSTAT: You can't enforce it.
8 MR. WU: We can't.
9 CHAIRMAN AIZENSTAT: No, I agree.
10 MR. WU: We suggest that --
11 CHAIRMAN AIZENSTAT: A property owner
12 outside the City, I can tell you something and
13 there's no way you can follow up.
14 MR. WU: You might as well not have parking
15 requirements at all.
16 MS. TREVARTHEN: If you like, Mr. Chair,
17 I'd like to return to --
18 CHAIRMAN AIZENSTAT: Please.
19 MS. TREVARTHEN: -- Ms. Menendez's comment.
20 If we all look at Page 2, through the stricken
21 language, you know, for sake of argument, you
22 and Ms. Menendez are saying, "What would happen
23 if we just changed 500 to 1,000?" Well, you
24 would see, there would still be a covenant, and
25 it's very open-ended, but it's approved by the

1 City Attorney and Staff, and they're going to
2 be looking for all this stuff, anyway. It's
3 just we've written it out so it's clear and the
4 applicant knows what to expect in terms of how
5 to document the use, and it also provides
6 greater ability to seek and enforce, other than
7 just the discretion of the City Attorney to say
8 that it's sufficient. That's the way it's
9 currently drafted.
10 CHAIRMAN AIZENSTAT: Any other comments or
11 questions?
12 MR. FLANAGAN: I'll move Staff's
13 recommendation, with my amendment that the
14 documentation be resubmitted when any lease is
15 renewed or there's a new lease entered into.
16 MS. ALBERRO MENENDEZ: Okay. Can I ask a
17 question about your motion? Because again,
18 there's a lot of items here --
19 CHAIRMAN AIZENSTAT: Well, let me see if
20 that --
21 MS. ALBERRO MENENDEZ: -- some of your
22 Staff has agreed to put in which we haven't
23 really discussed. Most of these items came
24 from comments from our Board members or from
25 the public, but we really haven't deliberated

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on the issue.
CHAIRMAN AIZENSTAT: Maria, let me see if there's a second on that, first, and then we'll --
MS. ALBERRO MENENDEZ: Sure.
CHAIRMAN AIZENSTAT: -- open it for discussion. Is there a second on the motion?
MR. BELLIN: I'll second.
CHAIRMAN AIZENSTAT: We have a second. Go ahead, please.
MS. ALBERRO MENENDEZ: I'd just like to know from Staff, we had -- and I think you provided this in our last presentation, what exists today and what is being proposed, you know. I don't have my old reports, but what exists today and what is being proposed?
MR. WU: In your PowerPoint, there should be --
MS. ALBERRO MENENDEZ: In the PowerPoint? Okay.
MR. WU: -- one slide of what is allowed today.
MS. ALBERRO MENENDEZ: Current provision, okay, allows remote off-street parking in CBD within 500 feet of the building site, not in a

single-family district, restricted covenant or parking easement, capped at 50 percent for residential uses.
MS. TREVARTHEN: That is the current Code.
MS. ALBERRO MENENDEZ: Okay, and --
MS. TREVARTHEN: And it's shown.
MS. ALBERRO MENENDEZ: Can we work off of this and see where we go? Because, I mean, I'm just one member, but the outside the City limits, I don't agree with that, and it's here.
MR. FLANAGAN: No, no, I think Staff is saying you do it with a Commission waiver.
MS. ALBERRO MENENDEZ: Yeah, but I don't agree with that. I mean, I don't even want to -- I don't really want to be in a position to even recommend that, you know?
MR. BELLO: Why would you not allow the City Commission to make that determination?
MS. ALBERRO MENENDEZ: Why burden the City Commission on something that we, as a Board, perhaps don't agree with? I mean, unless you agree with it, unless you agree that you should allow remote parking outside the City. I don't agree with that. I wouldn't recommend it to the Commission.

CHAIRMAN AIZENSTAT: But that would be part of your vote. We have a motion.
MS. ALBERRO MENENDEZ: Oh, I know that. I know, but I'm trying to hear from others of why they would be a proponent for that, because, you know, as I mentioned, we've all heard from the public, we've heard from each other, putting out suggestions, but we really haven't talked about each of these items.
MR. BELLO: But what is it, outside the City issue -- If you're able to get the parking spaces outside the City, what difference does it make and how --
MS. ALBERRO MENENDEZ: How do you enforce that, from the City's perspective, what the Staff has shared with us?
MR. BELLO: If you don't have the parking, then you don't qualify, and you're out of compliance.
MS. ALBERRO MENENDEZ: But how do you control the site that's outside of the City?
MR. BELLO: You don't want to control it. You have the applicant --
MS. ALBERRO MENENDEZ: Okay, how do you make sure that the use that's demanding the

parking provides for that parking?
CHAIRMAN AIZENSTAT: Is adequate, is what she's saying.
MS. ALBERRO MENENDEZ: Is adequate, because if you don't, then what happens is that they take the metered spaces, they start going into the residential, they start going into other areas. So how do you control that?
MR. BELLO: How do you do it within the City limits?
MS. ALBERRO MENENDEZ: Well, for the most part, right now, from what I understand, there's -- I know that there's some cases, but this has been used very limited.
MR. BELLO: Never.
MS. ALBERRO MENENDEZ: No, it has been used. I mean, in our first meeting, I think you heard from Mrs. Russo, and I think I mentioned one project that I know that had some, but they can't find the records of it.
My point is, what are we trying to accomplish here? Are we trying to like allow people to have parking wherever they want? And then, realistically, do you think that a retailer, you're going to go to a store and

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you're going to park a thousand feet away?
MR. BELLO: No.
MS. ALBERRO MENENDEZ: Of course not, but you're allowing them to do it. You're allowing them to meet their parking Code by saying, "Hey, Retailer, if you want parking, you don't have to meet it within your building. You can do it a thousand feet, and guess what? You can do it outside the City. And guess what, you -- " At some point, we have to say, that's not going to work. Nobody is going to be doing that. So what we're doing is just checkmarking that they met it, but in reality, they're not going to need it, and then what gets impacted? The other commercial areas, the other residential areas. So what purpose are we serving? I don't think we're serving a purpose.
MR. BELLO: So you don't support the whole concept?
MS. ALBERRO MENENDEZ: No, I support increasing it to a thousand feet, if that provides for -- like, for example, the case that we heard. I support not having to require the ownership, you know. I mean, I support

some of these, but I don't support taking it outside the City. I don't support, you know, allowing it for retail and for restaurant. The restaurant, I would support if it's tied to a valet. You know, if you tie it to a valet, then I'm sure they're going to use it. But if you don't tie it to a valet, you're going to tell me that we're going to walk a thousand feet?
MR. PEREZ: But part of the item that came out to allow retail and restaurant was if an employer wanted to elect upon himself to provide parking for the employees.
MS. ALBERRO MENENDEZ: Employees, but how much are you going to -- I mean, if you can restrict it to employee, then yes, I think that would work, but how do you manage that? How do you manage that? I don't know. I don't have the answer.
MR. PEREZ: I mean, so I think that your biggest concern is allowing to go outside of the City?
MS. ALBERRO MENENDEZ: My biggest concern is making sure that whatever we approve today is not going to adversely impact the other

areas, that in fact the parking needs are going to be accomplished. That's my biggest concern today.
MR. BELLO: So I guess we'll have to take it one by one.
MS. ALBERRO MENENDEZ: That's what I was thinking, yeah, and see how everybody feels about each of them.
CHAIRMAN AIZENSTAT: We have a motion right now; we have a second. Unless you would like to remove your motion and second. If there's no other discussion, then we're going to call the roll.
MR. PEREZ: To address Maria's concern, the one that I deem to be her biggest concern, is allowing the parking outside of the City. So I would like to amend Mr. Flanagan's motion to reflect Maria's concern of allowing parking outside of the City of Coral Gables.
CHAIRMAN AIZENSTAT: You would actually have to remove your second.
MR. FLANAGAN: He didn't second. Marshall seconded.
CHAIRMAN AIZENSTAT: I apologize. I thought you did. I'm sorry about that.

Marshall or --
MR. FLANAGAN: Withdraw your motion.
CHAIRMAN AIZENSTAT: Withdraw your motion.
MR. FLANAGAN: Or we can amend it like that. I think -- I mean, I thought we discussed a lot of this, the past two hearings and --
MS. ALBERRO MENENDEZ: I think I verbalized, though, that I did not agree with some of the --
MR. FLANAGAN: Got it.
MS. ALBERRO MENENDEZ: -- comments that you all were making. I don't think we gave a directive to Staff. I think Staff basically tried to provide as much information as they were given and tried to comment on it, which I thought was very helpful, but we haven't -- you know, this is what really -- I mean, when you look at this, this is it. I mean, if we approve it today, we're providing a lot of --
CHAIRMAN AIZENSTAT: Well, we're making a recommendation.
MS. ALBERRO MENENDEZ: Right. Well, of course, that's what I meant.
MR. BELLO: Mr. Chairman, I guess Marshall

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would withdraw his second, and we would have --

CHAIRMAN AIZENSTAT: If he wants to.

MR. BELLO: -- discussion.

MR. BELLIN: I don't want to.

CHAIRMAN AIZENSTAT: But he does not want to, so --

MR. FLANAGAN: But we can have discussion even where the motion is pending. We can go through these one by one --

MS. ALBERRO MENENDEZ: Yeah, you can continue discussing it. Yeah.

MR. FLANAGAN: While the motion is on the floor.

CHAIRMAN AIZENSTAT: As long as there's discussion --

MR. FLANAGAN: A motion and a second, we can still have discussion.

MR. LEEN: You could do two things. There could be a friendly amendment or there could be a motion to amend, which takes precedence over the main motion. So you could move to amend the motion and change it, but that would require its own vote. You're allowed to do that, Mr. Chair.

CHAIRMAN AIZENSTAT: Even if the person making that amendment is not the person who made the motion?

MR. LEEN: Yes, but it has to be by a vote, you know, so --

MR. FLANAGAN: You need a motion and a second to amend the motion, you have a vote on that motion, and then it gets tagged onto the original motion.

(Simultaneous voices)

CHAIRMAN AIZENSTAT: Doesn't that complicate the issue?

