

City of Coral Gables
Local Planning Agency (LPA)/Planning and Zoning Board Meeting
Wednesday, June 11, 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	P					City Manager Patrick Salerno
Marshall Bellin	P	P	P	P	P	P					Commissioner Vince Lago
Anthony Bello	-	P	P	P	P	P					
Jeffrey Flanagan - Vice Chair	P	P	P	P	P	P					Commissioner Pat Keon
Julio Grabiell	P	P	P	P	E	P					Mayor Jim Cason
Maria A. Menendez	P	P	P	P	P	P					VM William H. Kerdyk, Jr.
Alberto Perez	P	P	P	P	P	E					Commissioner Frank C. Quesada

P = Present
E = Excused
C = Meeting Cancelled

City Staff and Consultants:

Charles Wu, Asst. Development Services Director
Walter Carlson, Asst. City Planner
Dona Spain, Historical Resources Director
Ramon Trias, Planning & Zoning Director
Megan McLaughlin, City Planner
Jill Menendez, Adm. Assistant
Craig E. Leen, City Attorney
Jane Tompkins, Development Services Director
Yamilet Senespleda, City Engineer

Court Reporter:

Joan Bailey

Attachment: 06 11 14 Planning and Zoning Board Meeting Verbatim Minutes

1 CITY OF CORAL GABLES
 2 LOCAL PLANNING AGENCY (LPA)/
 3 PLANNING AND ZONING BOARD MEETING
 4 VERBATIM TRANSCRIPT
 5 CORAL GABLES CITY HALL
 6 405 BILTMORE WAY, COMMISSION CHAMBERS
 7 CORAL GABLES, FLORIDA
 8 WEDNESDAY, JUNE 11, 2014, COMMENCING AT 6:03 P.M.

9 Board Members Present:
 10 Eibi Aizenstat, Chairperson
 11 Jeffrey Flanagan, Vice-Chairperson
 12 Marshall Bellin
 13 Anthony Bello
 14 Julio Grabiell
 15 Maria Alberro Menendez

16 City Staff and Consultants:
 17 Charles Wu, Assistant Development Services Director
 18 Craig E. Leen, City Attorney
 19 Jane Tompkins, Development Services Director
 20 Ramon Trias, Planning & Zoning Director
 21 Megan McLaughlin, City Planner
 22 Walter Carlson, Assistant City Planner
 23 Jill Menendez, Planning Administrative Assistant
 24 Dona Spain, Historic Preservation Officer
 25 Yamilet Senespleda, City Engineer

Also Participating:
 Mario Garcia-Serra, Esq.
 On behalf of Applicant (Items 5 & 6)
 Robert Behar, AIA
 John McWilliams
 Kimley-Horn & Associates
 Christopher Falce
 Kimley-Horn & Associates

Public Speakers:
 David Guzman
 Sylvia Elissa Fernandez-Alvarez, Esq.
 On behalf of Villa Alhambra Condominium.

1 City Clerk. Failure to register and provide
 2 proof of registration shall prohibit your
 3 ability to present to this Board.
 4 I now call the City of Coral Gables
 5 Planning and Zoning Board meeting of June 11,
 6 2014, to order and the time is 6:04.
 7 If you'll do the roll call, please.
 8 MS. MENENDEZ: Marshall Bellin?
 9 MR. BELLIN: Here.
 10 MS. MENENDEZ: Anthony Bello?
 11 MR. BELLO: Here.
 12 MS. MENENDEZ: Jeff Flanagan?
 13 MR. FLANAGAN: Here.
 14 MS. MENENDEZ: Julio Grabiell?
 15 MR. GRABIEL: Here.
 16 MS. MENENDEZ: Maria Menendez?
 17 MS. ALBERRO MENENDEZ: Here.
 18 MS. MENENDEZ: Alberto Perez?
 19 Eibi Aizenstat?
 20 CHAIRMAN AIZENSTAT: Here.
 21 Charles?
 22 MR. WU: Thank you, Mr. Chair.
 23 This is a Notice Regarding Ex-Parte
 24 Communications. Please be advised that this
 25 Board is a quasi-judicial Board and the items

1 THEREUPON:
 2 The following proceedings were had:
 3 CHAIRMAN AIZENSTAT: Let's go ahead and get
 4 started, please.
 5 Good evening. This Board is comprised of
 6 seven members. Four members of the Board shall
 7 constitute a quorum, and the affirmative vote
 8 of four members of the Board present shall be
 9 necessary for the adoption of any motion. A
 10 tie vote shall result in an automatic
 11 continuance of the matter to the next meeting,
 12 which will be continued until a majority vote
 13 is achieved. If only four members of the Board
 14 are present, an applicant shall be entitled to
 15 a postponement to the next regularly scheduled
 16 meeting.
 17 At this point, any persons -- I'd like to
 18 go into Lobbyist Registration and Disclosure.
 19 Any person who acts as a lobbyist, pursuant to
 20 City of Coral Gables Ordinance Number 2006-11,
 21 must register with the City Clerk prior to
 22 engaging in lobbying activities or
 23 presentations before City Staff, Boards,
 24 Committees, and/or the City Commission. A copy
 25 the ordinance is available in the Office of the

1 on the agenda are quasi-judicial in nature,
 2 which requires Board members to disclose all
 3 ex-parte communications and site visits. An
 4 ex-parte communication is defined as any
 5 contact, communication, conversation,
 6 correspondance, memorandum or other written or
 7 verbal communication that takes place outside a
 8 public hearing between a member of the public
 9 and a member of the Board regarding matters to
 10 be heard by the Board.
 11 If anyone made any contact with a Board
 12 member regarding an issue before the Board, the
 13 Board member must state on the record the
 14 existence of the ex-parte communication and the
 15 party who originated the communication. Also,
 16 if a Board member conducted a site visit
 17 specifically related to a case before the
 18 Board, the Board member must also disclose such
 19 visit.
 20 In either case, the Board member must state
 21 on the record whether the ex-parte
 22 communication and/or site visit will affect the
 23 Board member's ability to impartially consider
 24 the evidence to be presented regarding the
 25 matter. The member should also state that his

1 or her decision will be based on competent,
 2 substantial evidence and testimony presented on
 3 the record today.
 4 Does any Board member have such
 5 communication and/or site visit to disclose at
 6 this time?
 7 CHAIRMAN AIZENSTAT: No.
 8 MR. WU: Let the record show there has been
 9 none. Thank you.
 10 CHAIRMAN AIZENSTAT: Thank you.
 11 At this time we'll do the swearing in.
 12 Everyone, if they have not signed up yet,
 13 please do so, and everybody who is going to be
 14 speaking this evening must complete the roster
 15 on the podium. We ask that you print clearly,
 16 so that the official records on your name and
 17 address will be correct.
 18 Now, with the exception of attorneys, all
 19 persons who will be speaking on the agenda
 20 items before us this evening, please rise to be
 21 sworn in.
 22 (Thereupon, all who were to speak were duly
 23 sworn by the court reporter.)
 24 CHAIRMAN AIZENSTAT: Thank you. Also, if
 25 you'd just take a moment to silence or turn off

1 your cell phones, that would be greatly
 2 appreciated. Thank you.
 3 MR. WU: Mr. Chair, if I may, for the
 4 benefit of the court reporter, if you do speak,
 5 please speak into the mike. The court reporter
 6 can only pick up what she hears on the tape.
 7 So I would like that to serve as a reminder.
 8 CHAIRMAN AIZENSTAT: Thank you.
 9 Did everybody get a chance to take a look
 10 at the minutes, and if so, is there a motion?
 11 MR. BELLO: Move for adoption.
 12 CHAIRMAN AIZENSTAT: We have it moved.
 13 MR. BELLIN: Second.
 14 CHAIRMAN AIZENSTAT: A second. Any
 15 comments? None?
 16 Please call the roll.
 17 MS. MENENDEZ: Anthony Bello?
 18 MR. BELLO: Yes.
 19 MS. MENENDEZ: Jeff Flanagan?
 20 MR. FLANAGAN: Yes.
 21 MS. MENENDEZ: Julio Grabiell?
 22 MR. GRABIEL: Yes.
 23 MS. MENENDEZ: Maria Menendez?
 24 MS. ALBERRO MENENDEZ: Yes.
 25 MS. MENENDEZ: Marshall Bellin?

1 MR. BELLIN: Yes.
 2 MS. MENENDEZ: Eibi Aizenstat?
 3 CHAIRMAN AIZENSTAT: Yes.
 4 The next two items are both related, so
 5 I'll go ahead and read both of them together.
 6 The first item is an Ordinance of the City
 7 Commission of Coral Gables, Florida, requesting
 8 review of a Planned Area Development pursuant
 9 to Zoning Code Article 3, "Development Review,"
 10 Division 5, "Planned Area Development," for the
 11 construction of the second phase of the
 12 existing commercial project referred to as
 13 "Columbus Center" on the property legally
 14 described as Lots 3-40 and portions of
 15 alleyway, Block 22, Section L, whose address is
 16 100 Alhambra Circle and 1 Alhambra Plaza, Coral
 17 Gables, Florida; including required conditions;
 18 providing for severability, repealer,
 19 codification, and an effective date. The legal
 20 description is on file with the City.
 21 The second item is a Resolution of the City
 22 Commission of Coral Gables, Florida, requesting
 23 mixed use site plan review pursuant to Zoning
 24 Code Article 4, "Zoning Districts," Division 2,
 25 "Overlay and Special Purpose Districts,"

1 Section 4-201, "Mixed Use District," for the
 2 construction of the second phase of the
 3 existing commercial project referred to as
 4 "Columbus Center" on the property legally
 5 described as Lots 3-40 and portions of
 6 alleyway, Block 22, Section L, whose address is
 7 100 Alhambra Circle and 1 Alhambra Plaza, Coral
 8 Gables, Florida; including required conditions;
 9 providing for an effective date, legal
 10 description which is on file with the City of
 11 Coral Gables.
 12 At this time, we'll go ahead and ask the
 13 applicant if you'd like to go ahead and make
 14 your presentation.
 15 MR. GARCIA-SERRA: Good evening, Mr. Chair,
 16 Members of the Board. Mario Garcia-Serra, with
 17 offices at 600 Brickell Avenue, representing
 18 USRE Holdings, which is the owner of the
 19 property at 100 Alhambra. You can see it here
 20 in this aerial photograph on the middle easel.
 21 USRE Holdings is the owner of both the 1
 22 Columbus Center -- the Columbus Center Office
 23 Building at 1 Alhambra Plaza, as well as the
 24 site of the project we're talking about
 25 tonight, which is the surface parking lot on

1 the northwest corner of that property.
 2 I'm also representing Gables Residential,
 3 which is a joint venture partner in the
 4 development of this project.
 5 I'm accompanied tonight by Robert Behar,
 6 our project architect, as well as John
 7 McWilliams and Chris Falce, our project traffic
 8 engineers.
 9 USRE Holdings, as I mentioned before, the
 10 owner of the Columbus Center property and of
 11 this site, is a subsidiary of USAA, the
 12 insurance company, which I'm sure many of you
 13 are already familiar with. They're joining
 14 with Gables Residential, which is the developer
 15 of the Gables Ponce project, which you're
 16 probably familiar with, on the intersection of
 17 Ponce de Leon Boulevard and LeJeune Road, to
 18 develop an apartment building at this site,
 19 which will be 200 apartment units in an
 20 18-story building, with ground floor retail
 21 space.
 22 It is designed in the Coral Gables
 23 Mediterranean style of architecture and has
 24 obtained Mediterranean design and bonus
 25 approval from the Board of Architects. The

1 ground floor has an arcade and two paseos, so
 2 as to encourage pedestrian connectivity, and we
 3 are proposing to incorporate our Art in Public
 4 Places contribution in the existing plaza,
 5 which is at the southwest corner of the site,
 6 at the intersection of Galiano and Alhambra
 7 Plaza. It's a site -- it's a plaza that's been
 8 existing there for some time, but it's
 9 under-utilized, and we have hired an artist to
 10 incorporate works of public art within that
 11 plaza, so as to improve it overall.
 12 We're seeking two different approvals
 13 tonight. Our first one is the mixed-use site
 14 plan approval, which permits us to develop
 15 residential uses on a commercially zoned
 16 property. The second approval is a Planned
 17 Area Development site plan approval, the
 18 purpose of which is to approve two buildings on
 19 one site and to distribute FAR over that site
 20 and to provide relief from tower step-back
 21 requirements. Normally, 10 feet of step-back
 22 is required between pedestal and tower, and
 23 what we are providing is about nine and a half
 24 feet, so we needed some relief on that
 25 step-back requirement.

1 We'll be maintaining the existing alley
 2 access, which there is right now.
 3 Historically, for the building of the Columbus
 4 Center, they had to vacate the alley that ran
 5 through that block. In exchange for vacating
 6 that alley, access was required to the
 7 remaining portion of the alley in the site
 8 that's just west of the Columbus Center
 9 property. We'll be maintaining that access to
 10 the alley, but building over it.
 11 With that said, I'll defer to Robert Behar
 12 right now, so he can take you through the plans
 13 and present the project. Thank you.
 14 MR. BEHAR: Good evening, Board Members.
 15 For the record, Robert Behar, 135 San Lorenzo
 16 Avenue, Suite 610, and thank you for the
 17 opportunity.
 18 CHAIRMAN AIZENSTAT: Welcome back.
 19 MR. BEHAR: I'm sorry?
 20 CHAIRMAN AIZENSTAT: Welcome back.
 21 MR. BEHAR: Thank you. I miss you guys.
 22 This is an interesting project, because we
 23 are bringing a residential component to an
 24 existing office area, and right on Alhambra.
 25 What we like about it is that it really

1 sets the perfect example of combining
 2 commercial and residential and incorporating an
 3 existing plaza area that unfortunately, for the
 4 last 20 years, has not done very good serving
 5 the area.
 6 The project, as Mario stated, incorporates
 7 200 residential -- high-end residential units,
 8 you know, and I compare that to -- because it's
 9 the same developer; it's Gables Ponce. It's
 10 the project that we put the Epicure underneath,
 11 on LeJeune and Ponce. The average rent, so you
 12 know the quality of the units, is about \$2.70
 13 per square foot. To give you an example, a
 14 three-bedroom unit will pay anywhere between
 15 thirty-seven and four thousand. A two-bedroom
 16 is twenty-six, twenty-seven hundred dollars.
 17 The project will consist of having the
 18 ground floor, a small commercial retail area on
 19 the corner, some offices, the lobby. We're
 20 trying to keep the arcade the whole length of
 21 the project, to buffer the pedestrian and give
 22 a nice feeling, nice ambience on the street
 23 level. There's a paseo that we created to
 24 connect Minorca through the plaza, through the
 25 building and through the plaza, to get to

1 Alhambra, and we also have a paseo from --
 2 adjacent to La Palma. We're having a 10-foot
 3 setback from La Palma. La Palma was built up
 4 to the property line. They put windows on the
 5 property line. But we are respecting and
 6 keeping 10 -- maintaining 10 feet away from
 7 that, so we could create that paseo.