MR. LEEN: Normally they're friendly. You know, they're friendly amendments, but you can do that.

MR. BELLO: I think we have to.

MR. FLANAGAN: Okay, yeah. Go ahead, Maria.

MS. ALBERRO MENENDEZ: Well, I think our Chairman should take the lead.

CHAIRMAN AIZENSTAT: No. Go ahead.

MS. ALBERRO MENENDEZ: I'm going through it. The first one, delete the requirement of owning the remote parking spaces, I agree with that. How do you all feel? Yes?

MR. FLANAGAN: Uh-huh.

MS. ALBERRO MENENDEZ: Is there any nos? Let me put it that way. Okay.

Allow covenant for lease arrangement for remote parking spaces, and delete the unity of title requirement. I agree with that.

MR. BELLO: Yes.

MS. ALBERRO MENENDEZ: Consensus?

MR. PEREZ: Yes.

MS. ALBERRO MENENDEZ: Allow remote parking outside of a maximum thousand feet distance requirement outside the CBD. What is allowed today on that issue?

MS. TREVARTHEN: In the CBD.

MS. ALBERRO MENENDEZ: In the CBD? I think there's an exception along Ponce, right?

MR. WU: No.

MR. LEEN: I think -- You're thinking about the payment in lieu.

MS. TREVARTHEN: Yes. Yeah, you're talking about the payment in lieu program, which runs up and down Ponce.

MR. LEEN: It runs up and down Ponce.

MS. ALBERRO MENENDEZ: No, but the original language I remember seeing allowed -- Okay, so

this would allow remote parking outside a maximum thousand feet distance outside the CBD?

MS. TREVARTHEN: Yes, and for comparison, it's Page 2 of the ordinance in strike-through, if anyone has doubts as to what is there.

MS. ALBERRO MENENDEZ: Okay. How do we feel about that?

MS. TREVARTHEN: And it's also in 1409.

MS. ALBERRO MENENDEZ: I don't have a problem with that one. Does anybody have a problem with that one?

MR. FLANAGAN: Unh-unh.

MS. ALBERRO MENENDEZ: Okay, allow remote parking outside the City. I have a problem with that one. Does anybody have a problem with that one, or are you guys are okay with it?

MR. BELLO: I have no problem with that one. I do not.

MS. ALBERRO MENENDEZ: You don't have a problem with that?

MR. BELLO: No.

MS. ALBERRO MENENDEZ: Okay.

CHAIRMAN AIZENSTAT: To me, I like the way it is originally. I don't see a problem with

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it and just expanding it to a thousand feet.
MS. ALBERRO MENENDEZ: So you don't have a problem if it's outside the City?
CHAIRMAN AIZENSTAT: No, I didn't say that. The way it is currently on the books, today, you cannot go outside the City; is that correct?
MS. TREVARTHEN: That's correct.
MS. ALBERRO MENENDEZ: Right.
CHAIRMAN AIZENSTAT: So, for me, I would be more in favor of leaving it the way it is, and just expanding it to a thousand feet.
MS. ALBERRO MENENDEZ: Okay, now, the previous one that we all had a consensus allows it to be outside of the CBD, and that's not how it is today. So would you allow -- I mean, I don't want to put words in your mouth. How do you feel about that?
CHAIRMAN AIZENSTAT: Like I said, I like the way that it's written currently.
MS. ALBERRO MENENDEZ: Today. So you're not in agreement with that one, with the Number 3.
MS. TREVARTHEN: If I may, through the Chair. For the Board's edification, one of the

properties that's interested in doing this is like half a block outside of the CBD.
MR. WU: The case that precipitated this change.
CHAIRMAN AIZENSTAT: I understand.
MS. TREVARTHEN: Just information.
MS. ALBERRO MENENDEZ: Well, but --
MR. FLANAGAN: I thought the issue that precipitated this was in the CBD.
MS. TREVARTHEN: No, we have more than one issue. It's been said there was only one issue, but that's not true. We actually have more of them.
MR. FLANAGAN: So there's more.
MS. ALBERRO MENENDEZ: Okay. So you're the only one that doesn't like Number 3.
CHAIRMAN AIZENSTAT: Well --
MS. ALBERRO MENENDEZ: That's fine. We all --
MR. LEEN: I'm just -- There's one thing that's concerning me. I'm looking at 5-1408B, and I don't see the limitation for it being within the City. I see the limitation --
MS. TREVARTHEN: It's in 5-1409.
MR. LEEN: So it's in the next provision.

MS. TREVARTHEN: Which tells you how to measure your parking, and while there's just one line of it here, but it tells you how to calculate.
MR. LEEN: But where does the -- Is this the one where it says it has to be in the City?
MS. TREVARTHEN: In the CBD district, at the beginning. Do you see where that's stricken? That's what your current Code says about how you use remote parking. So 1408 defines what remote parking is. 1409 is part of a long list of rules for how you calculate all the kinds of parking, and when it talks about remote, it says in the CBD district.
MR. LEEN: See, what I don't understand is that -- and this is something we can discuss later, too, but in E.3, the way I was reading that was, if it's in the CBD district, remote parking spaces, you know, the building that you're talking about, then the remote parking spaces may only comprise up to 50 percent of the required parking spaces. I didn't think this meant that if it wasn't in the CBD district, for example, that you can go outside the City, although, you know, again, we --

maybe it's happened once, but this doesn't really get applied, ever, so that's part of the issue here.
So, ultimately, this will determine that issue from now on, whether you allow it or not.
MS. TREVARTHEN: And if I may, through the Chair, I think the City Attorney is correct that part of what prompted all of this was, what's there is pretty terse and leaves a lot of questions unanswered, and so rather than spend a lot of time on elaborate interpretations, we just thought we'd change it and make it what you want it to be.
MS. ALBERRO MENENDEZ: Okay.
How many want the remote parking outside the City to be allowed?
MR. PEREZ: I'm okay with it.
MS. ALBERRO MENENDEZ: One, two, three -- You guys?
MR. FLANAGAN: I'm okay with a Commission waiver.
MS. ALBERRO MENENDEZ: Okay. One, two, three, four -- four to two.
MR. BELLIN: Just thinking about the situation, isn't it up to the guy who rents the

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space, puts in the restaurant, puts in his dress shop, to determine if he wants his parking to be in Opa-locka? If he thinks that that's going to help his business, let him do it.

MS. ALBERRO MENENDEZ: Marshall, that's -- I understand that. My concern is whether he's going to use it or not, regardless of where he puts it. Is this just for show, to say -- to meet parking requirements?

MR. BELLIN: But what difference does it really make to the guy who has that dress shop? If he doesn't provide any parking or a restaurant doesn't provide any parking, they're not going to be in business very long, so they're going to --

MS. ALBERRO MENENDEZ: There's going to be other options. There's going to be other options.

MR. BELLIN: But the options is this: A lot of employees park on your street and walk to Miracle Mile. Is this going to change any of that? No. It's still going to be the same.

MS. ALBERRO MENENDEZ: Well, you don't want it to become worse. You don't want it to

become -- You don't want -- I mean, are you advocating to have buildings built with no parking and just let them figure it out?

Mr. BELLIN: No.

MS. ALBERRO MENENDEZ: I mean, that's --

MR. BELLIN: There are actually -- In the City of Miami, there are buildings being built with no parking.

MS. ALBERRO MENENDEZ: Well, that's not -- Well, that's --

CHAIRMAN AIZENSTAT: That's not Coral Gables.

MS. ALBERRO MENENDEZ: That's not Coral Gables.

MR. BELLIN: No, I'm not advocating that, but it just seems to me that where a guy puts his remote parking is up to him.

MS. ALBERRO MENENDEZ: Right. Okay, so we have a four to two on that one.

Allow a hundred percent remote parking? Currently it's 50 percent, right? It's currently 50 percent?

MS. TREVARTHEN: Currently, in 5-1409, there's no limitation on nonresidential uses, but it says for residential uses, only up to 50

percent of the parking can be provided through remote parking.

MS. ALBERRO MENENDEZ: When you say -- You're talking about like for multi-family or something?

MS. TREVARTHEN: It doesn't say. It says residential. Now, because it's the CBD, it's all primarily multi-family.

MS. ALBERRO MENENDEZ: Okay. How do you all feel?

MR. PEREZ: I'm okay with that.

MS. ALBERRO MENENDEZ: You're okay?

CHAIRMAN AIZENSTAT: I go back to my thinking. If it's -- It may not be broken.

MS. ALBERRO MENENDEZ: I'm going to stick with you, so it's going to be one, two --

CHAIRMAN AIZENSTAT: Well, I don't think it's who we're going to stick with.

MS. ALBERRO MENENDEZ: No, I'm saying on your comment.

CHAIRMAN AIZENSTAT: Okay.

MS. ALBERRO MENENDEZ: Listen, I disagreed with you on the other one.

The 1,000-foot remote parking distance separation should also apply to retail and

restaurant uses? Listen, why don't we make this simple? Which ones do you not agree with?

MR. PEREZ: Personally, I'm in agreement with all of them --

MS. ALBERRO MENENDEZ: With everything? Okay. And you, too, Marshall?

MR. PEREZ: -- because this is a reflection --

MR. BELLIN: I am.

MS. ALBERRO MENENDEZ: Okay, because I'm not going to through each of them if you guys already know you're going to agree to everything.

MR. BELLIN: Maria, I don't think that's necessary.

MS. ALBERRO MENENDEZ: Okay.

MR. BELLIN: I mean, there's a motion and we know what's in here.

MS. ALBERRO MENENDEZ: Then let's do it.

MR. BELLIN: If we don't --

CHAIRMAN AIZENSTAT: I'd like to --

MS. ALBERRO MENENDEZ: Let's go.