8 The project, as you go up -- and I'm going
 9 to show you this rendering. As you go -- the
 10 ground floor commercial, as you go up, you've
 11 got four levels of parking. You get the
 12 step-back at the fifth floor, which you are
 13 setting back -- in some cases, instead of 10,
 14 we have nine foot six, but for the most part,
 15 when you look through the whole rest of the
 16 project, you do comply with all the required
 17 step-backs, and you can see it here and you can
 18 see it on the back side.

19 The project will have then 13 stories of
 20 residential units. At the penthouse, we step
 21 the building back even further, so you create
 22 more of a layered effect, wedding cake effect.
 23 And if you see, compared to the projects in the
 24 area, we are the same height permitted for this
 25 area. The area allows up to 190 feet; that's

1 We had a meeting with the neighboring
 2 property owners who were within the notice
 3 radius, about two weeks ago. As part of that
 4 meeting, we heard some issues that arose
 5 regarding on-street parking and how this
 6 parking would impact on-street parking. We
 7 have some suggested ways, perhaps, to try to
 8 address what some of their concerns are, and
 9 we're ready to suggest them, but I'll make that
 10 part of my rebuttal and I'll let them, of
 11 course, express what their concerns are first,
 12 and then hopefully ways that we can perhaps try
 13 to solve them.

14 CHAIRMAN AIZENSTAT: Thank you.

15 MR. GARCIA-SERRA: Thank you.

16 CHAIRMAN AIZENSTAT: At this time, we'll go
 17 ahead and hear Staff's presentation. Charles?

18 MR. WU: Thank you, Chair. We'll just have
 19 Aaron pull up our PowerPoint. Thank you.

20 You've seen this slide already. The first
 21 request is for the Planned Area Development.
 22 The area is bounded by Alhambra Plaza to the
 23 south, Minorca to the north, and to the east it
 24 borders the City of Miami, which is Douglas,
 25 and to the west it borders two streets,

1 what we have. Not only this project, but the
 2 one, the Allen Morris building, the one across
 3 the street, and this other condo in the area,
 4 that all have the same height.

5 Again, it's a 200-unit building, high-end
 6 residential. We designed the building a little
 7 bit unique, because the shape of the site is
 8 semi-curved, so we follow the curvature of the
 9 site. It makes it a little bit more difficult,
 10 but it gives a lot more interest and value to
 11 the building, and you can see from the
 12 rendering to where the mass of the building is
 13 broken down in various area. You have the
 14 base, the middle of the building, and then the
 15 cap of the building, top of the building.

16 So we feel like the massing of the building
 17 has been articulated so you have a lot of
 18 movement in that building.

19 With that said, it really is if you have
 20 any questions, while I'm here, on the building,
 21 please let me know. Thank you.

22 MR. GARCIA-SERRA: Staff is recommending
 23 approval of the project, with conditions. We
 24 reviewed those conditions and are in agreement
 25 with them.

1 Alhambra Circle and Galiano. It's a very
 2 interesting site, borders five streets, close
 3 to one City block. The only thing that is
 4 really not included is La Palma, which is out
 5 here.

6 The second request is the mixed-use. As
 7 the applicant mentioned, we have several
 8 different uses on this site, and the way to
 9 accommodate that is through a mixed-use
 10 overlay. These properties are all within the
 11 Central Business District.

12 This is an aerial, looking north to south.
 13 To the south, of course, is the Hyatt Hotel.
 14 Going west is Alhambra Towers. We have
 15 Southern Bell to the west, immediately west;
 16 that's a three-story commercial. Minorca is to
 17 the north; that's a condo project, and Villa
 18 Alhambra Condo is a four-story condo project.
 19 And the property you're talking about is
 20 highlighted in yellow.

21 Some images of the surrounding property.
 22 As I said, Southern Bell, located to the
 23 immediate west. I'm sorry. The condo project,
 24 four stories, called Villa Alhambra Condo,
 25 that's in the middle image, and to the

1 immediate north is Minorca Condo. That's an
 2 eight-story product. And the bottom left is
 3 Hyatt Hotel, you're familiar with that, and to
 4 the far right corner is Alhambra Towers, and
 5 that is one of the tallest structures in the
 6 area.

7 The next images on the subject property, of
 8 course, the outparcel, there's the historic La
 9 Palma Hotel, and this is an image looking from
 10 the square, looking northeast. Here on the
 11 bottom left is where we're sitting, where the
 12 condo will rise on the vacant surface parking
 13 lot. And here we're straddling on City of
 14 Miami, looking into the project, the existing
 15 14-story office project that exists there
 16 today, which is part of Phase I.

17 Some housekeeping matters. This existing
 18 land use is Commercial High, and to the north
 19 is Commercial Mid-Rise, and to the south is
 20 also Commercial High. So it's consistent with
 21 the land use along the Alhambra corridor.

22 The zoning is also Commercial to the north
 23 and south and west. Where you have the condo,
 24 they are Multi-Family 2.

25 Project History. The Phase I was approved

1 units, and 16 three-bedroom units. On top of
 2 that, they're also proposing 3,400 square feet
 3 of retail space and 2,060 square feet of
 4 office, for a total of 232,968 square feet. In
 5 total, however -- I'm sorry, and part of that,
 6 as part of the PAD, they're transferring unused
 7 140,000 square feet from Phase I to Phase II,
 8 to allow the net square footage for Phase II.

9 In total, about 3.3 acres. They do come up
 10 with 3.3 FAR, which is less than by right, with
 11 the Med Bonus of a 3.5 FAR. And the density
 12 allowed there that they are proposing is 61
 13 dwelling units per acre, on 3.3 acres.

14 This is the Phase II site. Just to give
 15 you some introduction, this is the public
 16 square. As they mentioned, the paseo will
 17 connect from Alhambra Plaza to Minorca. This
 18 is the public alley, public alley with the
 19 easement, and they will have a vehicle access
 20 under the garage, and this is a secondary
 21 access into the garage for the condo project.

22 This is an image from Alhambra and Minorca,
 23 and this is the north elevation, and the south
 24 elevation.

25 Staff evaluated this project based on

1 in 1990, as by right. It occupies 2.6 acres,
 2 and today is built around 247,000 square feet.
 3 Today it exists at 2.2 FAR. And as the
 4 applicant mentioned, as part of that
 5 application for the building permit, they're
 6 requesting alley vacation, and as a result of
 7 that, the City requests a substitute easement,
 8 which I will highlight.

9 This is a site plan you've seen, and this
 10 is to show you the difference between the Phase
 11 I and the Phase II. Phase I, 14 stories,
 12 247,000 square feet, about 800-some plus
 13 parking spaces, and the FAR is 2.2. This is
 14 the alley here, reaching La Palma and the
 15 project. This is the public square I'll get
 16 into in a bit more detail, and this is where
 17 the alley easement is. They are requesting a
 18 separate action before the City Commission to
 19 realign the alley easement and to request some
 20 clearance modification, and that is a separate
 21 action before the City Commission.

22 This is Phase II, where Phase II overlaps
 23 with Phase I. It's 0.7 acres. They're
 24 proposing 200 dwelling units, constituting 12
 25 studios, 54 one-bedroom units, 118 two-bedroom

1 Section 3-503 of the Zoning Code. This
 2 highlights the standards of that section.
 3 Staff's evaluation deemed it is satisfied.
 4 Also, based on the mixed-use criteria of
 5 Section 4-201 of the Zoning Code, also Staff
 6 deemed those standards have been satisfied.
 7 And last but not least, the site plan review,
 8 we have a number of standards. Also, Staff
 9 deemed that section of the Code, 3-408 of the
 10 Zoning Code, has been satisfied.

11 As the applicant mentioned, there was a
 12 community meeting held, May 28th, and the Board
 13 of Architects gave its preliminary design
 14 review approval, not only on the design, but
 15 also on the Med Bonus standards, on May 8th of
 16 this year.

17 Staff concludes the presentation of
 18 recommendation of approval, based on conditions
 19 on Pages 27 through 29. Thank you.

20 CHAIRMAN AIZENSTAT: Thank you.

21 At this time, we'll go ahead and open the
 22 floor to public comment. What I would ask
 23 is -- How many speakers do we have?

24 MS. MENENDEZ: We only have two.

25 CHAIRMAN AIZENSTAT: Two speakers?

1 MS. MENENDEZ: Uh-huh.
 2 CHAIRMAN AIZENSTAT: Okay. If you'd go
 3 ahead and call their names, please.
 4 MS. MENENDEZ: David Guzman?
 5 MR. GUZMAN: Good evening, Board Members.
 6 David Guzman, 1172 Campo Sano Avenue, Coral
 7 Gables, Florida, 33146. I've been a resident
 8 of Coral Gables since 1979, so that's pretty
 9 much when I was just nine days old.
 10 I'm here in support of this project. I
 11 stand before you as a taxpayer, and I believe
 12 this is a project that's good for our City, our
 13 City is moving forward, and it also complies
 14 with -- My first concern, when I started
 15 getting informed about this project, it was the
 16 parking situation, and I believe it meets the
 17 requirements by the City. The City of Coral
 18 Gables has one of the most strictly parking
 19 requirements, and I think this project meets
 20 it. So I'm here in total support of this
 21 application, and I hope that you approve it
 22 tonight so it can move forward. Thank you for
 23 your service to the City.
 24 CHAIRMAN AIZENSTAT: Thank you for coming.
 25 MS. MENENDEZ: Sylvia Fernandez-Alvarez?

1 MS. FERNANDEZ-ALVAREZ: Good evening.
 2 Sylvia Fernandez-Alvarez, on behalf of Villa
 3 Alhambra Condominium, the 36-unit building you
 4 guys were looking at, down the street.
 5 CHAIRMAN AIZENSTAT: Would you please state
 6 your address, also?
 7 MR. FERNANDEZ-ALVAREZ: My address or the
 8 building's?
 9 CHAIRMAN AIZENSTAT: Your address, please.
 10 MS. FERNANDEZ-ALVAREZ: 10205 South Dixie
 11 Highway, Suite 204, Pinecrest, Florida, 33156.
 12 CHAIRMAN AIZENSTAT: Thank you.
 13 MS. FERNANDEZ-ALVAREZ: No problem.
 14 I'm here this evening to express the
 15 residents' concern over the parking in this
 16 building. Although we are aware that it
 17 complies with all of the City of Coral Gables
 18 requirements, based on the residential units
 19 they are going to have, our math indicates that
 20 these units will not even have two parking
 21 spaces per unit. While some of them will, I
 22 believe, be studios and others will only be
 23 one-bedrooms, I assume that someone who's
 24 paying \$4,000 for an apartment as a rental in
 25 Coral Gables will not be living alone. Let's

1 say that 50 percent of those people are living
 2 alone. We're still not in enough parking for
 3 those two cars to sleep there at night. Of
 4 course, people will be working during the day,
 5 but the residents of the building are
 6 concerned, where are these people going to
 7 park? Are they going to interfere with the few
 8 parking spaces we do have in our residential
 9 parking area and where is this outpour going to
 10 go?
 11 In addition, the retail space only has 14
 12 spaces. How many employees are these retail
 13 units going to have? Where will they park if
 14 the 14 spaces will be required only for
 15 consumers to come in and out of the building?
 16 Really, I think their main concern is
 17 whether or not there's even room for growth
 18 with the parking spaces. Although they're
 19 happy that the project is coming in and they
 20 feel that it will be a benefit to the
 21 neighborhood, they're very, very concerned that
 22 the parking that is currently allocated,
 23 although it meets the requirements, is not
 24 sufficient to accommodate for all these people
 25 who are now going to be residing within their

1 block. So I'm here to this evening to open up
 2 the doors to speak on whether or not there's
 3 room for growth in the parking space area,
 4 maybe even just doing a two parking space
 5 average per unit, which would leave them at 400
 6 spaces, that would be a 34-space increase, but
 7 34 spaces would definitely make a difference.
 8 So that's pretty much it.
 9 CHAIRMAN AIZENSTAT: Could I ask you, which
 10 was the condo that you're speaking for?
 11 MS. FERNANDEZ-ALVAREZ: Villa Alhambra
 12 Condominium Association, on 50 Alhambra Circle.
 13 CHAIRMAN AIZENSTAT: Okay, thank you.
 14 MS. FERNANDEZ-ALVAREZ: Okay.
 15 CHAIRMAN AIZENSTAT: Is there anybody else
 16 to speak?
 17 MS. MENENDEZ: No more speakers.
 18 CHAIRMAN AIZENSTAT: At this --
 19 MS. ALBERRO MENENDEZ: I have questions.
 20 CHAIRMAN AIZENSTAT: Let's go ahead, if you
 21 don't mind --
 22 MR. GARCIA-SERRA: May I have rebuttal?
 23 CHAIRMAN AIZENSTAT: Would you like
 24 rebuttal? And then we're going ask some
 25 questions.

1 MR. GARCIA-SERRA: Sure. It's not
 2 necessarily going to be too long.
 3 MR. BEHAR: Should we do the parking? The
 4 parking, so you know, we have a total of 387
 5 parking spaces. Of that, 14 are residential --
 6 I mean, I'm sorry, commercial. The commercial
 7 they have, the 14 spaces we have dedicated for
 8 commercial, it's a small commercial, that the
 9 way a project like this works, at nighttime,
 10 there's no use for that commercial. This is
 11 not a restaurant, can never be a restaurant.
 12 It's a small commercial. So, when you take the
 13 387 spaces and use it by 200 units, you're
 14 going to have a total of 1.93 parking spaces
 15 per unit. That is far greater than any
 16 municipality throughout Miami-Dade County. So
 17 we're right there, you know, exceeding the
 18 required by City of Coral Gables. The average
 19 is 1.39 spaces per unit.
 20 MR. GARCIA-SERRA: And, you know, the
 21 concerns expressed today by Ms. Fernandez were
 22 expressed to us by the residents when we met
 23 with them two weeks ago, and part of the issue,
 24 also, is not just what they think the impact
 25 will be of our building, but also the fact that

1 they feel that their building itself is
 2 underparked, because they, themselves, many of
 3 them have to use on-street parkings. They
 4 utilize on-street parking passes, which come
 5 with some visitor passes which they use for
 6 their guests and so forth, and one thing that
 7 occurred to me is that we could, ourselves --
 8 if the issue was on-street parking and making
 9 sure that we're not taking away those on-street
 10 parking spaces from them, we, ourselves, could
 11 propose a prohibition so that our property does
 12 not utilize any on-street parking space passes.
 13 I talked to Kevin Kinney, the Parking
 14 Director, about this issue, and he actually
 15 told me that even if we wanted to right now, at
 16 this point in time, we're not permitted to get
 17 on-street parking, because our property is
 18 zoned commercial. If your property is zoned
 19 commercial, it's not entitled to obtain any
 20 on-street parking, resident parking passes.
 21 But even, let's say, if the law were to change
 22 at some point in the future, we are okay with
 23 prohibiting ourselves from that, utilizing any
 24 on-street resident parking spaces.
 25 As Robert alluded to before, the one thing

1 we have to go by is what the Code requires, and
 2 the Code requires 381 spaces for this project.
 3 We have 387, so we're even about six over. You
 4 know, we have to trust that the Code is
 5 properly regulating the amount of parking, and
 6 that's what we're going by. Our experience at
 7 the Gables Ponce project further south
 8 indicates that property is adequately parked
 9 and it's parked at the same ratios. As Robert
 10 said, you look at other municipalities around
 11 Miami-Dade County, wherever you look, Miami,
 12 Miami-Dade County, North Miami Beach, I looked
 13 at some of them before coming to the meeting.
 14 Coral Gables has fairly demanding parking
 15 requirements, you know, compared to the rest of
 16 the area.
 17 So, that said, we are willing to at least
 18 do something and prevent our residents from
 19 ever using that on-street parking which they're
 20 utilizing, and if any other ideas or
 21 suggestions come up, we're willing to entertain
 22 them, but we feel that we're adequately parked,
 23 and as the City Code requires.
 24 CHAIRMAN AIZENSTAT: Thank you.
 25 At this point, I'll go ahead and close the

1 floor and open it up for Board discussion.
 2 Maria, you said you had some questions?
 3 MS. ALBERRO MENENDEZ: Yes, I have some
 4 questions. Staying with the parking, I notice
 5 that the new layout for the easement/alley
 6 area --
 7 MR. GARCIA-SERRA: Right.
 8 MS. ALBERRO MENENDEZ: -- has some parking
 9 coming off of it. What's that parking for? I
 10 mean, where does that number -- Is it for the
 11 commercial or is it for the --
 12 MR. BEHAR: Part of the commercial, part of
 13 the commercial.
 14 MS. ALBERRO MENENDEZ: Okay. How many
 15 spaces is that; do you know?
 16 MR. BEHAR: You have approximately seven
 17 spaces by the alley.
 18 MS. ALBERRO MENENDEZ: Right.
 19 MR. BEHAR: And then you have 19 spaces
 20 underneath the building.
 21 MS. ALBERRO MENENDEZ: From where?
 22 MR. BEHAR: Nineteen underneath the
 23 building.
 24 MS. ALBERRO MENENDEZ: Under? Okay.
 25 MR. BEHAR: Yeah. If you look at here,

1 there's about 19 spaces, and there's about
 2 seven here, so a total of about 26 spaces in
 3 that area.
 4 MS. ALBERRO MENENDEZ: Okay. Is that -- I
 5 mean, I would -- Do you see some of your
 6 residents parking in those spaces or do you --
 7 MR. BEHAR: Maria, the way we envision it
 8 is that if we have a need for visitors or
 9 something, they can use those spaces. They
 10 don't have to go in the street.
 11 MS. ALBERRO MENENDEZ: Got it.
 12 MR. BEHAR: So they could use parking
 13 within the building, so we don't have to
 14 disturb the residents, the neighbors, and we
 15 keep all our residents, our tenants, within our
 16 property.
 17 MS. ALBERRO MENENDEZ: Okay.
 18 MR. GARCIA-SERRA: And the passes that the
 19 residents get would be parking passes for the
 20 garage, not for those spaces on the ground
 21 floor.
 22 MS. ALBERRO MENENDEZ: Okay.
 23 MR. BEHAR: And the way we have designed
 24 this, you can see, is that we have direct
 25 access from those spaces into the lobby, so a

1 resident or a visitor could go directly into
 2 the building.
 3 MS. ALBERRO MENENDEZ: Staying with the
 4 alley/easement area, I notice that there's a
 5 couple of changes to the ordinance that first
 6 established that easement.
 7 MR. GARCIA-SERRA: Correct.
 8 MS. ALBERRO MENENDEZ: In addition to the
 9 layout being different, the height requirement,
 10 what is your height requirement or what is the
 11 height now for the new elevation or the new
 12 building that you're proposing over the alley?
 13 MR. BEHAR: We have eight -- we're
 14 proposing 18 feet clear.
 15 MS. ALBERRO MENENDEZ: Eighteen feet?
 16 Okay.
 17 MR. BEHAR: Eighteen feet, which the City
 18 requires 15, okay? So we're 18.
 19 MS. ALBERRO MENENDEZ: Yeah. South Florida
 20 Building Code requires that, right.
 21 MR. BEHAR: Right.
 22 MS. ALBERRO MENENDEZ: Okay. I have a
 23 question to the City, related to the alley.
 24 When this alley was vacated, or actually,
 25 the other alley was vacated and this was given

1 in substitution, it went through a public
 2 process.
 3 MR. WU: Yes.
 4 MS. ALBERRO MENENDEZ: For modifying now
 5 the ordinance, which I understand through one
 6 of your conditions, they have to modify the
 7 existing ordinance for the existing easement/
 8 alley, because there's changes being done to
 9 it, it has to go through a public process.
 10 Shouldn't that have been like in front of us,
 11 or does that come in front of us or does that
 12 go straight to the Commission?
 13 MR. WU: We will package that, when this
 14 goes before the City Commission, together.
 15 MS. ALBERRO MENENDEZ: Okay.
 16 MR. GARCIA-SERRA: If you allow me to put
 17 in a little bit --
 18 MS. ALBERRO MENENDEZ: Sure.
 19 MR. GARCIA-SERRA: I had a little bit of
 20 experience with it before, because we had to do
 21 something similar on another project that had a
 22 previously vacated alley, and we do indeed have
 23 to amend that ordinance and the restrictive
 24 covenant that came along with it, to give a new
 25 legal description and reduce the height from 19

1 to 18, and what we've done before is, that's
 2 part of the process leading up to City
 3 Commission. So, assuming we continue the
 4 process past this hearing, we then submit a
 5 request to City Commission, requesting
 6 modification of that ordinance.
 7 MS. ALBERRO MENENDEZ: The only thing,
 8 though, that I thought of while I was looking
 9 at the whole project submittal is, you know,
 10 one step is separate from the other. What if
 11 that one doesn't get approved? We're kind of
 12 like assuming that while we approve the site
 13 plan and everything that's --
 14 MR. GARCIA-SERRA: Right.
 15 MS. ALBERRO MENENDEZ: -- tied to it, we're
 16 kind of like putting them in a spot, with then
 17 having to modify -- Do you see what I'm saying?
 18 MR. GARCIA-SERRA: But the way we've done
 19 it before, all those requests, including the
 20 modification to the ordinance and the
 21 agreement, go to the same City Commission
 22 hearing.
 23 MS. ALBERRO MENENDEZ: Okay.
 24 MR. BEHAR: And keep in mind that those
 25 modifications, it's minor.

1 MR. GARCIA-SERRA: It's pretty minor at
 2 this point.
 3 MS. ALBERRO MENENDEZ: Right.
 4 MR. BEHAR: It's very minor. I mean, it's
 5 just a minor realignment. It's not the --
 6 MS. ALBERRO MENENDEZ: Right.
 7 MR. BEHAR: Ninety percent of that alley or
 8 the dedication is in the same spot.
 9 MS. ALBERRO MENENDEZ: Okay.
 10 CHAIRMAN AIZENSTAT: Craig, let me, if I
 11 may, interject a second.
 12 MR. LEEN: Sure.
 13 MS. ALBERRO MENENDEZ: Sure.
 14 CHAIRMAN AIZENSTAT: If the Board, at some
 15 point, not saying that it does, but if it made
 16 a motion at any point within these two items,
 17 could it put that requirement, that it would
 18 have to be approved by the Commission, as part
 19 of a condition or so forth?
 20 MR. LEEN: To satisfy that issue?
 21 CHAIRMAN AIZENSTAT: Yes.
 22 MR. LEEN: You could --
 23 CHAIRMAN AIZENSTAT: Or is that just
 24 automatic, when it goes over to the City
 25 Commission?

1 MR. LEEN: Well, there is a condition that
 2 they have to amend that, so it's already in
 3 there if you approve it.
 4 CHAIRMAN AIZENSTAT: Okay.
 5 MR. LEEN: Could you explain to me exactly
 6 what the change would be to the ordinance?
 7 MR. GARCIA-SERRA: The ordinance, pretty
 8 much, when it comes down to the legal
 9 description of the area that's where the
 10 easement is going to go over is going to change
 11 slightly but not dramatically, and then the
 12 height that's required by that ordinance was a
 13 19-foot clear height, and we're going to ask
 14 for an 18-foot, so a one-foot reduction.
 15 MR. LEEN: I would think that that's not a
 16 material change to the ordinance, or to the
 17 restrictive covenant. The condition, though,
 18 would require it to be amended. So, you know,
 19 instead of the -- There have been times with
 20 easements where they've been brought for an
 21 administrative approval, if I find it's not
 22 material or it's within the purpose of the
 23 ordinance --
 24 MS. ALBERRO MENENDEZ: But it's an
 25 ordinance.

1 MR. LEEN: Well, the City Code gives me the
 2 authority, though, to interpret those, and I
 3 can look at whether it's material, and I'm
 4 required to approve a restrictive covenant, so
 5 I would generally look at the restrictive
 6 covenant to see if it should be amended, and
 7 there have been times with utilities where, if
 8 we're getting the same -- basically an
 9 equivalent easement, we will grant that.
 10 Now, we've never had one come to me where
 11 it was this situation. I would generally say
 12 that it would go to the Commission, but my
 13 recommendation to them would be, if it's not a
 14 material change, I don't see why that would
 15 prevent them from changing it, and in fact, if
 16 they were going to approve this, I would almost
 17 think that it's ministerial. It's very close.
 18 CHAIRMAN AIZENSTAT: Okay.
 19 MR. LEEN: Because that really would not be
 20 what's driving the decision, what's driving the
 21 decision, if they're going to approve this,
 22 unless there was some reason why the 18 or 19
 23 feet was a material -- I don't know enough
 24 about the ordinance, but at least from what
 25 I've heard at this point, I think that what you

1 have in the conditions is sufficient.
 2 CHAIRMAN AIZENSTAT: Okay.
 3 MR. LEEN: And we would just bring that up
 4 with the Commission when this came before it,
 5 and I would assume -- and I don't want to speak
 6 for the -- ultimately, it's the Commission's
 7 decision and anything you present them, they
 8 could deny -- but that if they made this
 9 decision, approving this project, as part of
 10 that, they would approve the ordinance change.
 11 MS. ALBERRO MENENDEZ: Okay. All right.
 12 CHAIRMAN AIZENSTAT: Okay, thanks.
 13 Sorry, Maria.
 14 MR. LEEN: So it's appropriate to put the
 15 condition. I don't think you're conditioning
 16 it on something that's --
 17 MS. ALBERRO MENENDEZ: It's already in
 18 there. I mean, they already mentioned it in
 19 the conditions, but procedure-wise, I didn't
 20 know whether, you know, some action had to be
 21 taken by this Board before, like do we get
 22 involved in amending that ordinance? I'm not
 23 sure.
 24 MR. LEEN: Well --
 25 MS. ALBERRO MENENDEZ: And if that was the

1 case, then it would have been better to have
 2 seen it all at once, rather than to have you
 3 come back, but if I'm hearing that in reality
 4 it doesn't have to come through this Board,
 5 then --
 6 MR. LEEN: The easement requirement is in
 7 the City Code. There is one -- There's an
 8 equivalent requirement for vacations in the
 9 Zoning Code, but it's generally been driven by
 10 the City Code, and my experience has been that
 11 goes to the Commission, and there's certain
 12 reviews that occur, but I don't recollect, and
 13 I would ask Jane, if you know of any. Do you?
 14 Have we sent those to the Planning and Zoning
 15 Board?
 16 MS. TOMPKINS: I don't recall any.
 17 MS. ALBERRO MENENDEZ: There's a
 18 separate --
 19 MR. LEEN: I think it's only if it's part
 20 of a site plan.
 21 MS. ALBERRO MENENDEZ: Yeah, there's a
 22 separate section. I think now you're going to
 23 put it under the DRC, or it's part of the DRC
 24 or part of the City Code, street and alley
 25 vacations.

1 MR. LEEN: Yes.
 2 MS. ALBERRO MENENDEZ: And so that's why I
 3 thought maybe it came back to here, because it
 4 does require a public hearing.
 5 MR. LEEN: Yes, it does require -- If it's
 6 a material change, we've always required a
 7 public hearing. You know, what is immaterial?
 8 It usually has been left to the City Attorney
 9 and Staff to determine, although the Commission
 10 can disagree and always direct us to bring it.
 11 I think here, though, we're making it clear,
 12 you're making it clear, that you're
 13 recommending a condition that they change the
 14 ordinance, and that's going to go to the
 15 Commission, and I think Staff is proposing --
 16 MS. ALBERRO MENENDEZ: It's in the Staff
 17 conditions.
 18 MR. LEEN: Staff is proposing that, in
 19 addition, so Staff has made their view. I have
 20 no issue with that, and it's fine with me for
 21 it to go to the Commission.
 22 MS. ALBERRO MENENDEZ: Okay.
 23 CHAIRMAN AIZENSTAT: Out of curiosity,
 24 what's the reason for doing it at 19 feet, to
 25 being specific at a height?