CHAIRMAN AIZENSTAT: If we may, I'd like to call Zeke up here, because he has handled some of these cases, and as an attorney, I'd like to

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1 hear what he has to say.
2 MR. GUILFORD: Thank you, Mr. Chairman,
3 Members of the Board. For the record, my name
4 is Zeke Guilford, with offices at 400
5 University Drive.
6 I would just like to give you two examples
7 of where this has occurred, and actually, let
8 me just start off by, I am the animal that
9 opened up Pandora's Box. I was the one who
10 filed the application, and in that application,
11 I changed two words, 500 to 1,000, and that was
12 it.
13 I disagree with Susan regarding whether it
14 has to be in the CBD or not. That section does
15 not -- and as the City Attorney says, he agrees
16 with that, but, you know, leave that as it may.
17 There's two examples where this has
18 occurred that I've been involved in. Actually,
19 one is outside the CBD. It's on Ponce, kind of
20 down towards -- as you go towards Bird, and in
21 fact, in that case, they got a variance because
22 they were longer than actually the 500 feet,
23 and they actually have an agreement with the
24 City and they're parking in the City's -- in
25 police parking garage.

1 The other one I dealt with was the Decor
2 House, which is now Ferguson Appliances, on
3 Ponce, on the other side of Bird. In that
4 case, what happened is, it was a showroom and
5 at the time, they really didn't have a parking
6 requirement for showrooms, and what the person
7 did was actually obtain the parking across the
8 alley that was in the City of Miami, because
9 there's a little section in the cutout in the
10 industrial area that's the City of Miami.
11 So it has been done outside the City, and
12 it's also been done outside the CBD. You know,
13 frankly, I think it should be changed just from
14 500 to a thousand and maybe clean it up,
15 because it doesn't tell you how you measure it
16 and some of the other things, but I think other
17 than that, most of the things that we're
18 talking about here, the restrictive covenant,
19 what you have to provide, it's kind of already
20 there in the original one. But, you know,
21 that's just my opinion, and I just want to give
22 you two examples of where it had happened
23 previously.
24 MS. ALBERRO MENENDEZ: Zeke, those two
25 examples you gave us, how was it that you --

1 How did it happen? Was it just simply because
2 of the provision in the Code, or did you go
3 through a variance or some Commission approval?
4 MR. GUILFORD: The first one, we went
5 through a variance, because it was further than
6 the 500 feet.
7 MS. ALBERRO MENENDEZ: Okay.
8 MR. GUILFORD: So we had to go for a
9 variance, and I believe there's actually a
10 lease agreement with the City for the spaces in
11 the parking garage.
12 MS. ALBERRO MENENDEZ: Okay.
13 MR. GUILFORD: In the other one, it was
14 just across the alley, which was the one in the
15 City of Miami.
16 MS. ALBERRO MENENDEZ: Okay. Thank you.
17 CHAIRMAN AIZENSTAT: So you were able to go
18 outside the City?
19 MR. GUILFORD: Outside the City.
20 MS. ALBERRO MENENDEZ: Through a variance
21 process?
22 MR. GUILFORD: No, no, that one was just
23 outright, because it was within the 500 feet.
24 MS. ALBERRO MENENDEZ: Oh, okay.
25 CHAIRMAN AIZENSTAT: So you were allowed to

1 go outside the City?
2 MR. GUILFORD: We were allowed to go
3 outside the City, because of where it was set
4 up.
5 CHAIRMAN AIZENSTAT: And that's the way
6 it's currently written?
7 MR. GUILFORD: The only thing it says is
8 within 500 feet. It doesn't say where.
9 MS. ALBERRO MENENDEZ: It didn't specify.
10 MR. GUILFORD: Exactly.
11 MS. ALBERRO MENENDEZ: Okay. That makes
12 sense. All right.
13 CHAIRMAN AIZENSTAT: Thank you.
14 MR. FLANAGAN: I'm sorry. If you could go
15 for a variance for parking outside of the
16 500-foot radius, then do we even need to be
17 changing this provision of the Code?
18 MR. GUILFORD: Well, to be honest with you,
19 what's happened is, part of the -- and I don't
20 know if you got it, and I'm sorry for coming
21 here -- I've been watching it on TV and
22 thinking that you had approved the first one,
23 and now we're here at the third hearing -- is
24 that -- I'm sorry, what was your question? Do
25 we need to change -- Actually, what we did was,

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we had David Plummer do a study, and I don't know if you received a copy of that study or not, and actually, what it said is, most cities of comparable size like ours, it's actually -- that distance is over a thousand feet distance, and when you really think about it practically, 500 feet isn't even a city block. So, if I owned a piece of property at one end of the block, I couldn't put the parking at the other end of the block. So it's really not -- What is a thousand feet, a block and a half? I mean, people are going to walk it. And really, the people who are going to use it and the purpose is, not the person who's going to the restaurant to eat. It's, exactly, the employees, you know, whether -- Basically, the cook, the chef, whatever, is going to park at the remote and walk over, because you want to save your parking spaces on-site for your guests and visitors.

MS. ALBERRO MENENDEZ: That makes sense, but how do you control that? How do you, when you put an application in, to put remote parking --

MR. GUILFORD: Right.

MS. ALBERRO MENENDEZ: -- and you get a hundred spaces and you have 25 employees, how do you control -- how do you push the other 75 onto that lot? Through valet, maybe?

MR. GUILFORD: You know what? The problem is, which is what Marshall said, is basically it comes down to -- and it happened to me. I went to Shake Shack the other day. I drove around the parking lot, and I said, "You know what? Every space is full. I'm out of here." So it becomes really a business decision. And I know that really doesn't answer your question, but, you know, if you don't have the parking, people aren't going to come.

MR. BELLO: Right.

MS. ALBERRO MENENDEZ: Okay.

CHAIRMAN AIZENSTAT: Thank you.

MS. TREVARTHEN: If I may, through the Chair, on that last point, Staff's position throughout has been no, it is not just a business decision, because surrounding all of these businesses is the public parking system, and there are Commission-adopted policies for that and that it's supposed to be for transient users of the CBD, people who come and go, not

necessarily replacement for required parking. So that's been a principle throughout the Staff's consideration.

I don't know if you want to add anything on that.

MR. WU: That's correct, and that's why we stated, as part of the concern, that we're not sure the remote parking being outside the City, i.e., in Miami, is going to be helpful to our parking system. If it's not effective, our parking system will be burdened, and we just don't have that much land, to buy more land for parking garages.

CHAIRMAN AIZENSTAT: Okay, thank you. Would anybody like to make a motion?

MR. BELLO: We have a motion and a second, don't we?

MR. BELLIN: You have a motion.

MS. TREVARTHEN: Yes.

CHAIRMAN AIZENSTAT: So we're still with that? One second, please.

So we're still with that motion and second?

MR. BELLO: Yes.

CHAIRMAN AIZENSTAT: Any other discussion? No? Let's go ahead. We have a motion and

second. Let's go ahead and call the roll, please.

MS. MENENDEZ: Marshall Bellin?

MR. BELLIN: Yes.

MS. MENENDEZ: Anthony Bello?

MR. BELLO: Yes.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Maria Menendez?

MS. ALBERRO MENENDEZ: No.

MS. MENENDEZ: Alberto Perez?

MR. PEREZ: Yes.

MS. MENENDEZ: Eibi Aizenstat?

CHAIRMAN AIZENSTAT: No.

MS. ALBERRO MENENDEZ: It's up to the Commission.

CHAIRMAN AIZENSTAT: Thank you very much for all your hard work.

MS. TREVARTHEN: Thank you.

MR. FLANAGAN: Thank you.

CHAIRMAN AIZENSTAT: The next item on the agenda is -- Items Number 8 and Number 9, which are the next two items, are related. The next item is an Ordinance of the City Commission of Coral Gables, Florida, providing for text

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amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Division 1, "Residential Districts," Section 4-102, "Multi-Family 1 Duplex," known as MF1 District, by adding townhouses/row houses as a conditional use within an MF1 zoned district and establishing development standards for such MF1 uses; providing for severability, repealer, codification and an effective date. This item was continued from April 9th, 2014, from the Planning and Zoning Board hearing.

Mr. City Attorney?

MR. LEEN: Yes.

CHAIRMAN AIZENSTAT: Should we read Number 9 at the same time or handle 8 first?

MR. LEEN: Let me see Number 8 and 9. I'm just trying to --

CHAIRMAN AIZENSTAT: Say that again, please?

MR. LEEN: May I see them? I have so many of the different packets.

CHAIRMAN AIZENSTAT: Okay.

MR. LEEN: Does someone have one that I could take a look at?

Is it that? If they're both listed

together on the cover page, I'd read them both.

MR. WU: Yes, you'd read them both.

MR. LEEN: Yes, I'd read them both.

CHAIRMAN AIZENSTAT: The next item is an Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the text of the City of Coral Gables Comprehensive Plan, Future Land Use Element, Policy FLU-1.1.2, "Table FLU-1, Residential Land Uses," pursuant to large scale and amendment procedures subject to Florida Statute 163.3184, as amended, amending the maximum density permitted for the Land Use Classification known as "Multi-Family Duplex Density" from 9 units per acre to 18 units per acre; providing for severability, repealer, codification and an effective date.

MR. LEEN: And Mr. Chair --

CHAIRMAN AIZENSTAT: As a Local Planning Agency.

MR. LEEN: I'd recommend that you hold the public hearing for both of them together.

CHAIRMAN AIZENSTAT: Very good. So they're both in the record.

Staff?

MR. WU: Thank you, Mr. Chair.

If Aaron can pull up the last PowerPoint, please.

CHAIRMAN AIZENSTAT: Before you proceed, I just want to make just one point. Our cutoff time is nine o'clock, unless we have a motion by the Board to extend. I do know that there were some people that were here, actually, specifically for this item, and I have to assume that they have left because it has become late. Are they --

UNIDENTIFIED WOMAN IN AUDIENCE: We're still here.

CHAIRMAN AIZENSTAT: Okay. There were some more, but okay, I just want to be clear. Thank you.

Please proceed.

MR. WU: Townhouses are allowed in MF2 and MFSA. They currently allow -- Single-Family -- MF1 currently allows single-family dwelling units and duplexes. Town homes are not allowed today.

And the typically allowed MF1 areas are between single-family and main arterials and single-family and commercial areas, as a

buffer, and they're located along Segovia, LeJeune, Ponce, Bird and South Dixie. These are the same slides you've seen last time, so I'll just breeze through it and try to get to the changes.

The changes since last review. The townhouse width was increaded from 22 feet to 23 feet, by one foot, based on a Board member that 22 feet really was the width of a garage already, and 23 feet is really reflective of the existing town homes we have approved and under current review.

Town home setback reduced, front setback reduced from 10 feet to five feet. Five-foot setback applies to existing, when it applies to existing adjacent single-family house. If a townhouse wants to be located next to an existing adjacent single-family house, we would like to have a five-foot side setback, or if it's adjacent to an existing town home with an existing five-foot setback, we'd also like to have the new town home to have a five-foot side setback.

The rear setback maintained at 25 feet; that is to accommodate a five-foot-wide

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landscape buffer and a 20-foot-wide alley. A Board member requested whether we should revisit the landscape width. We got feedback from the new Public Services Director, and he believes the minimum width of a landscape buffer, to grow a healthy landscape buffer, is five feet, minimum width.

What's new is, we're allowing a six-foot encroachment above the garage for balconies.

We took your comment to heart and reduced the FAR from 2 to 1.5, which is consistent with the existing and proposed town homes we have in the City. Also, we got strong comments about Mediterranean style requirement. We deleted all references to Mediterranean style in the new ordinance. It was wisely pointed out that some areas of MF1 do not have a central sewer system, so we made that a requirement.

Based on your concerns about the cross access easement, we expanded that significantly to make sure it's maintained and can be expanded.

Based on the Chair's comment, we did get feedback from the Police Department. They have no concerns, since this is a private property.

The Fire Department has no concerns, also, since they can access and fight the fire from the front.

And we believe the conditional use addresses contextual issues, which are addressed in the next slides.

We do have conditional use standards, which is what we propose for all town homes to be approved in the review process. Every conditional use has to go through these criteria, these nine criteria, out of which we highlight five of them which could be a consideration for the Board and the City Commission, for additional consideration, such as increased setbacks, improved buffer provisions such as walls, landscaping, reduced building height, based on additional review, and that is a public hearing process. A resident may say, "This building is too high, I want it reduced." You do have that opportunity, as part of a conditional use review process, to say, "We need to reduce that building height because the impacts are so severe," and likewise, design consideration.

So keep in mind, even though they go before

the P & Z and City Commission, all applications still have to be reviewed by the Board of Architects, so there's several safeguards of what all the concerns can be, if the use is appropriate or not. We understand this is not a one-size-fit-all, cookie-cutter regulation, because there were comments from this Board that there might be some strips -- for instance, Ponce may not be appropriate for the town home product. We thought that the conditional use process can evaluate that, as well, to see if it is appropriate for that location, or additional considerations we have in front of you that can consider that, to address that context issue.

Again, the goal of this review for conditional use is to make sure there are no negative impacts on the residential character of the neighborhood.

Public hearings are required. A Board member asked last time to do a massing study, and just to show you, with a 20-foot-high building and a 29-foot town home, this is what the context would look like. This is a 20-foot-wide alley, with a five-foot-wide

buffer and a 10-foot rear setback required for a resident's home. So if -- The single-family home can actually go up to 29 feet, but a town home can only go up to 35 feet, so we believe even with the setback that we are asking for, i.e., a five-foot landscape buffer, a private alley, that the contextual issue can be addressed with these safeguards. So this is the massing study we prepared for you since your last rereview.

A question came up, how does the alley get continued? This is a real example under construction on Anastasia. This is the alley, and this is how an adjacent product can go through and how the alley can be expanded east and west of that.

Another option is this way, and although this is not an MF1, this is an MFSA, I just want to show you an example, how the alley continuation idea can be fostered through, and which can be an evolutionary process, and that's why it's important to have the cross-access easement language in the ordinance.

Here is a real life example of a product

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1 along Segovia. This is how a full town home
2 product next to a single-family home in the
3 back -- but these are duplexes along Segovia.
4 So this is, in theory, how a four-unit town
5 home can work, with a private alley in the
6 back, five-foot landscape buffer, and maybe a
7 few years later, the identical product, zero
8 setback, with a continuation of the alley and
9 the landscape buffer.
10 We have shown you a table with a little bit
11 more detail of the setbacks, the lot depth, and
12 this is really informative for us, how we came
13 up with our regulation. This is where we came
14 up and we felt comfortable with the five-foot
15 front setback. Where the setback meets the
16 street, it's 10 feet. These came from real
17 life examples. If it's adjacent to an alley,
18 it's a five-foot-deep setback. If there's no
19 alley, there's a 20-foot-deep setback for the
20 alley. And what we are adding here is an
21 additional five-foot-wide landscape buffer,
22 because for the MF1, in most cases -- in most
23 if not all cases, it's adjacent to a
24 single-family residence.
25 Here it tells us that the FAR is all within

1 less than 1.5, so we feel comfortable proposing
2 a maximum of 1.5 FAR.
3 The second ordinance before you is the Comp
4 Plan amendment, Comprehensive Plan amendment.
5 The single-family high density today is a nine
6 dwelling unit per acre density, and a duplex
7 currently in the City is really around a 50 to
8 75-foot-wide lot, does not meet the nine
9 dwelling unit per acre. Essentially, in that
10 kind of density, it's not going to happen.
11 CHAIRMAN AIZENSTAT: Charles, I'm sorry to
12 interrupt you, but we need a motion to extend
13 past nine o'clock, if we're to continue.
14 MR. BELLIN: I'll make a motion to extend
15 past.
16 CHAIRMAN AIZENSTAT: For how long?
17 MR. BELLIN: Half an hour.
18 CHAIRMAN AIZENSTAT: Till 9:30?
19 MS. ALBERRO MENENDEZ: Half an hour?
20 MR. BELLIN: is that enough time?
21 MR. WU: I think so.
22 MR. BELLIN: Till 9:30.
23 CHAIRMAN AIZENSTAT: Is there a second?
24 MR. BELLO: I'll second.
25 CHAIRMAN AIZENSTAT: We have a first and

1 second. Call the roll.
2 MS. MENENDEZ: Anthony Bello?
3 MR. BELLO: Yes.
4 MS. MENENDEZ: Jeff Flanagan?
5 MR. FLANAGAN: Yes.
6 MS. MENENDEZ: Maria Menendez?
7 MS. ALBERRO MENENDEZ: Yes.
8 MS. MENENDEZ: Alberto Perez?
9 MR. PEREZ: Yes.
10 MS. MENENDEZ: Marshall Bellin?
11 MR. BELLIN: Yes.
12 MS. MENENDEZ: Eibi Aizenstat?
13 CHAIRMAN AIZENSTAT: Yes.
14 Please proceed. Sorry.
15 MR. WU: Thank you.
16 Now, what we've shown you, what we've
17 built, what the City has seen permits for,
18 existing and proposed town homes, even though
19 they are within the MFSA, the MFSA does allow
20 20 dwelling units per acre. We demonstrated to
21 you that all the products that we have permits
22 for are within the 18 dwelling unit per acre
23 density, and that's why we are proposing to
24 increase the density for a town home product,
25 for the Comprehensive Plan to allow from nine

1 to 18 dwelling units for the Multi-Family
2 Duplex Density, to allow these zoning
3 regulations to work.
4 So that is the second ordinance before you,
5 and that's the Comprehensive Plan change.
6 And that concludes Staff's presentation.
7 These are just examples of the five products we
8 showed you last time.
9 CHAIRMAN AIZENSTAT: Thank you.
10 Is there anybody that wishes to speak,
11 Jill? Anybody sign up?
12 MS. MENENDEZ: No, no speakers.
13 CHAIRMAN AIZENSTAT: No? No speakers?
14 We'll close to the floor.
15 Any comments? Marshall?
16 MR. BELLIN: Yeah, I would like to know why
17 you dropped the FAR from 2 to 1.5.
18 MR. WU: Because the Board told us it was
19 too high.
20 CHAIRMAN AIZENSTAT: Because the what?
21 MR. WU: The Board told us 2 was too high,
22 and the examples we've seen are -- they don't
23 reach 2, anyway. They're all 1.5 or less. So
24 that's the direction the Board gave me, that 2
25 was too high, it would never be built within 2,

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1 and we have a height limitation, anyway.
2 MR. BELLO: Was that Maria sighing?
3 MR. BELLIN: In the MFSA --
4 MS. ALBERRO MENENDEZ: That was just me
5 being tired. No other reason.
6 MR. BELLIN: And you can get to a 2 FAR.
7 MR. WU: Well, we've not seen the examples,
8 of the five examples we have on the table, that
9 they go beyond 1.5.
10 MR. BELLIN: In the MFSA, it does, and in
11 the MF2, you can get to 1.9 with Med bonus, and
12 in the MF1, there is no requirement, it's just
13 limited by the lot coverage, and then you can
14 go two stories.
15 MR. WU: Staff follows your direction. If
16 you would like us to increase it to 2 --
17 MR. BELLIN: I would.
18 MR. FLANAGAN: We had -- Well, there was a
19 bunch of discussion on that, last meeting, and
20 it was exactly -- I think it came from me, that
21 with the FAR at 2, or whatever it was, thinking
22 that was too much, and then I think the
23 off-the-cuff analysis was that the ones that
24 have been constructed so far, they were 1.5 or
25 less, and it looks like they've done the

1 analysis further.
2 MR. BELLIN: Okay, my opinion is, I think 2
3 was correct, but --
4 MR. PEREZ: And the 2 was basically a
5 maximum, so if you achieve it, that's going to
6 your ceiling.
7 MR. FLANAGAN: Correct, but I think -- I
8 thought I recall further discussion that
9 because of all the other limitations, you can't
10 hit 2.
11 MR. BELLIN: You can hit 2.
12 CHAIRMAN AIZENSTAT: By putting together or
13 amassing properties.
14 MR. BELLIN: Well, but the FAR is based on
15 the size of a building --
16 CHAIRMAN AIZENSTAT: Right, but if you
17 start -- If you're able to go to a property
18 that you can get front and back, block to
19 block, then you can hit 2.
20 MR. BELLIN: Yeah, it's not the FAR that's
21 the problem. It's the density.
22 CHAIRMAN AIZENSTAT: Correct.
23 MR. BELLIN: Because some FARs, you can get
24 to 50, 60,000 square feet with 15 units. That
25 makes no sense. And eventually, I guess we'll