1 MS. ALBERRO MENENDEZ: I think back then,
 2 the South Florida Building Code required it at
 3 19 feet, and it's changed since then. Now it's
 4 at 15. Am I correct?
 5 CHAIRMAN AIZENSTAT: Was it because of fire
 6 trucks or access?
 7 MS. ALBERRO MENENDEZ: Yes, primarily
 8 because of the height of the vehicles.
 9 MR. BEHAR: The 19 feet, I don't know where
 10 it came from, besides -- you know, and Julio
 11 and Marshall can attest to this -- that's
 12 always been at 15 feet, because if you look at
 13 any underpass on the highway, you only get
 14 13-6, 14 feet. So 19 feet came in, I'm sure --
 15 It wasn't ever a requirement from the Building
 16 Code --
 17 MS. ALBERRO MENENDEZ: Right.
 18 MR. BEHAR: -- Miami-Dade County or Coral
 19 Gables, to have that height.
 20 MS. ALBERRO MENENDEZ: But I can share with
 21 you that back then, we had a lot of
 22 encroachments from a lot of the developments
 23 around here which had balconies, which had
 24 marquises over the right-of-way, and at that
 25 time, I remember that there was some

1 regulation; I think it was the South Florida
 2 Building Code required 19 feet then. But now
 3 it's changed. Now it's at 15.
 4 MR. BEHAR: Yeah, and in the brief analysis
 5 I did, the retail in Columbus Center is pretty
 6 high. Maybe they were trying to match that
 7 retail component. You know, this is not an
 8 office building, so you're not going to have
 9 the same type of retail component. So, you
 10 know, when I went and looked at the plan for
 11 Columbus Center, it was pretty high, not 19, it
 12 was actually less, but maybe that was the
 13 reason they established 19 as a base, to match
 14 that. So what we're doing is just lowering
 15 that by a foot.
 16 MS. ALBERRO MENENDEZ: Okay.
 17 MR. FLANAGAN: If I can basically follow
 18 up --
 19 MS. ALBERRO MENENDEZ: Sure.
 20 MR. FLANAGAN: I'm sorry, one quick
 21 follow-up. Mario, how is the easement
 22 changing? You say the legal is changing. Is
 23 the quantum of land staying the same?
 24 MR. GARCIA-SERRA: Quantum, you know, we
 25 haven't done that analysis, but if there's a

1 difference, it's very minor. You know, right
 2 now --
 3 MS. ALBERRO MENENDEZ: The configuration is
 4 changed.
 5 MR. FLANAGAN: But I'm just curious if
 6 it's --
 7 MR. BEHAR: Just to describe one area, that
 8 before it was coming down, you've got this
 9 little bump and this sticks out. FP & L
 10 requires that the vault is minimum size, so in
 11 order to accommodate the FP & L vault and put
 12 the vault on the back side, not on the street,
 13 put it in the alley, it requires a little
 14 longer. So that is a minor alignment to get
 15 the compliance with FP & L.
 16 MR. FLANAGAN: So, right now, it's
 17 basically straight?
 18 MR. BEHAR: It's pretty much straight,
 19 right.
 20 MR. FLANAGAN: This aligns it a little bit
 21 to the west.
 22 MR. BEHAR: That's it. That's what it
 23 does. Actually, what it does --
 24 MR. FLANAGAN: So it probably -- If I read
 25 the site plan right, that may even help with --

1 MR. BEHAR: With the maneuver of the
 2 trucks.
 3 MR. FLANAGAN: -- the flow, maneuvering.
 4 MR. BEHAR: It really does, because, you
 5 know, the turning radius becomes better.
 6 MR. FLANAGAN: Okay.
 7 MS. ALBERRO MENENDEZ: Then my last
 8 questions are in the area of the traffic study,
 9 and my question to the City, who reviewed the
 10 traffic study on behalf of the City? Did we
 11 have a consultant review it?
 12 MR. WU: No, it was reviewed in-house.
 13 MS. ALBERRO MENENDEZ: Who, in-house?
 14 MS. SENESPLEDA: That was Atkins.
 15 MS. ALBERRO MENENDEZ: I'm sorry?
 16 MS. SENESPLEDA: Atkins.
 17 MS. ALBERRO MENENDEZ: A consultant?
 18 CHAIRMAN AIZENSTAT: So it's a consultant?
 19 MS. SENESPLEDA: Yes.
 20 MS. ALBERRO MENENDEZ: Okay. Did we have
 21 something in writing from them or --
 22 MS. SENESPLEDA: Yes, we did.
 23 MS. ALBERRO MENENDEZ: Okay, because it's
 24 not part of the package.
 25 CHAIRMAN AIZENSTAT: Were you going to come

1 up and --
 2 MS. ALBERRO MENENDEZ: Do you have the --
 3 Do you have what Atkins gave you in writing, by
 4 any chance?
 5 MS. SENESPLEDA: Yes, we do.
 6 MS. ALBERRO MENENDEZ: But you don't have
 7 it with you?
 8 MS. SENESPLEDA: But not here, but --
 9 CHAIRMAN AIZENSTAT: Could I ask you to
 10 state your name and just your position?
 11 MS. SENESPLEDA: Yamilet Senespleda. I'm
 12 the City Engineer.
 13 CHAIRMAN AIZENSTAT: Thank you.
 14 MS. ALBERRO MENENDEZ: Do you all have a
 15 copy of what Atkins gave us?
 16 MR. WU: We have what Yamilet sent to us,
 17 which -- What happens is, the consultant sends
 18 the response to the Public Works Department,
 19 then they forward them, having in their review
 20 consolidated comments.
 21 MS. SENESPLEDA: Yes, and then they did the
 22 review of the study and we have also the second
 23 traffic study, the revised one.
 24 MS. ALBERRO MENENDEZ: Did they make any
 25 recommendations related to -- From what I read

1 from the study, and the traffic engineers can
 2 come and clarify it, perhaps, but it's that
 3 some of these streets are going to be operating
 4 in a level F. The level of service is an F, at
 5 Alhambra and Douglas, and D on minor streets.
 6 So my question is, was there any
 7 recommendations -- I didn't see any in the
 8 traffic study that the consultant for the
 9 developer submitted. So my question is, did
 10 our consultant or did Staff think of anything
 11 that could be done to lessen the impact of
 12 these levels?
 13 MS. SENESPLEDA: The problem is that is a
 14 pre-existing condition. Right now, without the
 15 development, the level of service at that
 16 intersection is F. So after the development,
 17 the situation is going to be like --
 18 MS. ALBERRO MENENDEZ: Continue to be F.
 19 MS. SENESPLEDA: Yeah. There is nothing
 20 that -- you know, that is -- You cannot
 21 consider the negative impact, because it's a
 22 pre-existing condition.
 23 MS. ALBERRO MENENDEZ: So my question,
 24 then, if I can talk to the consultants that did
 25 this study -- Thank you for coming up. Thank

1 you.

2 MS. SENESPLEDA: You're welcome.

3 MS. ALBERRO MENENDEZ: Hi.

4 MR. McWILLIAMS: John McWilliams, with

5 Kimley-Horn & Associates, at 1221 Brickell

6 Avenue.

7 MS. ALBERRO MENENDEZ: Hi. I'm reading

8 your conclusion sheet. It says it's expected

9 to operate at adopted levels of service D or

10 better during a.m. and p.m. peak hours. I

11 guess my question is, is this development going

12 to make these levels of service worse, or is it

13 what she just said --

14 MR. McWILLIAMS: Well, I mean, to be honest

15 with you, there's really two -- there's two --

16 there's two tests you do. The first test is

17 whether you are going to be a significant

18 impact, which is how much traffic you really

19 place on a particular movement or intersection,

20 and then the question, if you are significant,

21 then whether you adversely impact it.

22 So a project like this, it's a relatively

23 small project in density, although we studied

24 those intersections, we don't really consider

25 it a significant impact, although they have a

1 pre-existing deficiency.

2 MS. ALBERRO MENENDEZ: Okay.

3 MR. McWILLIAMS: And what happens a lot,

4 too, you'll see in a lot of traffic studies,

5 LOSF. That's at a stop controlled side street

6 of a major road like Douglas, and you know as

7 well as I do, when you travel during the peak

8 hours, if you go out to a major road during

9 rush hour and there's not a traffic signal

10 there and you try to make a left, it's

11 difficult. So a lot of times, what we see is,

12 people know that and they redirect their route

13 and they'll go to a signalized location, where

14 they can make a left. Unfortunately, the

15 models -- We can't exactly model human

16 behavior, so we don't make that assumption

17 automatically. If we feel like they would use

18 that under normal circumstances, we still

19 assign them to that movement. So it's not much

20 we can do. An intersection may have a failing

21 movement on the side street, but it doesn't

22 have enough traffic volume to warrant

23 installing a traffic signal.

24 MS. ALBERRO MENENDEZ: Okay.

25 MR. McWILLIAMS: And there's very strict

1 rules about when you install them. So, you

2 know, she's right. It's a difficult situation

3 with stop sign control.

4 MS. ALBERRO MENENDEZ: How about when you

5 look at these intersections, the timing of

6 them? Sometimes that helps.

7 MR. McWILLIAMS: Well, the timing, any time

8 you look at a traffic signal, you could adjust

9 the timing, and what we found --

10 MS. ALBERRO MENENDEZ: Did you look at it

11 when you -- kind of like an --

12 MR. McWILLIAMS: Yeah, we look at if

13 there's a need to optimize them. If we place

14 our traffic on a signalized intersection and we

15 analyze it and it meets the level of service

16 standard, we don't optimize it just for the

17 sake of optimizing it, because we're trying to

18 pass the City's Code test of whether or not we

19 meet the level of service. If there's a

20 situation where there is a problem, we will

21 look at optimizing it, and then the County

22 would then consider that as the project gets

23 built, as to whether they want to modify the

24 signal timings.

25 MS. ALBERRO MENENDEZ: Okay.

1 MR. McWILLIAMS: Okay?

2 MS. ALBERRO MENENDEZ: Thank you.

3 MR. McWILLIAMS: Uh-huh.

4 MS. ALBERRO MENENDEZ: That's it,

5 Mr. Chairman.

6 CHAIRMAN AIZENSTAT: Thank you.

7 MR. BELLIN: Eibi, I'd like to ask Robert a

8 question, a couple questions.

9 I seem to remember on our building, we had

10 a problem with going underneath the building,

11 the alley, we went over the alley, and I think

12 it was greater than 18 feet. I don't really

13 remember the particulars, so -- but I'd just

14 suggest you check that one.

15 MR. BEHAR: Will do. I mean, I already met

16 with Fire --

17 MR. BELLIN: Okay.

18 MR. BEHAR: -- and Fire asked me for 14,

19 actually. Fifteen is more than plenty, and the

20 Code is -- the City's Code is 19, and it's

21 going to be even amended or text amended to 14

22 feet, so, you know, 18 exceeds any requirement

23 that I'm aware of, anywhere in Miami-Dade

24 County.

25 MR. BELLIN: Okay. The other question I

1 have is, do you have to go for a variance for
 2 the encroachment of the --
 3 MR. BEHAR: No, because this is a PAD.
 4 MR. BELLIN: So it's in a development
 5 order?
 6 MR. BEHAR: Right, planned development, so
 7 you don't --
 8 MR. WU: It's viewed as one project, all
 9 together, not two separate projects.
 10 MR. BELLIN: Okay.
 11 CHAIRMAN AIZENSTAT: Julio?
 12 MR. GRABIEL: Robert, I notice that the
 13 area of the existing plaza is where the Art in
 14 Public Places is going to be applied.
 15 MR. BEHAR: Correct.
 16 MR. GRABIEL: But you're limiting it to the
 17 south side of the alley. It doesn't go to the
 18 building itself. Is that -- Is there any
 19 reason why you're limiting it to just the
 20 plaza?
 21 MR. BEHAR: Julio, right now, what we're
 22 doing is, as you can see, that's the plaza that
 23 will be part of the Art in Public Places.
 24 We're keeping the building here, because this
 25 will be under -- We cannot, as you know, as the

1 architect -- we cannot do the Art in Public
 2 Places. We have to go and hire a consultant,
 3 an artist, and do all the work. So that
 4 portion, and I know that's been conversation
 5 with the City, will be under a separate permit,
 6 per se, okay? But it will be part of the Art
 7 in Public Places, and already there's a lot of
 8 conversation with artists, creating
 9 beautiful -- As a matter of fact, we showed it
 10 to the neighbors in that meeting that we had a
 11 couple weeks ago, creating some sculptures,
 12 trees, bougainvilleas, something really, really
 13 pretty, to dress up that whole plaza.
 14 MR. GRABIEL: The reason I'm asking is that
 15 I think it was right of you to put a face of
 16 the building on the plaza, which is that
 17 entry --
 18 MR. BEHAR: Right.
 19 MR. GRABIEL: -- from the alley, but since
 20 you're limiting the artwork to the south side
 21 of the alley, I'm concerned that if there's an
 22 opportunity to actually apply the art to the
 23 face of that building, that the way you're
 24 showing it is limiting it.
 25 MR. BEHAR: Well, what we've done is, if

1 you look at it, the idea is to extend a
 2 pleasing pattern all the way through the
 3 building, okay? So you feel like, when you
 4 come out the -- you know, which will be the
 5 back, but we consider it the second front
 6 door -- you are really stepping onto the plaza.
 7 So you're not going to treat it -- We're trying
 8 to keep -- and I have a rendering here.
 9 If you look at this rendering, what we
 10 tried to do is the building to be a backdrop to
 11 the plaza. We don't want to take away from the
 12 plaza. The building becomes a canvas, a
 13 backdrop to the plaza, and if we start -- and
 14 we have some articulated towers element to
 15 emphasize the paseos, but we tried to keep it
 16 somewhat simple, not to take away from the
 17 plaza.
 18 MR. GRABIEL: Okay.
 19 MR. BEHAR: You don't agree with me on that
 20 one.
 21 CHAIRMAN AIZENSTAT: Okay. Jeff?
 22 MR. FLANAGAN: No.
 23 CHAIRMAN AIZENSTAT: You're satisfied?
 24 MR. FLANAGAN: (Nods head).
 25 MR. BELLIN: I'd like to make a motion to

1 approve with conditions.
 2 CHAIRMAN AIZENSTAT: With conditions,
 3 meaning conditions --
 4 MR. BELLIN: The conditions --
 5 CHAIRMAN AIZENSTAT: That are on here?
 6 MR. BELLIN: -- in the report.
 7 CHAIRMAN AIZENSTAT: We have a motion. Is
 8 there a second?
 9 MS. ALBERRO MENENDEZ: I'll second it.
 10 CHAIRMAN AIZENSTAT: We have a second. Any
 11 discussion?
 12 MR. LEEN: Before you -- I just wanted to
 13 clarify one thing for the record. I did do a
 14 little research into the vacation and easement
 15 ordinance, and it is in the City Code. It does
 16 say, as part of the procedure, that it comes
 17 before the Planning & Zoning Board, but it says
 18 that it does it as part of the site plan
 19 review, and then it would go to the Commission,
 20 and it really is focused more on a vacation, as
 21 opposed to a modification, but I think, in my
 22 opinion, what we've done here is satisfactory.
 23 MS. ALBERRO MENENDEZ: Okay.
 24 MR. LEEN: And you had a chance to look at
 25 it. It would go to the Commission, and the

1 Commission would make the final decision.
 2 MR. FLANAGAN: Can I add to that?
 3 CHAIRMAN AIZENSTAT: Yes.
 4 MR. FLANAGAN: Where was I? One of Staff's
 5 conditions did say that the location of -- that
 6 they can go to amend the ordinance to -- I
 7 think revise it, but that the location of the
 8 easement will not change. Here, Number 5, you
 9 can reconfigure the substitute alleyway, but
 10 the location of the easement shall remain the
 11 same.
 12 MR. BEHAR: And we're keeping it the same.
 13 The location is the same. We just
 14 reconfigure -- We're not relocating to the
 15 other side of the property. I mean, it's
 16 within the same area where it currently exists.
 17 MR. FLANAGAN: Okay.
 18 CHAIRMAN AIZENSTAT: Staff is okay with
 19 that?
 20 MR. WU: Yes, we're okay with that. And
 21 the record can clarify, the motion is for which
 22 application? We have two applications before
 23 us.
 24 CHAIRMAN AIZENSTAT: This is for the
 25 first --

1 MR. WU: The ordinance.
 2 CHAIRMAN AIZENSTAT: Correct.
 3 MR. WU: Thank you.
 4 MR. LEEN: We're going to do separate votes
 5 on them?
 6 CHAIRMAN AIZENSTAT: How would you like to
 7 have it handled?
 8 MR. LEEN: I'd prefer separate votes.
 9 CHAIRMAN AIZENSTAT: Okay. We have a
 10 motion. Any other discussion? No?
 11 Call the roll, please.
 12 MS. MENENDEZ: Jeff Flanagan?
 13 MR. FLANAGAN: Yes.
 14 MS. MENENDEZ: Julio Grabiell?
 15 MR. GRABIEL: Yes.
 16 MS. MENENDEZ: Maria Menendez?
 17 MS. ALBERRO MENENDEZ: Yes.
 18 MS. MENENDEZ: Marshall Bellin?
 19 MR. BELLIN: Yes.
 20 MS. MENENDEZ: Anthony Bello?
 21 MR. BELLO: Yes.
 22 MS. MENENDEZ: Eibi Aizenstat?
 23 CHAIRMAN AIZENSTAT: Yes.
 24 Now for the second item. Is there a
 25 motion?