1 tackle the density problem, but I think that
2 the FAR of 2 is a reasonable number, where
3 you -- In the other zoning districts, you can
4 get 2 in the MFSA and 1.9 in the MF2.
5 CHAIRMAN AIZENSTAT: Any comments on that?
6 Jeff?
7 MR. FLANAGAN: No, the same thought process
8 as last month.
9 CHAIRMAN AIZENSTAT: Okay.
10 MR. FLANAGAN: I think they're being
11 constructed right now and those are working in
12 the City. We're creating opportunities and
13 opening more doors. I don't think it hurts to
14 have a limitation on it to start and see how it
15 works. It seems how it has been working with
16 the projects that have either been constructed
17 or are in the pipeline.
18 CHAIRMAN AIZENSTAT: Maria?
19 MS. ALBERRO MENENDEZ: I have a question.
20 The existing townhouses, were those in a
21 multi-family type zoning, and that's why?
22 MR. WU: Yes, the Multi-Family Special
23 Area.
24 MS. ALBERRO MENENDEZ: So they didn't
25 really -- None of these went through a variance

1 process, that you know of?
2 MR. WU: I believe one did. I can't
3 remember. It wasn't extenuating. I just don't
4 remember what the variance was for, but it
5 remained that it met Code to a T.
6 MS. ALBERRO MENENDEZ: Okay. Thank you.
7 MR. BELLIN: But Maria, the only zoning
8 districts where you can put townhouses are the
9 MFSA and the MF2.
10 MS. ALBERRO MENENDEZ: Right, but they
11 could have accomplished it through a variance,
12 through a zoning variance, no?
13 MR. BELLIN: And what's the hardship? I
14 can't imagine they'd grant a variance for --
15 MS. ALBERRO MENENDEZ: Well, listen --
16 MR. BELLIN: To put townhouses.
17 MS. ALBERRO MENENDEZ: Listen, it happens.
18 It happens.
19 MR. WU: It was a setback. It was a
20 setback variance.
21 CHAIRMAN AIZENSTAT: It was a setback, so I
22 guess they proved a hardship.
23 MR. WU: Yes, they proved a hardship.
24 MR. FLANAGAN: Charles, the side setback,
25 we were addressing, if it's adjacent to a

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1 townhouse or single-family?
2 MR. WU: Yes.
3 MR. FLANAGAN: But most of these, at least
4 to start with, are going to be adjacent to
5 Multi-Family Duplex?
6 MR. WU: Yes.
7 MR. FLANAGAN: How is that addressed?
8 MR. WU: Duplexes, we are allowing zero
9 setback, because we've seen examples today that
10 are being built next to a duplex with zero
11 setbacks. And the point is to allow a
12 continuation of the townhouse next to it.
13 If it's your desire to require a setback,
14 you can go ahead and do it, and through the
15 conditional use review they can seek
16 consideration, but we thought if you want to
17 continue it, because I showed you the short
18 block --
19 MR. FLANAGAN: Right. Yeah, I'm not
20 suggesting it would be appropriate. I'm just
21 looking at this chart that says it's zero if
22 next to a vacant lot or adjacent to townhouse
23 with zero setback, five feet if next to an
24 existing single-fam house or existing townhouse
25 with five-foot setback. I'm just -- It may be

1 covered deeper in the ordinance, about what
2 happens if it's next to a duplex, unless if
3 you're treating a duplex as under the
4 definition of a townhouse or --
5 MR. WU: No. If it's next to a duplex,
6 you're allowed zero.
7 MR. FLANAGAN: Okay.
8 MR. PEREZ: In the case --
9 MR. FLANAGAN: I don't read that in this
10 chart --
11 MR. WU: Okay.
12 MR. FLANAGAN: -- but it might be deeper in
13 the ordinance.
14 MR. BELLIN: If a townhouse is next to a
15 duplex, the setback is zero?
16 MR. WU: The townhouse can go to zero
17 setback.
18 MR. BELLIN: And what if the duplex, their
19 setback is five feet from the property line?
20 MR. WU: Well, that's why I said, a
21 conditional use review is another layer of
22 review, through the public hearing process and
23 the Board of Architects and the DRC. They may
24 come back and say, "Wait a minute, there's a
25 duplex here, the extenuating circumstance, and

1 you should set it back five feet." So as
2 opposed to mandating it every time, we allow
3 the conditional use process to have that
4 safeguard and review.
5 MR. BELLIN: But what happens is, if you
6 build on the property line, you can't have any
7 openings in that wall.
8 MR. WU: Correct.
9 MR. BELLIN: And it certainly affects the
10 duplex next door, that probably does have
11 openings.
12 MR. WU: Which exists today. The Valencia
13 product I showed you in the picture, with the
14 three townhouse unit, have zero setbacks on
15 both sides and duplexes next to them, today.
16 MR. BELLIN: On Valencia?
17 MR. WU: Yes, the three town home product
18 that stands alone.
19 MR. BELLIN: You're talking about Venny's?
20 You're talking about Venny's project?
21 MR. PEREZ: No, the one more towards --
22 further west, more towards Segovia.
23 MR. WU: I can pull up the picture.
24 Actually, it's in your PowerPoint.
25 MR. PEREZ: The one that they just finished

1 building the second phase now.
2 MR. WU: Yeah, they just finished it.
3 MR. BELLIN: But that's not three, is it?
4 MR. WU: That's three.
5 MR. PEREZ: The first phase, I think, was
6 five, and then the second was four, I think.
7 MR. WU: Actually, it's --
8 MR. BELLIN: But where are the -- There are
9 no duplexes there. It's just --
10 MR. WU: No, it's a different product.
11 I can't get my PowerPoint. Can I borrow
12 the PowerPoint slides?
13 The product on Page 7, 430 to 440 Valencia,
14 has zero setback on both sides. That is a
15 three town home product.
16 MR. BELLIN: But it's a continuation of --
17 I think originally it was 10 units, the one
18 you're talking about.
19 MR. WU: This was -- This is a 10 unit,
20 yes. But this is only a three-unit
21 stand-alone. They do not own the adjacent
22 lots.
23 MR. BELLIN: Yeah, but -- That's Venny
24 Torre's project.
25 MR. WU: I'm not talking about this. I'm

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1 talking about this one.
2 MR. BELLIN: Yeah, I know. I know. This
3 is -- This is Venny Torre's project.
4 MR. WU: Okay, that's it.
5 MR. BELLIN: There were three townhouses
6 and then there was an apartment unit with a
7 setback, and I think there's a setback, anyway,
8 along there.
9 MR. WU: No. I walked that property.
10 There's zero setback. I personally walked that
11 property on both sides.
12 MR. BELLIN: I remember Venny was here. I
13 wish he was still here, but okay. I don't know
14 how you do that.
15 MR. FLANAGAN: I can't hear that
16 conversation.
17 CHAIRMAN AIZENSTAT: If we can speak into
18 the microphone.
19 MR. BELLIN: I'm sorry.
20 CHAIRMAN AIZENSTAT: That's okay.
21 MR. WU: If you desire to have a five-foot
22 setback, this is the time to just direct Staff.
23 MS. ALBERRO MENENDEZ: What was the -- I
24 didn't hear the conversation, myself.
25 MR. WU: The question was, if there's an

1 existing duplex there, and a town home wants to
2 build next to it, why should we allow zero
3 setback for the new town home?
4 MS. ALBERRO MENENDEZ: Why should we allow
5 a zero setback?
6 MR. WU: Yes, and my response is, in the
7 PowerPoint copy you have, on Page 7 --
8 MR. FLANAGAN: He's saying it has zero side
9 setback.
10 CHAIRMAN AIZENSTAT: But the five feet is
11 already on the existing duplex, correct,
12 Charles?
13 MR. WU: Sorry?
14 CHAIRMAN AIZENSTAT: The five feet is
15 already on the existing duplex, the setback --
16 I'm looking at the picture where the palm tree
17 is. Am I looking at the wrong picture?
18 MR. WU: No, I'm talking about the one on
19 the bottom.
20 MS. ALBERRO MENENDEZ: The one on the
21 bottom.
22 MR. WU: The 430 to 440 Valencia.
23 CHAIRMAN AIZENSTAT: Yeah, but I don't --
24 The one on the bottom, I don't see -- I can't
25 see very well what it looks like on the side,

1 on the setback to the duplex.
2 MR. WU: It's zero setback, I'm telling
3 you. I'm testifying.
4 CHAIRMAN AIZENSTAT: I understand, but
5 going to the picture on the top, on the right,
6 where you see a palm tree.
7 MR. WU: That has setbacks, yes.
8 CHAIRMAN AIZENSTAT: That has setbacks?
9 MR. WU: Yes.
10 CHAIRMAN AIZENSTAT: That has the setbacks
11 from the duplex, but it looks like the white is
12 the new construction.
13 MR. WU: Yes.
14 CHAIRMAN AIZENSTAT: Is that at zero?
15 MR. WU: No. That also has a setback.
16 CHAIRMAN AIZENSTAT: Of five?
17 MR. WU: Yes.
18 CHAIRMAN AIZENSTAT: And Marshall, what's
19 your point about the five-foot setback
20 requirement?
21 MR. BELLIN: If the duplex has a five-foot
22 setback and -- If the duplex has a five-foot
23 setback and there are windows in that end wall,
24 and you're building right to the property line
25 with your townhouse product, you can't have any

1 openings in that wall.
2 CHAIRMAN AIZENSTAT: That is correct, but
3 from what I see, the point of this is for that
4 duplex in the future to also be a row house and
5 attach, or am I wrong?
6 MR. WU: Yes, to have a zero setback, you
7 have a continuation.
8 CHAIRMAN AIZENSTAT: In other words, that's
9 what the Staff is trying to do, is continue
10 that linear line. By having a five-foot
11 setback on the side, you're basically breaking
12 up that line.
13 MR. BELLIN: You have the same thing if you
14 want to develop another five townhouses next to
15 it; you knock the duplex down and you just
16 continue the line of townhouses.
17 CHAIRMAN AIZENSTAT: Not if you have to
18 have a five-foot setback. How do you --
19 MR. BELLIN: The five-foot setback, for me,
20 is only when you have next to a duplex, or next
21 to an apartment building or whatever.
22 CHAIRMAN AIZENSTAT: Right. Let's just
23 assume the case -- Give me an example. Let's
24 just assume that you're doing a row house and
25 next door to you is a duplex. That duplex,

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1 under the new Code, you could technically do a
2 row house, correct?
3 MR. BELLIN: Uh-huh.
4 CHAIRMAN AIZENSTAT: So I'm up to -- I have
5 a five-foot setback now on my row house. If I
6 want to -- No? Well, no, you have -- The way
7 Marshall is saying, you have to have a
8 five-foot setback.
9 MR. BELLIN: You have a five-foot setback
10 for the row house --
11 CHAIRMAN AIZENSTAT: Right.
12 MR. BELLIN: -- and the duplex has a
13 five-foot setback.
14 CHAIRMAN AIZENSTAT: When they build, it's
15 going to have a five-foot setback, so now
16 you're going to have like a 10? No?
17 MR. BELLIN: No.
18 CHAIRMAN AIZENSTAT: Okay, so I'm
19 misunderstanding.
20 MR. BELLIN: You build some row houses and
21 you have a five-foot setback, and a duplex is
22 there; they have a five-foot setback.
23 CHAIRMAN AIZENSTAT: Right.
24 MR. BELLIN: If they want to build
25 townhouses, they can't hook up to you. They

1 can't -- you know.
2 MR. WU: They can if it's zero.
3 CHAIRMAN AIZENSTAT: I think that's the
4 point Charles is trying to make. They could.
5 MR. PEREZ: It's basically giving you the
6 option to.
7 MR. FLANAGAN: If it's zero. I think if
8 Marshall is saying it should be five, you're
9 going to have a 10-foot gap in between each
10 pod.
11 CHAIRMAN AIZENSTAT: You're going to have
12 gaps. You're going to have -- You're not
13 accomplishing --
14 MR. FLANAGAN: But it also may not be a bad
15 thing, which leads to the question --
16 Charles, do you have a limitation on the
17 run of the townhouse, the length of a pod?
18 MR. WU: Not that I believe, no.
19 CHAIRMAN AIZENSTAT: Block to block, you
20 can go.
21 MR. FLANAGAN: Well, I think we ought to
22 think about that, because let's take this to a
23 far-reaching conclusion, or maybe it's not so
24 far-reaching, but if you go from Ponce, maybe
25 from Bird up to -- I think it's Camilo, is

1 where the commercial district starts --
2 MS. ALBERRO MENENDEZ: Right.
3 MR. FLANAGAN: -- you could have a nonstop
4 run of townhouses, with no break.
5 MS. ALBERRO MENENDEZ: Except for the
6 streets, right.
7 MR. WU: Well, but the short blocks --
8 MR. FLANAGAN: You've got a very long block
9 on the east side of Ponce --
10 MS. ALBERRO MENENDEZ: Yes, you do.
11 MR. FLANAGAN: -- from Bird up to -- I
12 think it's up to Camilo.
13 MS. ALBERRO MENENDEZ: Right.
14 MR. WU: But Mr. Flanagan, again, I'm going
15 to emphasize the process. The conditional use
16 process does have safeguards through the Board
17 of Architects, through you, and through the
18 City Commission, to say, "Wait a minute, this
19 repetitive product is not conducive to the City
20 image. We would like a break. We would like a
21 variation in architecture. We would like a
22 setback." Those things come into play, as
23 well. So, as I said, there's no cookie cutter
24 that can address all these concerns. The
25 conditional use will address it. The design

1 review process will address it.
2 MS. ALBERRO MENENDEZ: Can I ask you a
3 question? What's the logic behind requiring a
4 hundred-foot frontage, if you have so many
5 other requirements, like the width, you know,
6 the width of the townhouses, the setbacks and
7 things like that?
8 MR. WU: That's actually for a product to
9 work, it is a hundred foot wide.
10 MS. ALBERRO MENENDEZ: All right.
11 MR. BELLIN: This lot is only 75, though.
12 MR. WU: But the MF1, we're proposing a
13 hundred.
14 MR. BELLIN: I know, but --
15 MR. PEREZ: I don't think as far as
16 depth --
17 MR. BELLIN: Huh?
18 MR. PEREZ: Is it frontage or depth?
19 CHAIRMAN AIZENSTAT: I can't hear. Can I
20 ask everybody to speak into the speakers,
21 because we can't hear you on this end.
22 MR. BELLIN: I'm sorry.
23 CHAIRMAN AIZENSTAT: All right.
24 MR. BELLIN: The width of the lot is 75
25 feet.

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MR. PEREZ: My question was just clarifying Maria's question. I didn't know if it was a hundred width or frontage.
MR. BELLIN: Width.
MR. PEREZ: Sorry, frontage or depth. I was just clarifying.
MS. ALBERRO MENENDEZ: Both now. It used to be just a hundred-foot depth, but I believe now it's a hundred-foot --
MR. BELLIN: Width.
CHAIRMAN AIZENSTAT: Linear.
MS. ALBERRO MENENDEZ: -- frontage and a hundred-foot depth, also. So I just wanted to know the logic behind the hundred-foot frontage, if there's so many requirements for setbacks and things, and size of the units.
CHAIRMAN AIZENSTAT: Charles, any comments on that?
MR. WU: No, I think we are open to any changes. We're not sold to one product, per se, but I just want to air out that there are safeguards to address some of your concerns, the repetitiveness, the setbacks. But if you feel you want to increase the FAR to 2, if you feel you want to require a setback when it's

adjacent to a duplex, we are open to that, as well. We just want you to hear where Staff is coming from, and we can always try this out for a few years, come back to you with some fine tuning, but I do believe the conditional use process and the Board of Architects process and three public hearings --
CHAIRMAN AIZENSTAT: Yes.
MR. WU: Three public hearings where notices of a thousand foot residents would get notified, there are ample safeguards to address your concerns.
CHAIRMAN AIZENSTAT: Maria, let me ask you a question. Do you oppose or are you in favor of the FAR to 2?
MS. ALBERRO MENENDEZ: I like the way that Staff proposed it, 1.5.
CHAIRMAN AIZENSTAT: Okay. I know Jeff does.
MS. ALBERRO MENENDEZ: I think 2 is too much, and what would have driven maybe a change of thought would have been the ones that have already been constructed, and as Jeff mentioned, there's not even 1.5 in here. So I think it could be accomplished within the 1.5.

CHAIRMAN AIZENSTAT: And then, Marshall, I know your thoughts as to --
MR. BELLIN: Well, we're working on a project now and -- you know, in the MFSA, it's 2, and that's where townhouses really are; I think you'll find them.
CHAIRMAN AIZENSTAT: But the idea is now to put them in the MF1.
MR. BELLIN: If you look at the stuff that's on Valencia, that's really where the townhouses are. There are some in the MF2, but not that many. But Valencia is a perfect example of that, and Valencia is in the MFSA and your FAR is 2.
MS. ALBERRO MENENDEZ: But is Valencia here on this list? Because I don't see any that are at 2.
MR. BELLIN: The FAR in the MFSA is 2.
MR. FLANAGAN: You can go up to 2, but none of the ones that have been developed have hit 2. Charles says they're all 1.5 or below 2. But the MFSA is a more intense zoning district.
CHAIRMAN AIZENSTAT: Correct.
MR. WU: And these are all MFSA.
MR. FLANAGAN: Right, but my kind of

thought process is, if the MFSA is a more intense zoning district and you can go to 2, if you are allowing this to --
MR. BELLIN: By intense, you mean more liberal?
MR. FLANAGAN: More liberal.
MR. BELLIN: Yeah.
MR. FLANAGAN: Right. So, if you're changing it in the more conservative zoning district, then it would be, I think, an appropriate planning tool to have a lower ceiling for FAR than what you have in a more liberal district.
MR. WU: Keeping in mind most of these are adjacent to single-family districts.
MS. ALBERRO MENENDEZ: Right.
MR. FLANAGAN: Right.
CHAIRMAN AIZENSTAT: Okay. Any other comments?
MR. PEREZ: I just have an observation.
CHAIRMAN AIZENSTAT: Yes, please.
MR. PEREZ: So there will be some areas where, if the builder elects to deliver parking within a parkway -- there's certain spaces, like along Segovia, where if the builder, at

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his expense, wants to deliver parking, can you do that as of right, as per the current Code, or what's the process?

MR. WU: Yes, sir. According to our standards today, the Section 5-601 through 5-603, and 5-606 through 5-611 -- and let me see if I can find -- Section 4-104, D, 9, b through h, there are requirements that parking is provided on the street. There is a waiver provision comparing urban streets and suburban streets, where the Directors of Planning and Zoning and Public Works can waive that, and we've seen, actually, an example on Santander that they requested that waiver, because there were no off-street parking for the east or for the west, and they got that waiver. But without the waiver, it's a requirement.

MS. ALBERRO MENENDEZ: But will that work on Segovia? Because Segovia is swales. I mean, I can see it working in areas closer to commercial, where it's a double sidewalk or, you know, like Valencia and those areas, but on Segovia, where there's swales, how are you going to introduce parking there?

MR. BELLIN: I think you have to. What's

going to happen is -- Now, there are driveways, so if you want to visit somebody, you pull in their driveway and you can park. If they're townhouses, that parking goes away, so where are people going to park? They're going to park on the swale, and in the rainy season, it's not going to be a swale; it's going to be mud.

MS. ALBERRO MENENDEZ: No, I agree with you.

MR. BELLIN: And I think that I would like to make a condition that if anybody develops townhouses, they must provide a sidewalk, because there aren't sidewalks everywhere, and they must provide parking for those units.

CHAIRMAN AIZENSTAT: Well, sidewalks are a part of the Master Plan for the City, I thought.

MR. BELLIN: But on Segovia, there are three blocks that don't have them.

CHAIRMAN AIZENSTAT: But if they develop, wouldn't they have to put it in?

MR. BELLIN: If they develop, then a sidewalk.

CHAIRMAN AIZENSTAT: But that's already in

place, I think.

MS. ALBERRO MENENDEZ: Look, when you look at the areas -- you know, when you look at the duplexes along Ponce, that makes sense, because you have your double sidewalk or sidewalk and you have your parking. But when you look at Segovia, for you to introduce, you know, the concept of parking on the swale by changing the look of it, I mean, that's going to be big. That's going to be --

MR. BELLIN: But if I'm visiting somebody who has a townhouse --

MS. ALBERRO MENENDEZ: No, I agree with you. I agree with you. My point is, does it work on Segovia?