1 MR. BELLIN: I'll make a motion for
 2 approval with conditions.
 3 CHAIRMAN AIZENSTAT: With conditions.
 4 MR. LEEN: The same conditions as the --
 5 That's fine.
 6 MR. BELLIN: The same conditions.
 7 MS. ALBERRO MENENDEZ: I'll second it.
 8 CHAIRMAN AIZENSTAT: We have a second by
 9 Maria. Any discussion?
 10 Having none, call the roll, please.
 11 MS. MENENDEZ: Julio Grabiell?
 12 MR. GRABIEL: Yes.
 13 MS. MENENDEZ: Marshall Bellin?
 14 MR. BELLIN: Yes.
 15 MS. MENENDEZ: Anthony Bello?
 16 MR. BELLO: Yes.
 17 MS. MENENDEZ: Jeff Flanagan?
 18 MR. FLANAGAN: Yes.
 19 MS. MENENDEZ: Maria Menendez?
 20 MR. ALBERRO MENENDEZ: Yes.
 21 MS. MENENDEZ: Eibi Aizenstat?
 22 CHAIRMAN AIZENSTAT: Yes. Thank you.
 23 MR. BEHAR: Thank you very much. Thank
 24 you.
 25 CHAIRMAN AIZENSTAT: Thank you.

1 Let's just take about three minutes or
 2 four, so they'll clear out, and then we'll
 3 continue.
 4 (Thereupon, a brief recess was taken.)
 5 CHAIRMAN AIZENSTAT: Okay, let's go ahead
 6 continue, please.
 7 The next item is an Ordinance of the City
 8 Commission of Coral Gables, Florida, providing
 9 for text amendments to the City of Coral Gables
 10 Official Zoning Code, Article 3, "Development
 11 Review," Division 10, Transfer of Development
 12 Rights, known as TDRs, by expanding the area
 13 for qualifying TDR sending sites to include
 14 historically designated properties within a
 15 Multi-Family 2, known as MF2 District, located
 16 in the area north of the Central Business
 17 District, known as CBD, bounded by Southwest
 18 8th Street to the north, Navarre Avenue to the
 19 south, Douglas Road to the east, and LeJeune to
 20 the west; providing for severability, repealer,
 21 codification and an effective date.
 22 MS. SPAIN: Good evening.
 23 CHAIRMAN AIZENSTAT: Welcome.
 24 MS. SPAIN: Is this on? For the record,
 25 Dona Spain, Historic Preservation Officer.

1 So this is before you today as a
 2 recommendation from the Historic Preservation
 3 Board, and it began in 2013, when the Historic
 4 Preservation Board was considering the local
 5 designation of 234 Majorca, without the owners'
 6 consent, and Mario Garcia-Serra, who I think is
 7 going to come back in here, represented the
 8 property owner at the time, and asked that the
 9 Board consider expanding the sending sites for
 10 the transfer of transfer development rights to
 11 include those properties -- and actually, it
 12 was in a much broader area; he wanted us to
 13 look at commercial properties and also the
 14 North Ponce area.

15 The Historic Preservation Board asked the
 16 Historic Staff to separate out the designation
 17 process with his request, and so they
 18 designated the building -- after a lot of
 19 deferrals, they designated the building as a
 20 local historic landmark. I believe -- He's not
 21 here, but I believe they filed an appeal, and
 22 that's on hold now, pending the outcome of this
 23 ordinance.

24 The -- you know, the TDR ordinance has been
 25 in place for quite some time. It now allows

1 MR. GRABIEL: This one?
 2 MS. ALBERRO MENENDEZ: This works, Dona.
 3 CHAIRMAN AIZENSTAT: Dona, go ahead and
 4 take Julio's.

5 MS. SPAIN: All right. I'm sorry. I'm
 6 old. I've got to go to the eye doctor.

7 Okay, so the parameters for expansion of
 8 the sending sites is located within the North
 9 Ponce area, and we've already discussed that
 10 area north of Navarre, which is the northern
 11 boundary of the Central Business District, east
 12 of LeJeune Road and south of Southwest 8th
 13 Street, zoned Multi-Family 2, MF2, and has one
 14 of the following MF2 permitted land uses, which
 15 is a duplex dwelling, a multi-family dwelling,
 16 or a bed and breakfast.

17 This is the boundaries of the North Ponce
 18 area. And we already have seven properties
 19 that are designated as historic landmarks
 20 within this area, and these list those
 21 properties. If this goes through, they would
 22 be eligible to transfer development rights, and
 23 I'm just going to go through the images of the
 24 properties that we believe would qualify to be
 25 on the local registry. And it's important to

1 for the property owners of the historically
 2 designated properties within the Central
 3 Business District to transfer the development
 4 rights to developments within the Central
 5 Business District, but everything is within the
 6 Central Business District.

7 What this would do is to not change the
 8 amount of square footage that's allowed on the
 9 developments, but open up the sending sites to
 10 other properties. So it would be the MF2
 11 properties in the North Ponce area, and I'll go
 12 through the proposal. You have the Staff
 13 Report that we did?

14 MR. WU: Hold on. Here we go.

15 MS. SPAIN: Okay, thank you. I'm going to
 16 have to get closer because my eyes are really
 17 bad, and I apologize.

18 MS. ALBERRO MENENDEZ: Do you need this?

19 MS. SPAIN: I could, but looking here, I
 20 can see the thing. So --

21 Is this working?

22 THE COURT REPORTER: No.

23 MS. ALBERRO MENENDEZ: This one might be
 24 working.

25 MS. SPAIN: That's all right.

1 note that these may not be the only properties,
 2 but we're fairly certain that these would
 3 qualify. I don't believe there's very many
 4 properties up there, other than these, that
 5 would qualify, but quite possibly, but no one
 6 wanted to come forward to us. We did not go
 7 into the ownership history of these -- These,
 8 we did, but of the other properties that were
 9 built at later times. We did go through,
 10 looking at those properties that were built in
 11 the 1920s and 1930s, and looked at the
 12 architects, but those built in the '50s and
 13 '60s, we did not look at the architects. So
 14 there may be some building out there that we
 15 just missed, but I don't believe there's very
 16 many. I think this is a good representative of
 17 the buildings that would qualify. It's really
 18 very nice buildings up there.

19 And as you know, approximately 11 years
 20 ago, the City passed an ordinance that requires
 21 a preservation officer's signature on any
 22 demolition. So these buildings that we've
 23 identified as being historically significant
 24 cannot be demolished. So it puts the owners in
 25 a situation where they can't demolish the

1 building and they may not have the resources to
2 actually maintain them. So I've been with the
3 City for 18 years. We've talked about trying
4 to help the property owners in the North Ponce
5 area, even before that ordinance was put in
6 place, and I really think that this would help
7 the people out.

8 That shows the location. It's difficult to
9 see.

10 So I think this is interesting. The
11 potential future TDRs from the resources that
12 we've identified in the North Ponce area, the
13 previously designated local historic landmarks,
14 that those properties that are already
15 designated are basically 60,000 square feet of
16 available FAR. The approximate future
17 availability, if we would designate each of
18 those that we've shown you, is 107,000,
19 108,000. So the total is 167,098.5 square
20 feet.

21 So the existing TDRs that are available
22 from sending sites within the CBD, the total
23 previously transferred was 156,000. So,
24 really, what we're asking is to replenish the
25 FAR that's already been transferred within the

1 CBD, and so the total available is 226,412
2 square feet, and that includes 109,000 square
3 feet from privately-owned properties, but the
4 City owns 116,485 square feet of potential
5 development rights, and that is the Coral
6 Gables Museum and the Miracle Theatre.

7 So hopefully I explained that. I'm happy
8 to answer any questions.

9 CHAIRMAN AIZENSTAT: Dona, if I can just
10 ask you a question.

11 MS. SPAIN: Sure.

12 CHAIRMAN AIZENSTAT: The process is,
13 somebody can go ahead and sell their TDR rights
14 to a property in the CBD?

15 MS. SPAIN: Yes.

16 CHAIRMAN AIZENSTAT: Once they do that,
17 what's in place to ensure that the funds are
18 used -- or what's in place to make sure that
19 the property that's designated historic is
20 maintained?

21 MS. SPAIN: Right. Part of the process is
22 a maintenance plan that goes to the Historic
23 Preservation Board. That's done by an engineer
24 or an architect, and they identify things that
25 need to be done to maintain it. For instance,

1 if they need --

2 CHAIRMAN AIZENSTAT: On that specific
3 property --

4 MS. SPAIN: On that specific property.

5 CHAIRMAN AIZENSTAT: -- that's going to be
6 sold, the TDRs are going to be sold?

7 MS. SPAIN: That's right, from the historic
8 property. They go out, they identify any
9 issues. They identify future maintenance, you
10 know, when will they need a new roof, when will
11 the air conditioning have to be -- and that's
12 put into a maintenance plan that is approved by
13 the Historic Preservation Board, and they file
14 a restrictive covenant on that.

15 Now, the City doesn't get involved on where
16 the money goes, but they're required to comply
17 with that maintenance plan, and it would be
18 Code Enforcement, now, with that.

19 CHAIRMAN AIZENSTAT: If they don't maintain
20 them.

21 MS. SPAIN: If they don't maintain them.

22 CHAIRMAN AIZENSTAT: There's certain cities
23 that have TDR transferable rights, not
24 specifically from historic --

25 MS. SPAIN: Right.

1 CHAIRMAN AIZENSTAT: -- but a lot of these
2 sites -- a lot of these cities, for example,
3 require that a property not have any Code
4 violations and so forth. Do we do anything
5 like that?

6 MS. SPAIN: No. No. No, not as part of
7 this process, we don't. But we certainly
8 identify -- My department contacts Code
9 Enforcement to see if there's any violations,
10 and if there is, that's part of the maintenance
11 plan, that they would have to clear up. So
12 it's done that way, because obviously, if
13 there's a Code Enforcement issue with
14 maintenance, we would want it to be cleared up,
15 but it's not specifically in the Code.

16 CHAIRMAN AIZENSTAT: Are you happy with the
17 process?

18 MS. SPAIN: I am. I think it works. I
19 think it works well.

20 CHAIRMAN AIZENSTAT: And through your
21 tenure of being in the Historic Preservation
22 Board, you've seen people actually improve
23 their properties?

24 MS. SPAIN: Absolutely.

25 CHAIRMAN AIZENSTAT: Okay.

1 Maria?
 2 MS. ALBERRO MENENDEZ: I was going to ask a
 3 similar question. As part of the TDR process,
 4 don't they have to do like a report that then
 5 gets submitted to your department?
 6 MS. SPAIN: Yes. Yes.
 7 MS. ALBERRO MENENDEZ: Are they keeping up
 8 with that?
 9 MS. SPAIN: Yes.
 10 MS. ALBERRO MENENDEZ: Okay, great. And
 11 that's how you know that it's working?
 12 MS. SPAIN: We do, and if there's any
 13 issues, we contact Code Enforcement.
 14 MS. ALBERRO MENENDEZ: Okay.
 15 MR. BELLIN: Dona, I have a question. I
 16 buy a TDR -- excuse me, I buy a TDR, and what
 17 do I get with respect to that TDR? I get extra
 18 FAR?
 19 MS. SPAIN: Yes.
 20 MR. BELLIN: Do I get extra density?
 21 MS. SPAIN: Density?
 22 MR. BELLIN: Yeah. Can I --
 23 MS. SPAIN: Like number of units?
 24 MR. BELLIN: Number of units.
 25 MS. SPAIN: No, just FAR.

1 MR. BELLIN: FAR --
 2 MS. SPAIN: You don't get any more height.
 3 You just fill out the volume. You get square
 4 footage, is what you get.
 5 MR. BELLIN: Okay, so basically it's just
 6 floor area ratio?
 7 MS. SPAIN: Yes.
 8 MR. BELLIN: That's what we get.
 9 MS. SPAIN: Yes.
 10 MR. BELLIN: I have a question, because I
 11 really don't understand the process, but
 12 apparently you can buy TDRs --
 13 MS. SPAIN: Uh-huh.
 14 MR. BELLIN: -- and the boundaries for that
 15 area is the North Ponce, which is --
 16 MS. SPAIN: Are you talking about the
 17 proposal?
 18 MR. BELLIN: Yeah. Yeah.
 19 MS. SPAIN: Right. It's -- Now, the North
 20 Ponce -- I should mention this. Those
 21 properties that are MF2 would be the most
 22 amount of transferable -- If you were to knock
 23 down these buildings, you could only build 1.5
 24 FAR. It's not like the commercial buildings
 25 within the Central Business District, that can

1 build 3.5 FAR. So the maximum development
 2 rights is the maximum allowed on that site,
 3 which includes bonuses. So, you take the
 4 difference between the building volume and
 5 that, and that's what you can sell.
 6 MR. BELLIN: But if I'm allowed a 1.9 with
 7 Med bonus in an MF2, I add --
 8 MS. SPAIN: According to the Planning and
 9 Zoning, it's 1.5. You know, honestly, you know
 10 it better than me.
 11 If I have a zoning question, I call
 12 Marshall. But I believe that it's 1.5. If
 13 it's limited to 45 feet, you have to have over
 14 20,000. I should get somebody from Zoning up
 15 here.
 16 MR. BELLIN: We've been through this, and
 17 it would be my --
 18 MS. SPAIN: Right. So 1.5 is what we're
 19 using for these calculations.
 20 MR. BELLIN: The 20,000 foot requirement,
 21 20,000 square feet, there's an exemption in the
 22 site specifics.
 23 MS. SPAIN: Uh-huh.
 24 MR. BELLIN: And it says that you don't
 25 need 20,000 square feet, and the boundaries are