MR. PEREZ: You have enough depth on the parkway there to deliver parking.

MS. ALBERRO MENENDEZ: I'm not challenging that, but I'm saying the City just spent several hundred thousands of dollars on that beautiful median, and the swales -- the trees in the swale area, those are brand new trees. How are you going to fit parking?

MR. BELLIN: There aren't trees in the swales.

MR. PEREZ: No, there's no trees on the swales.

MS. ALBERRO MENENDEZ: In the Segovia area?

MR. PEREZ: There's trees in that center median.

MR. BELLIN: In the median, there are the oak trees.

MS. ALBERRO MENENDEZ: Didn't they put trees on the sides, also?

MR. BELLIN: No. There are no trees there.

MS. ALBERRO MENENDEZ: No?

MR. BELLIN: And I think because of the width of the swale, it's maybe 17 feet or something like that, I think you can take nine feet to provide parking. I don't know how it works, if you don't provide parking --

MS. ALBERRO MENENDEZ: No, no, I agree with you. I think the parking needs to be provided. I'm just saying that that's really like a policy decision that's going to have to be addressed by the Commission to allow parking, that type of parking, on Segovia.

MR. BELLIN: And it's no cost to the City, because the developer is the one that has to pay.

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MS. ALBERRO MENENDEZ: Oh, no, it's not a cost issue that I'm concerned. I'm more concerned with the aesthetics.

MR. WU: And again, that will be addressed through three public hearings and the DRC and the Board of Architects, so we don't have to solve all these problems today.

MS. ALBERRO MENENDEZ: No, but I think that if we're going to recommend this, I think we need to point out the issue of parking --

MR. WU: Sure.

MS. ALBERRO MENENDEZ: -- and the fact that along Ponce -- I mean, there's some areas that will be easy, it will be an easy fit, but there's some areas that will be changed, the swale will be changed as a result of allowing townhouses.

MR. BELLIN: If you allow townhouses and you have no parking, they'll park on the swale. They do it now.

MS. ALBERRO MENENDEZ: Yeah, I'm sure.

CHAIRMAN AIZENSTAT: We have basically five minutes left till 9:30. My question to the Board is, do we send Charles back with what he has heard, or is the Board ready to make a

recommendation based on what we have talked about?

MR. BELLIN: I would like to make a motion to approve with conditions. One, the FAR goes to 2, the developer must provide sidewalks where they don't exist now, and the developer must provide some kind of parking.

MR. WU: Guest parking.

MR. BELLIN: Guest parking.

CHAIRMAN AIZENSTAT: We have a motion. Is there a second?

MR. PEREZ: I'll second.

CHAIRMAN AIZENSTAT: We have a motion and a second. Any discussion?

Having none, let's call the roll.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: For the sake of moving this on and getting it out of here --

CHAIRMAN AIZENSTAT: Well --

MR. FLANAGAN: -- I will vote yes, but with the strong comment that I firmly believe the FAR should be at 1.5.

CHAIRMAN AIZENSTAT: But you're voting for it to go to 2?

MS. ALBERRO MENENDEZ: It sounds like a

political vote.

MR. FLANAGAN: No, because we're making a recommendation to the Commission, and hopefully they read the minutes and understand the --

MS. ALBERRO MENENDEZ: They do read the minutes, by the way.

MR. FLANAGAN: Okay. I know they do.

CHAIRMAN AIZENSTAT: Continue, please.

MS. MENENDEZ: Maria Menendez?

MS. ALBERRO MENENDEZ: No.

MS. MENENDEZ: Alberto Perez?

MR. PEREZ: Yes.

MS. MENENDEZ: Marshall Bellin?

MR. BELLIN: Yes.

MS. MENENDEZ: Anthony Bello?

MR. BELLO: Yes.

MS. MENENDEZ: Eibi Aizenstat?

CHAIRMAN AIZENSTAT: No, because I don't agree with the FAR at 2.

MR. BELLIN: Would it make you happy if -- What happens is, it's a maximum. If you can't get there, you can't get there.

CHAIRMAN AIZENSTAT: I agree, but I'm concerned that some people will, at some way, some point, start massing properties, front and

back, in certain areas -- you can't do it everywhere -- and that's why I went ahead and voted no.

MR. LEEN: Well, let me ask the Board, you know, generally when there's a -- That was not a majority, right? That was a three to three?

CHAIRMAN AIZENSTAT: No, it was a majority.

MR. LEEN: Four of you voted? Oh, because you had the --

MS. ALBERRO MENENDEZ: Yeah, the political vote.

MR. LEEN: I understand.

MR. WU: Mr. Chair, there's a second ordinance.

MR. LEEN: There's a second ordinance, on the land use change.

CHAIRMAN AIZENSTAT: That is correct.

MR. WU: Just as important.

MS. ALBERRO MENENDEZ: As the other one.

MR. LEEN: The Comprehensive Plan.

CHAIRMAN AIZENSTAT: On the second ordinance, is there a motion?

MR. FLANAGAN: Motion to recommend that we do not change the density. I don't know what the right way to phrase that is.

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MS. ALBERRO MENENDEZ: So you're going against this?
CHAIRMAN AIZENSTAT: So you're going against it.
MR. LEEN: Then move to deny it.
MR. FLANAGAN: Move to deny, is that appropriate for us? I move to recommend denial.
MS. ALBERRO MENENDEZ: I'll second that.
CHAIRMAN AIZENSTAT: We have a first, we have a second.
MR. WU: Mr. Chair --
CHAIRMAN AIZENSTAT: Yes.
MR. WU: The ordinance will not work without the Comp Plan change. This is no ifs, ands or buts.
CHAIRMAN AIZENSTAT: I understand that.
MS. ALBERRO MENENDEZ: Well, let's see if it goes through.
MR. WU: Okay.
MR. FLANAGAN: Do we have -- Are we -- Well, I'd like to get a second to keep discussing it, if there is a second.
MS. ALBERRO MENENDEZ: I did. I seconded.
CHAIRMAN AIZENSTAT: Yeah, we did have a

second.
MR. FLANAGAN: Charles, what's the density of --
CHAIRMAN AIZENSTAT: Sorry, he's looking at the Miami Heat score.
MR. FLANAGAN: Up by two with a few seconds left. What's the density in the Duplex districts now? I read your note that says that as developed, they exceed the nine DUA, and if I do the math in a 5,000 square foot lot -- Do we have duplexes on 5,000 square foot lots?
MR. WU: Yes, you do.
MR. FLANAGAN: So what is that, about 17? You end up with about 17 --
MR. BELLIN: We went through this exercise the last time. If you built on 50-foot lots, how many units can you get an acre, and I think it's 16.
MR. FLANAGAN: Okay. Well, I come up with like 8.7, give or take, so -- all right.
MR. BELLIN: 8.7 duplexes, which is 16 units?
MR. FLANAGAN: Correct.
MR. BELLIN: Or 17 units.
MR. FLANAGAN: Right, you end up with,

yeah, 16, 17.
MR. BELLIN: And nine units per acre is a single-family density.
MR. WU: It is a single-family density.
MR. FLANAGAN: Okay, but let me ask this, then. How did these units get developed or when did the Master Plan -- When did the density limitation go in effect in the Master Plan -- When did these units get developed that would have made them consistent with the Master Plan, if it was adopted after the fact? Have they been built after the Master Plan and the density was adopted, and if so, how did they get there?
MS. TREVARTHEN: Through the Chair, if I may.
CHAIRMAN AIZENSTAT: Yes, please.
MS. TREVARTHEN: Susan Trevarthen, Weiss Serota Helfman, 2525 Ponce, for the Staff.
What's not been mentioned is, you know, this idea is being derived from MFSA. MFSA, when you look at the Land Use Map, is very different.
CHAIRMAN AIZENSTAT: If I may, is there a motion to continue the meeting?

MR. BELLO: So moved.
CHAIRMAN AIZENSTAT: Maybe for about 10 minutes?
MR. BELLIN: I'll second.
MR. PEREZ: I'll second.
CHAIRMAN AIZENSTAT: Five -- well, let's just do 10.
MR. BELLIN: 10 minutes.
CHAIRMAN AIZENSTAT: 10 minutes. Is there a second?
MR. PEREZ: I'll second.
CHAIRMAN AIZENSTAT: Call the roll, please.
MS. MENENDEZ: Maria Menendez?
MS. ALBERRO MENENDEZ: Yes.
MS. MENENDEZ: Alberto Perez?
MR. PEREZ: Yes.
MS. MENENDEZ: Marshall Bellin?
MR. BELLIN: Yes.
MS. MENENDEZ: Anthony Bello?
MR. BELLO: Yes.
MS. MENENDEZ: Jeff Flanagan?
MR. FLANAGAN: Yes.
MS. MENENDEZ: Eibi Aizenstat?
CHAIRMAN AIZENSTAT: Yes.
MS. TREVARTHEN: All I'm saying is, in the

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MFSA mapped areas, there's high-intensity commercial, there's high-intensity residential, there's moderate residential. It's very, very different. Over here in this MF1, you have killed this ordinance, it has no impact, it can never be built if they don't get that Comp Plan amendment. It's just the math. The product doesn't work. The Staff has proven that, based on what was in the --

MR. WU: Let's use an example for a 75-foot-wide lot by a hundred foot deep. You can only build 1.5 dwelling units, period. A duplex unit cannot even be allowed today with the density of nine dwelling units per acre. So to allow a town home product, we need to up the density. Frankly, nine dwelling units per acre is a single-family product, is a single-family density.

MR. FLANAGAN: How did the duplex units get there?

MS. TREVARTHEN: They pre-date it.

MR. WU: They pre-date it.

MS. TREVARTHEN: They go back to the '50s and '60s.

MR. FLANAGAN: They become legally conforming.

CHAIRMAN AIZENSTAT: Legal nonconforming.

MR. FLANAGAN: No, they end up being legally consistent.

MS. ALBERRO MENENDEZ: My concern and my vote for no really has to do with, I don't believe that --

CHAIRMAN AIZENSTAT: Well, you haven't voted yet on this.

MS. ALBERRO MENENDEZ: No, but I seconded. I'm explaining why --

CHAIRMAN AIZENSTAT: I'm sorry.

MS. ALBERRO MENENDEZ: -- I seconded to deny it.

CHAIRMAN AIZENSTAT: I'm sorry, you are correct.

MS. ALBERRO MENENDEZ: Thank you, sir. -- is, I don't believe that this concept works in all areas. I think what Marshall brought up as far as Segovia is a great point. I would see us, if we were to allow this and some developers choose to build townhouses on Segovia, we're going to have inundations of, you know, parking area and sidewalks, you know, this hundred-foot, and then what are you going to do with the sidewalk? Do you continue it

the whole block? Do you end it at that point? I don't think we've thought out -- We've looked at each of these areas and said it's going to work here, it's going to work here. Here would require a little more work, which could still be done, but I just don't think that doing it City-wide is the right approach.

MR. BELLIN: It's not City-wide. It's just in the MFSA.

MS. ALBERRO MENENDEZ: Well, City-wide allowing it in duplex, right? You have to have the duplex zoning, but it's City-wide.

MR. BELLIN: I'll tell you something that I believe is, there was a mistake made when they put nine units. It should have been nine buildings, nine duplexes, not nine units, because it can't be the same as single-family residential. It doesn't make sense.

MS. ALBERRO MENENDEZ: Right.

MR. BELLIN: So --

MS. ALBERRO MENENDEZ: Right.

MR. LEEN: Well, you know, if I may, these are recommendations. Generally, I would think that you would have the same recommendation as to both -- but you don't have to, but just

recognize that you won't be able to implement --

MS. ALBERRO MENENDEZ: We haven't taken a vote yet.

MR. LEEN: -- the ordinance.

CHAIRMAN AIZENSTAT: You may not have the same recommendation, because for example, in my case -- and Charles, correct me if I'm wrong -- I don't like the FAR at 2.

MR. LEEN: True.

CHAIRMAN AIZENSTAT: But under the 18 units per acre, you can still go ahead and do the 1.5. It doesn't necessarily mean that you're going to do a -- the 2. Am I correct?

MR. WU: Which page are you on?

CHAIRMAN AIZENSTAT: I'm looking at the ordinance. Right now we have a motion and a second to deny it, meaning go from nine units per acre to 18 units per acre.

This goes if --

MS. TREVARTHEN: It's drafted at 1.5 and 18, and Staff has done the work to make the map.

CHAIRMAN AIZENSTAT: To make the map. That's what I'm asking.

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MR. PEREZ: It could be a maximum only.
MR. TREVARTHEN: Someone on the Board, I believe it was Mr. Bellin, suggested we go back to 2, but the draft in front of you, if you move the Staff recommendation, is 1.5.
CHAIRMAN AIZENSTAT: Okay.
MS. TREVARTHEN: Actually, you already voted on it.
MS. ALBERRO MENENDEZ: Right.
MS. TREVARTHEN: Sorry about that.
CHAIRMAN AIZENSTAT: That's okay. That's what I'm saying, so -- So that's why I'm saying that you can actually -- If you voted no for the other, you could vote yes for this, because it goes to the --
MR. LEEN: No, certainly you could.
CHAIRMAN AIZENSTAT: Okay. I just wanted to be --
MR. LEEN: But if you do vote no on this, you may want to reconsider the other one. You may not, you know.
CHAIRMAN AIZENSTAT: Understood.
MR. LEEN: You could have different recommendations going to the Commission.
CHAIRMAN AIZENSTAT: Well, we have a motion

and a second.
MR. BELLIN: Would it make it more palatable if I said okay, let's go with the 1.5?
CHAIRMAN AIZENSTAT: Well, I don't know how --
MS. ALBERRO MENENDEZ: You're going to have to bring it back.
CHAIRMAN AIZENSTAT: For me, it would. I just don't know legally what you have to do.
MR. LEEN: You're going to have to move for reconsideration.
MR. FLANAGAN: I move to reconsider the prior motion. I was on the prevailing side.
CHAIRMAN AIZENSTAT: Well, we've already voted on it. Can you do that?
MR. LEEN: Yes, you can.
MR. FLANAGAN: Yes, because I made it, and I'm the prevailing side.
MR. LEEN: In the same meeting, but it has to be someone on the prevailing side.
MR. FLANAGAN: I just moved to reconsider.
MR. LEEN: Okay, so you have a pending motion on this one, though. What I would recommend is, you withdraw the motion on Number

2 to deny, to go back to Number 1, and then move for reconsideration as to Number 1.
MR. FLANAGAN: Okay. I will withdraw my motion.
MR. BELLIN: All right, then, I'll make a motion with respect to 1. The two conditions that I would like to move for reconsideration --
MR. WU: Motion for reconsideration.
MR. LEEN: There needs to be a second.
MR. FLANAGAN: The motion to reconsider has to be seconded.
MR. PEREZ: I'll second.
MR. FLANAGAN: Then we have to have a vote on that motion to reconsider.
MR. LEEN: Yes, and then you can --
CHAIRMAN AIZENSTAT: Call the roll, please.
MS. MENENDEZ: Alberto Perez?
MR. PEREZ: Yes.
MS. MENENDEZ: Marshall Bellin?
MR. BELLIN: Yes.
MS. MENENDEZ: Anthony Bello?
MR. BELLO: Yes.
MS. MENENDEZ: Jeff Flanagan?
MR. FLANAGAN: Yes.

MS. MENENDEZ: Maria Menendez?
MS. ALBERRO MENENDEZ: This is for the reconsideration? Yes.
CHAIRMAN AIZENSTAT: Yes.
MR. LEEN: Okay, now you can reconsider --
MS. MENENDEZ: Eibi Aizenstat?
CHAIRMAN AIZENSTAT: Yes.
MR. BELLIN: Okay, I'll make a motion now to approve with the two conditions. One is, if there are no sidewalks existing, the developer has to put them in, and also the parking issue, provide parking, on-street parking, for guests.
MR. PEREZ: I'll second.
CHAIRMAN AIZENSTAT: Is there a second? We have a second?
MR. PEREZ: Yes.
CHAIRMAN AIZENSTAT: Sorry.
MR. LEEN: And the motion for the 1.5 FAR?
CHAIRMAN AIZENSTAT: With the 1.5, as is. When you say provide parking, you're talking about whether it's a swale --
MR. BELLIN: It has to be a swale. There's no other place you can provide it.
CHAIRMAN AIZENSTAT: Okay. Any discussion? Having heard none, call the roll, please.

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MS. MENENDEZ: Marshall Bellin?
MR. BELLIN: Yes.
MS. MENENDEZ: Anthony Bello?
MR. BELLO: Yes.
MS. MENENDEZ: Jeff Flanagan?
MR. FLANAGAN: Yes.
MS. MENENDEZ: Maria Menendez?
MS. ALBERRO MENENDEZ: I have to vote no again, because of the condition that I don't think we've thought out areas that don't have the condition of sidewalk and pavement existing.
MS. MENENDEZ: Alberto Perez?
MR. PEREZ: Yes.
MS. MENENDEZ: Eibi Aizenstat?
CHAIRMAN AIZENSTAT: Yes.
MR. WU: The second ordinance, please.
CHAIRMAN AIZENSTAT: And a vote. Is there a motion on the second ordinance?
MR. BELLO: Moved.
MR. PEREZ: I'll second.
CHAIRMAN AIZENSTAT: Moved and second.
MR. FLANAGAN: Let me just make sure my math is right. At 23 feet wide, if you go with zero setback on each end, you can get four

units per hundred feet?
MR. BELLIN: Yes.
MR. FLANAGAN: If you're doing that on a hundred by hundred, you've got a 10,000 square foot lot, you're at a 16 unit to the acre density, right, give or take? 10,000 -- 10 into 43,560 is 4, so 16? Okay.
CHAIRMAN AIZENSTAT: We have a motion.
MR. LEEN: Yes, and you have a second.
CHAIRMAN AIZENSTAT: And we have a second. Any other discussion?
Having none, call the roll, please.
MS. MENENDEZ: Anthony Bello?
MR. BELLO: Yes.
MS. MENENDEZ: Jeff Flanagan?
MR. FLANAGAN: Yes.
MS. MENENDEZ: Maria Menendez?
MS. ALBERRO MENENDEZ: No, for the same reason.
MS. MENENDEZ: Alberto Perez?
MR. PEREZ: Yes.
MS. MENENDEZ: Marshall Bellin?
MR. BELLIN: Yes.
MS. MENENDEZ: Eibi Aizenstat?
CHAIRMAN AIZENSTAT: Yes.

This concludes tonight's meeting.
MS. ALBERRO MENENDEZ: Yay.
CHAIRMAN AIZENSTAT: Thank you, everybody, for coming and staying long. Thank you.
(Thereupon, the meeting was adjourned at 9:37 p.m.)

C E R T I F I C A T E

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

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

DATED this 23rd day of May, 2014.

SIGNED COPY ON FILE
_____
JOAN L. BAILEY, RDR, FPR

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

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Mozell Aguilar

221 Florida Avenue, Miami, FL 33133

May 13, 2014

Debra Sinkle Kolsky

Managing Member

Bahamian Village, LLC

10098 Biscayne Blvd. Suite #103

Miami, FL 33161

Dear Mrs. Sinkle Kolsky,

RE: Gables Pointe Site Plan and Zoning Request – 280 S. Dixie Highway, Miami, FL 33133

We had the privilege of seeing the presenting the Gables Pointe Project at a recent Lola B. Walker Homeowners Association meeting held April 23, 2014 and again on May 7th. We are happy to report that the project received an overwhelming response of support from all present.

However, as a homeowner of the Pink house directly across from the development, we have one major concern in the landscaping of the Project. It is the required 6 foot hedge along side of Florida and Grand Avenues. We request that the hedge be reduced to 4 feet.

We believe that the tall hedge may encourage the use of the area for unwanted illegal activity and it creates a confining barrier from the rest of the Community.

Respectfully, for this reason we are submitting this request for your consideration and implementation as a requirement of this project.

Best regards,

Mosezell Aguilar

Mosezell Aguilar

Homeowner