1 almost the same, but not quite. It goes from
 2 Salzedo to Douglas and from 8th Street, I
 3 think, LNK.
 4 MS. SPAIN: Uh-huh.
 5 MR. BELLIN: So you don't need 20,000.
 6 Therefore -- but on Salzedo, on the west side
 7 of Salzedo, it's not included in that exemption
 8 in the site specifics. So they start at 1 --
 9 MS. SPAIN: I've had this discussion with
 10 Zoning, and I can only tell you that we were
 11 told 1.5 was the maximum for the MF2 that we
 12 were talking about, and that's what we used in
 13 the calculation.
 14 MR. BELLIN: I --
 15 MS. SPAIN: I'm not -- I'm not in Zoning.
 16 We can only go by what they told us.
 17 MR. BELLIN: Okay. All right.
 18 CHAIRMAN AIZENSTAT: Well, Marshall, would
 19 you like to ask Zoning that specific question?
 20 MR. BELLIN: If there's somebody here from
 21 Zoning that can answer it.
 22 CHAIRMAN AIZENSTAT: Ramon is here.
 23 MR. TRIAS: Marshall, is your question --
 24 What is the question, specifically?
 25 MR. BELLIN: For argument's sake, if I want

1 to build a building on the west side of
 2 Salzedo, because I don't have 20,000 square
 3 feet, I can only go to 45 feet in height, and
 4 my FAR starts at 1.
 5 MR. TRIAS: Yes.
 6 MR. BELLIN: If I buy TDRs, then my FAR
 7 goes up, or am I still limited to the 1?
 8 MS. SPAIN: No, I think -- Well --
 9 MR. TRIAS: Go ahead. Yeah, go ahead.
 10 MS. SPAIN: The TDRs is based on the
 11 maximum that person would be able to build if
 12 the building were knocked down. Right?
 13 MR. TRIAS: Yeah, but he's asking as a
 14 receiving site, right? You're asking --
 15 MS. SPAIN: The receiving site is all the
 16 same. It's only in the Central Business
 17 District.
 18 MR. TRIAS: You have to be in the Central
 19 Business District to be able to be a receiving
 20 site.
 21 MS. SPAIN: And they get 4.375 maximum.
 22 MR. TRIAS: Right.
 23 MR. BELLIN: But I thought to be on the
 24 receiving site, you had to --
 25 MR. TRIAS: Yeah, let me -- I think I

1 understand your question. The only thing that
 2 has changed is the sending.
 3 MS. SPAIN: Right.
 4 MR. TRIAS: Okay? The receiving sites
 5 haven't changed. They still have to be within
 6 the Central Business District, and the maximum
 7 FAR is the 4.2 --
 8 MS. SPAIN: 375. 4.375.
 9 MR. TRIAS: Yes.
 10 MR. BELLIN: So, basically, what you're
 11 expanding is the donor sites.
 12 MS. SPAIN: Exactly.
 13 MR. TRIAS: Exactly. That's the only change.
 14 MS. SPAIN: And that's all we're asking for.
 15 MR. TRIAS: That's the only change, is, now
 16 we can send a few more square footage into
 17 exactly the same maximum as we have right now.
 18 MS. SPAIN: Right.
 19 MR. TRIAS: So that the maximum development
 20 does not change.
 21 MS. SPAIN: Right. The potential in the
 22 CBD remains the same.
 23 CHAIRMAN AIZENSTAT: It's just a pool that
 24 you have --
 25 MS. SPAIN: Exactly.

1 MR. TRIAS: Precisely.
 2 MR. BELLIN: Okay.
 3 MS. SPAIN: Exactly, and I apologize,
 4 Marshall. I didn't know what the question was,
 5 obviously.
 6 MR. BELLIN: I didn't know what I was
 7 talking about, either.
 8 MS. SPAIN: That's okay. Well, there you
 9 go.
 10 MR. TRIAS: I'm glad we could help. Thank
 11 you.
 12 MR. GRABIEL: Dona --
 13 MS. SPAIN: Yes.
 14 MR. GRABIEL: A question. Why did you stop
 15 at Southwest 8th Street, you didn't go all the
 16 way to Flagler?
 17 MS. SPAIN: Well, that's interesting,
 18 because we intended to, and there are actually
 19 multi-family historically designated properties
 20 above that area.
 21 MR. GRABIEL: Right.
 22 MS. SPAIN: But they are legally
 23 non-conforming and they're built on
 24 single-family zoned lots.
 25 MR. GRABIEL: Okay.

1 MS. SPAIN: And the zoning doesn't have the
 2 same maximum with the development rights that
 3 the MF2 does.
 4 MR. GRABIEL: Even though it has been built
 5 above the allowable?
 6 MS. SPAIN: Even though it was built as
 7 multiple family, and quite possibly, in the
 8 future, we could figure something out for those
 9 properties.
 10 MR. GRABIEL: It's a Catch-22.
 11 MS. SPAIN: It is. It is. But that's why
 12 we didn't go forward.
 13 MR. GRABIEL: Right, because I know at
 14 least two --
 15 MS. SPAIN: Well, we've designated at least
 16 one.
 17 MR. GRABIEL: Yeah, that could benefit.
 18 MS. SPAIN: Right, right.
 19 MR. LEEN: Can I say something, Mr. Chair?
 20 CHAIRMAN AIZENSTAT: Yes.
 21 MR. LEEN: You know, I really like the
 22 idea, actually -- you know, I'm the Code
 23 Enforcement prosecutor and I like the idea that
 24 they should be in compliance with the Code.
 25 MS. SPAIN: That is nice.

1 MR. LEEN: And I know you said you put it
 2 as part the maintenance plan.
 3 MS. SPAIN: Yes.
 4 MR. LEEN: But it doesn't expressly say
 5 that, although --
 6 MS. SPAIN: It does not.
 7 MR. LEEN: -- you know, it's within your
 8 discretion. But maybe we could add that. It
 9 seems to me that a donor site, if they have a
 10 large lien, they should try to have -- I think
 11 before they can sell something --
 12 MS. SPAIN: Well --
 13 MR. LEEN: -- which is a privilege, that
 14 maybe they should have to resolve the lien.
 15 MS. SPAIN: I have a bit of an issue with
 16 that, because a lot of times, these are
 17 properties -- you know, they're built in the
 18 '20s.
 19 MR. LEEN: I know.
 20 MS. SPAIN: They're in disrepair. They may
 21 have been cited by Code Enforcement because of
 22 some type of maintenance issues, and so the
 23 only way they can actually get help is to sell
 24 off the TDRs.
 25 MR. LEEN: True.

1 MS. SPAIN: So I think by the end of the
 2 process, they should be free of it, but not
 3 asking for it. Do you understand?
 4 MR. LEEN: I understand. I'm just saying
 5 that I may want to -- you know, I thought that
 6 was a good point, and if it's okay, I'd like to
 7 talk to you about something that could be
 8 included, just so that we don't have a
 9 situation where it's -- There's just an
 10 appearance as to why, if there's this huge
 11 lien, they're being able to sell all this and
 12 then keep it.
 13 MS. SPAIN: Well, you're right.
 14 MR. LEEN: For the historic property, when
 15 they have this major problem with the property,
 16 that they're not complying.
 17 MS. SPAIN: At the end of this process,
 18 that should be eliminated. I don't have a
 19 problem with that.
 20 MR. LEEN: There should be some mechanism,
 21 and I think it was a very good point. I don't
 22 think you have to do anything with it; I just
 23 wanted to mention it.
 24 MS. SPAIN: And we haven't come across
 25 that, but if we did, that would be troubling.

1 MR. LEEN: Yeah.
 2 MS. SPAIN: To approve everything and then
 3 have someone not actually eliminate the lien on
 4 the property.
 5 CHAIRMAN AIZENSTAT: Well, in the cities
 6 that I was referring to, they have to be
 7 Code-compliant --
 8 MR. LEEN: Yes.
 9 CHAIRMAN AIZENSTAT: -- prior to being able
 10 to sell. That's one of the conditions, and
 11 that's why I was asking. It was a little
 12 strange to me that the City of Coral Gables
 13 didn't have some kind of a tool or a vehicle in
 14 place, to at least at that point, make sure
 15 that the property is Code-compliant. I'm not
 16 so much saying whatever that maintenance plan
 17 is, proceeding forward, but I do feel that the
 18 property that is donating should be
 19 Code-compliant at the time or have something in
 20 place to bring it up to -- you know, to correct
 21 the problems it has at that point.
 22 MS. SPAIN: Yeah. Many --
 23 CHAIRMAN AIZENSTAT: It just may be hard
 24 with the economics, I don't know, and I don't
 25 know how you go about it.

1 MS. SPAIN: Yeah, and many of these
 2 properties are legally non-conforming, and
 3 so they --
 4 CHAIRMAN AIZENSTAT: No, no, I'm not saying
 5 so much about the issues of legal
 6 non-conforming properties.
 7 MS. SPAIN: We're talking about the
 8 maintenance issues.
 9 CHAIRMAN AIZENSTAT: I'm talking about that
 10 they have some Code violations --
 11 MS. ALBERRO MENENDEZ: Right. Dirty
 12 roofs --
 13 CHAIRMAN AIZENSTAT: -- because they've
 14 got -- Yeah, whatever. It could be that. It
 15 could be problems with their sewer, if they're
 16 on septic as opposed to City. There could be
 17 other issues. I'm not so concerned, like I
 18 said, with legally non-conforming issues. I'm
 19 just -- I would just not like a property to
 20 remain an eyesore when the property is --
 21 MS. SPAIN: Well, I certainly think that we
 22 could put something -- I don't know, Craig, you
 23 need to weigh in on this, but I certainly think
 24 we could put something in that if there are
 25 Code infractions, that --

1 MS. ALBERRO MENENDEZ: Compliance prior to
 2 the sale.
 3 MS. SPAIN: Well, or that they need to come
 4 into compliance as part of the -- within so
 5 much after selling it. I would not want them
 6 to have to be in compliance in advance of
 7 selling them, because I think a lot of times
 8 they will have Code Enforcement issues, and
 9 this is a way to get them out of that
 10 situation.
 11 MR. LEEN: I was just thinking as part of
 12 the -- but you said you do -- the maintenance
 13 preservation plan, you could add a few words
 14 that just says -- because right now, it says,
 15 "which sets forth a maintenance schedule and/or
 16 rehabilitation treatment, if applicable, for
 17 those architectural elements that contribute to
 18 the historic integrity of the property or
 19 restoration of original features," comma, and
 20 we could add something about --
 21 MS. SPAIN: I like that.
 22 MR. LEEN: -- compliance with the Code, as
 23 well, just a few words to give her more
 24 discretion, so if anyone challenges it, we
 25 could say that it's well within your

1 discretion. You still don't have to do it, in
 2 the appropriate case.
 3 MS. SPAIN: I don't have a problem with
 4 them coming into compliance. I do have a
 5 problem with them being in compliance before
 6 they sell it.
 7 MR. LEEN: As part of the maintenance
 8 schedule.
 9 MS. SPAIN: As part of the maintenance
 10 schedule.
 11 MR. LEEN: It could be something we could
 12 set --
 13 MS. SPAIN: Because we check on that.
 14 MR. LEEN: It gives more ability, then, to
 15 get these houses into compliance.
 16 MS. SPAIN: Yes, I like it a lot.
 17 MR. LEEN: So maybe just a few words in
 18 there, if everyone's okay with that.
 19 MS. SPAIN: Yes.
 20 MR. LEEN: That would be a suggestion.
 21 MR. BELLIN: Dona, I have another question.
 22 MS. SPAIN: Yes.
 23 MR. BELLIN: The donor sites can only be in
 24 the MF2 zoning?
 25 MS. SPAIN: And the Central Business

1 District. They already are in the Central
 2 Business District.
 3 MR. BELLIN: No, but I mean -- but what
 4 we're talking about --
 5 MS. SPAIN: The proposal.
 6 MR. BELLIN: -- it's only MF2, not
 7 commercial?
 8 MS. SPAIN: Yes.
 9 MR. WU: Correct.
 10 MS. SPAIN: In the proposal.
 11 MR. BELLIN: Yeah. So my question is, what
 12 if I have an MF2 historic building and I need
 13 to rezone it -- which is the case of the
 14 project that we're working on. What happens to
 15 the development rights? Can I still sell those
 16 development rights for that building, since the
 17 zoning has changed? I don't know.
 18 MR. LEEN: So you rezone the property to a
 19 zoning designation that allows greater --
 20 MS. SPAIN: Are you talking about 42
 21 Navarre?
 22 MR. BELLIN: Yeah. In that case, it's a
 23 little different, because we're using our
 24 rights to build a --
 25 MR. LEEN: Let me ask you something. Why

1 would you -- If it's a historic property and
 2 it's going to remain --
 3 MR. BELLIN: Uh-huh.
 4 MR. LEEN: -- and you're rezoning, it would
 5 still have the same historic property there,
 6 though. Why would you rezone it?
 7 MS. SPAIN: Well, in that case, it's part
 8 of a larger parcel.
 9 MR. LEEN: Because it's part of the larger
 10 parcel?
 11 MR. BELLIN: Yeah, it's a whole block, and
 12 it's --
 13 MR. WU: Well, I would caution you. You're
 14 talking about a future case that's quasi --
 15 MS. SPAIN: I know.
 16 MR. WU: So --
 17 MR. LEEN: Well, it's a hypothetical,
 18 though. I mean, it's something that we have to
 19 consider, because I don't know if that's
 20 your -- I would be curious what Staff's view
 21 is, generally --
 22 MR. WU: Well --
 23 MR. LEEN: -- in this area.
 24 MR. WU: As I'm reading the zoning
 25 ordinance proposed, it's only designated in the

1 MF2 district.
 2 MS. SPAIN: Yes.
 3 MR. WU: Once it's changed, it loses
 4 eligibility.
 5 MS. SPAIN: Yes, that would be the case.
 6 And the property you're speaking of is already
 7 in the Central Business District.
 8 CHAIRMAN AIZENSTAT: What happens if a
 9 property was --
 10 MS. SPAIN: I understand.
 11 CHAIRMAN AIZENSTAT: -- MF2, sold its TDRs,
 12 and then went to rezone? Can it do that?
 13 MR. BELLIN: And that's the case, in other
 14 properties.
 15 MR. WU: That's always possible.
 16 MR. LEEN: So you already sold it?
 17 Well, it would depend on the restrictive
 18 covenant. The restrictive covenant might
 19 prevent you from doing that.
 20 MS. ALBERRO MENENDEZ: That doesn't make
 21 sense. You're selling, to then regain it? I
 22 mean, that doesn't make sense.
 23 MS. SPAIN: The only properties up there
 24 are MF2.
 25 MS. ALBERRO MENENDEZ: Once you sell it,

1 you're stuck with the size of your building, if
 2 you've sold them all. If you've sold
 3 partially, then you can then take up whatever
 4 you haven't sold.
 5 MS. SPAIN: But Marshall is saying if you
 6 keep the size of the building and just want to
 7 rezone it for some reason.
 8 MR. BELLIN: Yeah. Well, if it's part of a
 9 larger site and part of that site is commercial
 10 and part of it is MF2 --
 11 MS. SPAIN: Then you wouldn't need the
 12 transfer of development rights. You have the
 13 FAR for that building, anyway. It would be
 14 part of your development.
 15 MR. BELLIN: Okay.
 16 MR. LEEN: Well --
 17 MS. SPAIN: That's what I'm thinking.
 18 MR. LEEN: I mean, not your -- more
 19 generally, if you rezoned -- Do we have any MF2
 20 that could be in a commercial zone?
 21 MS. SPAIN: I don't believe so. Do we?
 22 No.
 23 MR. LEEN: So, if you rezone -- okay, but
 24 hypothetically, if you were rezoned to
 25 commercial, you'd have a higher potential FAR,

1 and you have a historic property there, I would
 2 be troubled by that, I have to say. I don't --
 3 as the lawyer, as the attorney, I would be --
 4 you know, I'd wonder what the public -- It may
 5 be a public purpose analysis, it may be just,
 6 you know, having a rational basis for that
 7 decision. I would be troubled by it, I'd have
 8 to say.
 9 MS. SPAIN: I would be, also.
 10 MR. WU: It defeats the purpose of the
 11 ordinance.
 12 MS. ALBERRO MENENDEZ: Right.
 13 MR. LEEN: Yeah.
 14 CHAIRMAN AIZENSTAT: Right.
 15 MS. SPAIN: Right.
 16 MR. LEEN: So I can't put my finger on it,
 17 it was something to think about, but it's a
 18 good point you're raising.
 19 MS. SPAIN: The way it stands now, they
 20 would then not be eligible to transfer the
 21 development rights.
 22 (Inaudible discussion)
 23 Yes, that's it.
 24 We're talking about a maintenance plan,
 25 but --

1 MR. TRIAS: The maintenance plan would
 2 allow you not to do exactly what you're
 3 proposing, so I think that there's several ways
 4 to regulate this process, and clearly there's
 5 review and so on, so -- but in this specific
 6 case that applies to your project, you're
 7 already in the Central Business District.
 8 MR. BELLIN: Yeah, but we have other
 9 projects that are not --
 10 MR. TRIAS: Right, but --
 11 MR. BELLIN: -- and have the same issue.
 12 MR. TRIAS: Right.
 13 MR. BELLIN: So I --
 14 CHAIRMAN AIZENSTAT: Let's -- It's better
 15 if we don't get into a very specific case or
 16 issue at this point. I think we're here to
 17 take a look at what's before us.
 18 Is -- Julio, did you have something you
 19 want to --
 20 MR. GRABIEL: Yes. Going back to north of
 21 8th Street, what would the City have to do to
 22 allow for those historic properties to benefit?
 23 MS. SPAIN: Those north of 8th Street?
 24 MR. GRABIEL: Uh-huh.
 25 MS. SPAIN: Well, Craig, do you think that

1 if I were a property owner of a legally
2 non-conforming multi-family home on a single --
3 on a property that's zoned single-family, would
4 I be able to come to the City and request that
5 I be included as a sending site for a transfer
6 of development rights, if I'm not within
7 that --

8 MR. LEEN: But already you have a higher
9 intensity development than what is allowed. I
10 would be concerned with it, because the whole
11 purpose of this is to try to help the MF2
12 properties that could develop more and that
13 can't because they're historic.

14 MS. SPAIN: Right.

15 MR. LEEN: And it doesn't really make sense
16 in those properties.

17 MS. SPAIN: That's what our thought process
18 was, but --

19 MR. LEEN: But it doesn't -- you know, I --
20 but you'd have to come up with a purpose, like
21 why would we do -- what would be the benefit.

22 MR. GRABIEL: I was thinking that some of
23 those structures, if they need repairs, they
24 could sell their development rights, you know.
25 They could then benefit from maintenance --

1 MS. SPAIN: But the point is, they really
2 don't have any.

3 MR. LEEN: You're granting them development
4 rights, too, though.

5 MS. SPAIN: They really don't have
6 development rights.

7 MR. WU: There's no development rights to
8 give if they're oversized in a single-family
9 lot.

10 MS. SPAIN: Right.

11 CHAIRMAN AIZENSTAT: Okay. That answers
12 that question.

13 MS. SPAIN: Right. There really is no
14 development rights for them to give. They're
15 already --

16 MS. ALBERRO MENENDEZ: In the
17 non-conforming, if they have to do repairs up
18 to a certain amount, don't they have to knock
19 it down and be conforming? So, in other words,
20 a non-conforming building, if in fact it gets
21 to a point where it needs to be fixed and it's
22 50 percent -- I don't know what the percentage
23 is --

24 MS. SPAIN: Yes. That's one of those
25 structural concerns.

1 MS. ALBERRO MENENDEZ: Right. Don't you
2 then have to knock it down and have it come
3 into conformance with building --

4 MS. SPAIN: I've actually been to the
5 County with Manny Lopez and asking that since a
6 building was historically designated, that it
7 not be required to be knocked down, and the
8 County agreed to it.

9 MS. ALBERRO MENENDEZ: But I'm talking
10 about --

11 MS. SPAIN: But that's not every individual
12 case.

13 MS. ALBERRO MENENDEZ: No, I'm talking for
14 the cases that are non-conforming, like the one
15 that Julio described, for example, the ones --

16 MS. SPAIN: Oh, I see what you mean.

17 MS. ALBERRO MENENDEZ: What I'm saying
18 is --

19 MS. SPAIN: Well, if they're unsafe
20 structures, then they have to come -- then they
21 would have to come down.

22 MR. LEEN: They would have to.

23 MS. ALBERRO MENENDEZ: But what I'm saying
24 is, the non-conforming properties, don't they
25 at some point when they have to make major

1 repairs -- When does it become -- When do we
2 require them to become conforming?

3 MS. SPAIN: We don't.

4 MR. LEEN: Well, I'll read to you. I have
5 the provision right here.

6 MS. ALBERRO MENENDEZ: Okay, that would be
7 great.

8 MR. LEEN: It's -- You're talking about
9 destruction of nonconforming structures.

10 MS. SPAIN: Right. It's only when they're
11 destroyed.

12 MR. LEEN: What it says is, except as
13 provided in this Code, in Section 3-1112 and in
14 this Section 6-302, "a non-conforming structure
15 or non-conforming portion of a structure that
16 is destroyed to an extent exceeding 50 percent
17 of its replacement cost at the time of its
18 destruction shall not be reconstructed except
19 in conformity with these regulations. All
20 residential structures, including accessory
21 uses and structures, located in a residential
22 district may be reconstructed if destroyed to
23 any extent, provided that such reconstruction
24 does not increase the extent of the
25 non-conformity existing prior to destruction."

1 So, basically, for residential structures,
2 you can rebuild them even if it's more than 50
3 percent.
4 MS. SPAIN: There's also a section in
5 the -- I think it's Article 3, in the
6 Preservation Code, that talks about the
7 destruction of historic properties, which would
8 qualify, and there's a certain
9 percentage that --
10 MR. LEEN: That's what they're citing at
11 3-1112, I believe, is that section.
12 MS. SPAIN: Okay.
13 MR. LEEN: So it is an exception.
14 MS. SPAIN: That's an exception to that,
15 because if they're designated -- I can't
16 remember what it says, but there is a
17 percentage that it says it has to be
18 reconstructed, and then there's another
19 percentage that they have an option.
20 MS. ALBERRO MENENDEZ: But do you
21 historically designate non-conforming
22 buildings?
23 MS. SPAIN: Yes, all the time.
24 MS. ALBERRO MENENDEZ: You do?
25 MS. SPAIN: Absolutely.

1 MS. ALBERRO MENENDEZ: Okay. I didn't know
2 that.
3 MS. SPAIN: Yeah.
4 MS. ALBERRO MENENDEZ: I thought you did
5 not, that's why.
6 MS. SPAIN: Most of them are
7 non-conforming, because they were built in the
8 '20s.
9 MS. ALBERRO MENENDEZ: Okay.
10 CHAIRMAN AIZENSTAT: Now, what's the
11 process, if somebody brings you a historic
12 property that they want to -- not -- I guess,
13 rebuild is the wrong phrase, but they want to
14 restore it?
15 MS. SPAIN: Uh-huh.
16 CHAIRMAN AIZENSTAT: Is there a percentage
17 of the structure that they have to maintain?
18 Do they have to maintain the exterior walls;
19 they can gut the inside? What's the process?
20 How does that work?
21 MS. SPAIN: Well, it's the same with any
22 historic structure. We do not designate the
23 interiors, although the buildings in the North
24 Ponce area, there is a section of the Code that
25 applies to them, because -- that allows them to

1 go out for grants because they're theoretically
2 able to be visited by the public. But
3 typically, in a historic building, the
4 interiors are not designated. It's only the
5 exterior volume that we care about.
6 CHAIRMAN AIZENSTAT: And how would that
7 affect the non-conforming structure, if it
8 wants to do some work?
9 MS. SPAIN: They can be legally
10 non-conforming and --
11 MR. LEEN: They just can't increase the
12 extent of the non-conformity.
13 MS. SPAIN: Exactly. They can't increase
14 it.
15 MR. LEEN: Unless they receive some sort of
16 variance, but even then, that's an interesting
17 question. I haven't seen a non-conforming
18 building receive a -- Have we had that come up?
19 MS. SPAIN: We have.
20 MR. LEEN: Did you have it in Historic?
21 MS. SPAIN: If -- for instance, setbacks.
22 CHAIRMAN AIZENSTAT: Right.
23 MS. SPAIN: A lot of the buildings -- well,
24 some of the buildings even encroach onto the
25 neighboring property. But some of them, if

1 there's a five-foot setback, they were built
2 two feet from the property line. We have had
3 instances where they wanted to add to the
4 building, and they would have to go for a
5 variance or --
6 CHAIRMAN AIZENSTAT: Before the Board of
7 Adjustments?
8 MS. SPAIN: No.
9 MR. WU: No, Historic Preservation.
10 MR. LEEN: No, Historic Preservation.
11 MS. SPAIN: Historic Preservation.
12 CHAIRMAN AIZENSTAT: Oh, Historic
13 Preservation. So they'd never go to the Board
14 of Adjustments, then?
15 MS. SPAIN: They would never go to the
16 Board of Adjustment --
17 MR. WU: Not for historic in nature.
18 MS. SPAIN: Not on historic.
19 CHAIRMAN AIZENSTAT: Okay.
20 MS. SPAIN: Because they take into
21 consideration the historic nature of the
22 property.
23 CHAIRMAN AIZENSTAT: So the Historic
24 Preservation Board does grant a variance?
25 MS. SPAIN: Yes, exactly like the Board of

1 Adjustment, only for historically designated
 2 buildings.
 3 CHAIRMAN AIZENSTAT: That answers my
 4 question.
 5 MS. SPAIN: Because they understand the
 6 issues.
 7 CHAIRMAN AIZENSTAT: Okay.
 8 Any other comments?
 9 MS. SPAIN: Now that we're thoroughly
 10 confused?
 11 CHAIRMAN AIZENSTAT: Would anybody like to
 12 make a motion?
 13 MR. FLANAGAN: I'll move it.
 14 MR. GRABIEL: Second it.
 15 CHAIRMAN AIZENSTAT: As is? Any comments?
 16 MR. FLANAGAN: Do you want your language,
 17 or do you want to deal with that later?
 18 MR. LEEN: Well, maybe you could -- Instead
 19 of putting an amendment, maybe just a
 20 suggestion to the City Attorney and Staff to
 21 look at adding some language regarding the Code
 22 compliance.
 23 MS. ALBERRO MENENDEZ: Okay.
 24 MS. SPAIN: Yeah, I like that.
 25 CHAIRMAN AIZENSTAT: Is that okay with your

1 motion?
 2 MR. FLANAGAN: Yeah, that's fine.
 3 CHAIRMAN AIZENSTAT: Julio, the second?
 4 MR. GRABIEL: Yes.
 5 CHAIRMAN AIZENSTAT: Any other comments?
 6 Having heard none, call the roll, please.
 7 MS. MENENDEZ: Maria Menendez?
 8 MS. ALBERRO MENENDEZ: Yes.
 9 MS. MENENDEZ: Marshall Bellin?
 10 MR. BELLIN: Yes.
 11 MS. MENENDEZ: Anthony Bello?
 12 MR. BELLO: Yes.
 13 MS. MENENDEZ: Jeff Flanagan?
 14 MR. FLANAGAN: Yes.
 15 MS. MENENDEZ: Julio Grabiell?
 16 MR. GRABIEL: Yes.
 17 MS. MENENDEZ: Eibi Aizenstat?
 18 CHAIRMAN AIZENSTAT: Yes.
 19 MS. SPAIN: Thank you very much.
 20 CHAIRMAN AIZENSTAT: Thank you, Dona.
 21 The next item and the final item on our
 22 agenda tonight is an Ordinance of the City
 23 Commission of Coral Gables, Florida, repealing
 24 Sections 101-20, 101-21, 101-22, 101-23,
 25 101-24, 101-25, and 101-26 of Article 2,

1 "Development Review Committee," of Chapter 101,
 2 Administration and Enforcement, of the Coral
 3 Gables Code of Ordinances in its entirety; and
 4 Division 8 of Article 2, Decision Making and
 5 Administrative Bodies, of the Official Zoning
 6 Code of Coral Gables in its entirety; amending
 7 Section 101-19, Development Review Committee,
 8 of Chapter 101, Administration and Enforcement,
 9 of the Coral Gables Code of Ordinances; and
 10 providing for a new Division 8, of Article 2,
 11 Official Zoning Code of Coral Gables, by
 12 updating, revising and codifying Development
 13 Review Committee, known as DRC, procedures and
 14 review requirements as originally established
 15 in Ordinance Number 2003-45; providing for
 16 severability, repealer, codification and an
 17 effective date.
 18 MR. WU: Thank you, Mr. Chair. We believe
 19 this is a housekeeping matter. In 2003, the
 20 City Commission adopted extensive City Code
 21 provisions related to Development Review
 22 Committee, and during the Code rewrite, we also
 23 adopted some provisions, rather minor, in the
 24 Zoning Code.
 25 So we have two provisions in the City Code

1 and the Zoning Code that speak to the DRC, the
 2 Development Review Committee.
 3 At the same time, 10 years later, since
 4 2003, we have since -- We have new practices as
 5 to how we conduct the Development Review
 6 Committee, some things we do, some things we do
 7 not any longer, so we thought it would be more
 8 practical to repeal both sections and readopt
 9 sections in the Zoning Code, and it resides in
 10 the Zoning Code, and update the Development
 11 Review in terms of its makeup, its processes
 12 and its scheduling.
 13 So, to start off with, we copied the
 14 purpose and intent into the Zoning Code
 15 provision. We have clarified what types of
 16 applications go before the DRC, and we also
 17 have a provision for discretionary or the items
 18 that the Staff can determine whether to take
 19 before the DRC. For example, we used to take
 20 all cases when you have a tenant change-out
 21 before the DRC, and we thought they were rather
 22 minor, but the Code does tie our hands to take
 23 it before the DRC, and we'd like to make that
 24 discretionary.
 25 The membership remains the same. The

1 responsibilities generally are the same. The
 2 applications, we have greatly reduced that into
 3 one paragraph, the City Code provisions that
 4 spell out in minute detail what constitutes the
 5 application form, and we do have that in-house
 6 and maintain it in-house by the Planning and
 7 Zoning Division. We do have a requirement of
 8 pre-application meeting. We clarified that DRC
 9 meetings that used to be required twice a month
 10 are now required once a month, and we do have
 11 the discretion to call for special DRC
 12 meetings, if warranted. Pretty much the
 13 scheduling stays the same. We require the same
 14 amount, the 21 days in advance. The posting
 15 requirement for the DRC also stays the same.

16 Essentially, we modified -- we're
 17 modernizing, streamlining the Code,
 18 consolidating both sections, and resolving some
 19 of the conflicts between the two codes.

20 Hopefully, Staff is here to answer any
 21 questions you may have.

22 MS. ALBERRO MENENDEZ: I have a suggestion
 23 or -- In the new ordinance, under Section
 24 2-801, where you put purpose and intent, and I
 25 don't know if this is what you all have

1 reads it is clear that it's not for a public
 2 meeting, but it's a public review. They're
 3 welcome to come and view it and ask questions,
 4 maybe, later, but during the meeting, it's a
 5 public review, would be my suggestion.

6 MR. LEEN: You know, I have a thought on
 7 that, too, because you know, under the Sunshine
 8 Law, my view is that -- and it has been since
 9 I've been here -- is that this is a Staff
 10 committee and it's a non-decision-making
 11 committee, so it's not subject to the Sunshine
 12 Law, which is very important, because otherwise
 13 the Staff could not speak to each other about
 14 the project, which would --

15 CHAIRMAN AIZENSTAT: Defeat the whole
 16 purpose.

17 MR. LEEN: -- defeat the whole purpose of
 18 everything and it would be very difficult to
 19 proceed with any project. So I do think it
 20 would be worthwhile to add, maybe, a sentence
 21 at the end that says that -- or it could be at
 22 the beginning, because right now, it says, "The
 23 Development Review Committee is an
 24 administrative committee." Maybe we could put,
 25 "is an administrative staff committee," and

1 experienced, but I remember that one of the
 2 biggest problems we had with the DRC and the
 3 public is that the public -- because we post
 4 it, which we should, the public thought that
 5 they could come and speak on the project.

6 So what I was going to suggest, because it
 7 is a public review, but it's not a public
 8 hearing, because it's a technical staff, it's
 9 not elected officials or appointed officials,
 10 and I just thought that it was important, since
 11 you're doing this, to perhaps make a statement
 12 in the ordinance as to the purpose of the
 13 meeting, that it is a public review, that no
 14 public input, you know --

15 CHAIRMAN AIZENSTAT: Is allowed.

16 MS. ALBERRO MENENDEZ: -- is allowed. I
 17 mean, whichever way you want to do it so it's
 18 not, you know, that it sounds harsh, but I
 19 think by emphasizing that it's a technical
 20 review by City administrators, City Staff,
 21 because I remember, that used to be an issue
 22 for us, and we used to always have to deal with
 23 people challenging that.

24 So I would suggest you try to make that
 25 clear in the ordinance, so that anyone that

1 maybe at the end, put that, you know, although
 2 this is open to public review, public comment
 3 is not required.

4 I mean, you could prohibit it, but then if
 5 we prohibit it, we cannot allow anyone to
 6 speak --

7 MS. ALBERRO MENENDEZ: I think we did do
 8 that.

9 MR. LEEN: -- and you're talking about
 10 every circumstance now. I don't know, if there
 11 is no discretion, if we ever do allow someone
 12 to speak, then it could cause a problem.

13 CHAIRMAN AIZENSTAT: Ramon?

14 MR. TRIAS: Yes, Mr. Chair. Thank you very
 15 much. Currently, I chair that committee, and
 16 it is very rare that we have any citizens
 17 wanting to speak. However, the two or three
 18 times where they wanted to speak, I have
 19 allowed them to speak, and I think that was a
 20 good decision in the sense that it made the
 21 meeting much more productive. I think it's
 22 okay to say that it's mostly a staff committee,
 23 but I think the chair should have the
 24 discretion. It really made the process much
 25 better. I think that --

1 MS. ALBERRO MENENDEZ: The problem is that
 2 when you start -- Staff is providing their
 3 professional opinion, and it really should not
 4 be impacted by the public input. You know, a
 5 building official is looking at the Building
 6 Code. The Public Service Director is looking
 7 at the trees. The Public Works Director is
 8 looking at the traffic impact. You know, to
 9 allow public input, the public is going to
 10 think that they're going to weigh in on that
 11 decision, and again, it's not a decision; it's
 12 more of a technical committee. So, if you
 13 allow public input, you're getting into a
 14 situation that the minute you put a development
 15 close to a residential neighborhood, and it
 16 goes through a DRC process and people find out
 17 about it, you're going to have a lot of people
 18 wanting to speak on it.
 19 You've been fortunate. We had cases,
 20 before you got here, that we had this room
 21 filled, and we had to tell them, "I'm sorry,
 22 this not for public input."
 23 MR. TRIAS: Yeah, and, Ms. Menendez, I
 24 think you're right on that. There has to be a
 25 point at which it's very clear, and I make it

1 very clear, this is a very informal meeting.
 2 It is for the benefit of the applicant. No
 3 decisions are made -- because that's very
 4 important. No decisions are made, as far as
 5 approving or denying a project.
 6 So, in that context, in some cases, I think
 7 there should be some discretion, but in other
 8 cases, yeah, you need to certainly say, "Look,
 9 you know, this is not a public hearing."
 10 MS. ALBERRO MENENDEZ: It's up to our
 11 attorney.
 12 MR. LEEN: Maybe what you could say is --
 13 Maybe at the end, you could say, "This is a
 14 non-decision-making staff committee, and public
 15 comment is not intended, and the process does
 16 not intend for public comment."
 17 CHAIRMAN AIZENSTAT: That's actually --
 18 MR. TRIAS: Some language that --
 19 MR. LEEN: So you're talking about intent,
 20 and you're saying it's not intended. You're
 21 making that clear, but maybe -- you know, I
 22 could imagine a circumstance where a neighbor,
 23 maybe some information presented to the
 24 committee is wrong, and the person wants to
 25 stand up and say, "Oh, well, what they said was

1 false."
 2 MS. ALBERRO MENENDEZ: Do you swear them
 3 in?
 4 MR. LEEN: Well, no, we don't swear them
 5 in.
 6 MS. ALBERRO MENENDEZ: That's the thing,
 7 so --
 8 MR. LEEN: We don't swear them in.
 9 MS. ALBERRO MENENDEZ: Once you start
 10 allowing public input, you start creating this
 11 atmosphere that, who's saying the truth?
 12 MR. LEEN: I'm just worried that if we
 13 prohibit it, it's going to happen, though,
 14 probably. You know, it doesn't mean that it
 15 won't happen.
 16 MS. ALBERRO MENENDEZ: It will happen when
 17 it comes to us. It will happen when it goes to
 18 the Commission. That's where the public input
 19 is warranted. Listen, it's a suggestion, just
 20 based on my experience.
 21 MR. LEEN: It's a good point.
 22 MR. TRIAS: And it's a very good one.
 23 MS. ALBERRO MENENDEZ: And it's one that if
 24 you don't say it here, you're not going to win
 25 that battle and you're going to have to allow

1 public input, and it's going to prolong the
 2 technical review of a project, but it's up to
 3 you.
 4 MR. LEEN: Well, actually, it's --
 5 MR. TRIAS: Just one final comment. What I
 6 would do is probably ask Craig to clarify the
 7 intent, as an informal discussion, and
 8 discouraging, perhaps --
 9 MR. LEEN: Public comment is not intended.
 10 MS. ALBERRO MENENDEZ: But if everyone --
 11 MR. TRIAS: But not prohibited, a hundred
 12 percent, just in case.
 13 MR. BELLIN: Ramon, I --
 14 MR. TRIAS: Yes, sir.
 15 MR. BELLIN: To me, there's always been
 16 sort of a little misunderstanding with respect
 17 to the DRC, and my experience is, most people
 18 think that it's an approval process, and --
 19 because it's not really clear. It's not an
 20 approval process.
 21 MR. TRIAS: No, it's not.
 22 MR. BELLIN: We all know that, but I think
 23 it needs to be very clear that it's not an
 24 approval, and if it's not an approval
 25 process --

1 MR. TRIAS: It is for the benefit of the
 2 applicant to get input from Staff and to
 3 realize if there are any issues, and if it is
 4 beneficial to listen to a citizen who's there,
 5 the applicant certainly should have that
 6 opportunity. I mean, that's my view. It's
 7 worked very well so far.
 8 CHAIRMAN AIZENSTAT: It's also very
 9 informative. It allows residents that want to
 10 come and listen --
 11 MS. ALBERRO MENENDEZ: Absolutely.
 12 CHAIRMAN AIZENSTAT: -- to be informed, and
 13 sometimes they learn more about a project, as
 14 opposed to something which they think is
 15 happening which isn't happening.
 16 MS. ALBERRO MENENDEZ: Right.
 17 MR. WU: Mr. Chair, I feel pretty confident
 18 we can come up with some language that will
 19 meet our goals on it.
 20 CHAIRMAN AIZENSTAT: Jeff, did you have any
 21 comments?
 22 MR. FLANAGAN: No.
 23 CHAIRMAN AIZENSTAT: Julio?
 24 MR. GRABIEL: No.
 25 MR. BELLO: No.

1 CHAIRMAN AIZENSTAT: Marshall, anything
 2 further?
 3 MR. BELLIN: No.
 4 CHAIRMAN AIZENSTAT: Do we need a motion on
 5 this?
 6 MR. LEEN: Yes.
 7 CHAIRMAN AIZENSTAT: Is there anybody that
 8 would like to make a motion?
 9 MR. FLANAGAN: So moved.
 10 CHAIRMAN AIZENSTAT: Is that so moved
 11 with allowing Staff to come up with some kind
 12 of language?
 13 MR. WU: To address the public comment.
 14 CHAIRMAN AIZENSTAT: To address that issue?
 15 MR. FLANAGAN: Okay.
 16 CHAIRMAN AIZENSTAT: We have a motion. Is
 17 there a second?
 18 MR. BELLO: Second.
 19 CHAIRMAN AIZENSTAT: We have a second. Any
 20 discussion?
 21 Call the roll, please.
 22 MS. MENENDEZ: Marshall Bellin?
 23 MR. BELLIN: Yes.
 24 MS. MENENDEZ: Anthony Bello?
 25 MR. BELLO: Yes.

1 MS. MENENDEZ: Jeff Flanagan?
 2 MR. FLANAGAN: Yes.
 3 MS. MENENDEZ: Julio Grabiell?
 4 MR. GRABIEL: Yes.
 5 MS. MENENDEZ: Maria Menendez?
 6 MS. ALBERRO MENENDEZ: Yes.
 7 MS. MENENDEZ: Eibi Aizenstat?
 8 CHAIRMAN AIZENSTAT: Yes.
 9 This concludes our --
 10 MR. WU: Mr. Chair, if I may, I'd like to
 11 introduce a new Staff member from the Planning
 12 and Zoning Division.
 13 CHAIRMAN AIZENSTAT: Please, if you could
 14 come up and --
 15 MR. WU: It's a great honor to introduce
 16 Ms. Megan McLaughlin, who recently came from
 17 the City of Miami.
 18 CHAIRMAN AIZENSTAT: I'm sorry, from where?
 19 MR. WU: Megan McLaughlin --
 20 CHAIRMAN AIZENSTAT: No, from what city?
 21 MR. WU: The City of Miami --
 22 CHAIRMAN AIZENSTAT: Oh.
 23 MR. WU: -- from the Historic Preservation
 24 Office, and she also brought a number of years
 25 with Dover Kohl, a local -- world-known

1 architecture and urban planning firm, Dover
 2 Kohl & Associates.
 3 Megan?
 4 CHAIRMAN AIZENSTAT: Could you tell us a
 5 little bit about yourself?
 6 MS. McLAUGHLIN: Sure. Thank you for
 7 having me this afternoon. I'm very, very happy
 8 to be here, and the last three days have been a
 9 very positive experience.
 10 My background is in architecture and
 11 planning. I have a Bachelor's from the College
 12 of William and Mary, in art history, and a
 13 Master's in Architecture from the University of
 14 Miami. And my first professional experience
 15 coming out of the Master's was working with
 16 Dover Kohl & Partners, as a town planner and
 17 also managing projects. We did a number of
 18 projects throughout the country. And for the
 19 last two years, I've been working at the City
 20 of Miami, in the Preservation Office, and most
 21 recently as the preservation officer there.
 22 CHAIRMAN AIZENSTAT: Thank you. Welcome.
 23 MR. WU: This position is the City Planner
 24 position.
 25 CHAIRMAN AIZENSTAT: As the City Planner?

1 MR. WU: City Planner.
 2 MS. McLAUGHLIN: Thank you.
 3 CHAIRMAN AIZENSTAT: Now, is that -- The
 4 City Planner, did we have that?
 5 MS. ALBERRO MENENDEZ: That was Eric's
 6 position.
 7 CHAIRMAN AIZENSTAT: That was Eric's
 8 position?
 9 MR. WU: Yes.
 10 CHAIRMAN AIZENSTAT: Okay, because I know
 11 they shifted positions and so forth, so --
 12 Okay. Welcome to the City of Coral Gables.
 13 MS. McLAUGHLIN: Thank you.
 14 CHAIRMAN AIZENSTAT: Anything else,
 15 Charles?
 16 MR. WU: No, thank you.
 17 CHAIRMAN AIZENSTAT: This adjourns
 18 tonight's meeting. Our next meeting is set for
 19 July 9th, if I'm not mistaken.
 20 Jill, July 9th?
 21 MS. MENENDEZ: Correct.
 22 CHAIRMAN AIZENSTAT: Thank you. Everybody,
 23 have a good night.
 24 (Thereupon, the meeting was adjourned at
 25 7:41 p.m.)

1 CERTIFICATE
 2
 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
 6
 7 I, JOAN L. BAILEY, Registered Diplomat
 8 Reporter, Florida Professional Reporter, and a Notary
 9 Public for the State of Florida at Large, do hereby
 10 certify that I was authorized to and did
 11 stenographically report the foregoing proceedings and
 12 that the transcript is a true and complete record of my
 13 stenographic notes.
 14 I further certify that all public speakers were
 15 duly sworn by me.
 16
 17 DATED this 16th day of June, 2014.
 18
 19
 20 SIGNED COPY ON FILE
 21
 22 _____
 23 JOAN L. BAILEY, RDR, FPR
 24
 25 Notary Commission Number EE 083192.
 My Notary Commission expires 6/14/15.