

**City of Coral Gables
 Planning and Zoning Board Meeting
 Wednesday, December 10, 2014
 Coral Gables City Commission Chambers
 405 Biltmore Way, Coral Gables, Florida**

MEMBERS	J9	F12	M12	A9	M14	J11	J9	A13	S10	O8	N12	D10	APPOINTMENT
	'14	'14	'14	'14	'14	'14	'14	'14	'14	'14	'14	'14	
Eibi Aizenstat - Chair	P	P	P	P	P	P	C	P	C	P	P	P	City Manager Patrick Salerno
Marshall Bellin	P	P	P	P	P	P	C	P	C	P	P	P	Commissioner Vince Lago
Anthony Bello	-	P	P	P	P	P	C	P	C	P	P	E	Board Appointee
Jeffrey Flanagan - Vice Chair	P	P	P	P	P	P	C	P	C	P	E	P	Commissioner Pat Keon
Julio Grabiell	P	P	P	P	E	P	C	P	C	P	E	P	Mayor Jim Cason
Maria A. Menendez	P	P	P	P	P	P	C	P	C	P	P	P	VM William H. Kerdyk, Jr.
Alberto Perez	P	P	P	P	P	E	C	P	C	P	P	P	Commissioner Frank C. Quesada

**P = Present
 E = Excused
 C = Meeting Cancelled**

City Staff and Consultants:

Charles Wu, Asst. Development Services Director
 Craig E. Leen, City Attorney
 Jane Tompkins, Development Services Director
 Ramon Trias, Planning & Zoning Director
 Scot Bolyard, Principal Planner
 Megan McLaughlin, City Planner
 Jill Menendez, Administrative Assistant
 Lina Hickman, Civil Engineer
 Yamilet Senespleda, City Engineer

Court Reporter:

Joan Bailey

Susan Trevarthen, Esq.
 Joseph Kohl
 Elizabeth Plater-Zyberk, Architect

City Commissioner Pat Keon
 City Commissioner Frank Quesada

Attachments:

- 12 10 14 Planning and Zoning Board Verbatim Minutes
- Various correspondence entered into the record (Chambers of Commerce, Gables Good Government Committee, Michael Lavin/Arjan Honderd and Orlando Capote).

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, DECEMBER 10, 2014, COMMENCING AT 6:05 P.M.

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

16 City Staff and Consultants:
 17 Charles Wu, Assistant Development Services Director
 18 Ramon Trias, Planning Director
 19 Craig E. Leen, City Attorney
 20 Jane Tompkins, Development Services Director
 21 Scot Bolyard, Principal Planner
 22 Megan McLaughlin, City Planner
 23 Lina Hickman, Civil Engineer
 24 Yamilet Senespleda, City Engineer

25 Susan Lanelle Trevarthen, Esq.
 Weiss Serota Helfman Pastoriza Cole & Bonischi
 Special Counsel to the City
 Joseph Kohl
 Dover, Kohl & Partners
 Elizabeth Plater-Zyberk, Architect

City Commissioners Present:
 Pat Keon
 Frank Quesada

1 THEREUPON:
 2 The following proceedings were had:
 3 CHAIRMAN AIZENSTAT: Let's go ahead and get
 4 started, please.
 5 This Board is comprised of seven members.
 6 Four members of the Board shall constitute a
 7 quorum, and the affirmative vote of four
 8 members of the Board present shall be necessary
 9 for the adoption of any motion. A tie shall
 10 constitute (sic) in the automatic continuance
 11 of the matter to the next meeting, which shall
 12 be continued until a majority of the vote is
 13 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 Board meeting. And tonight we're good, because
 17 we have more than four people.
 18 What I ask at this time is, any person who
 19 acts as a lobbyist pursuant to the City of
 20 Coral Gables Ordinance Number 2006-11, to
 21 please register with the City Clerk prior to
 22 engaging in any lobbying activities or
 23 presentations before City Staff, Boards,
 24 Committees and/or City Commission. A copy of
 25 the ordinance is available at the office of the

1 Also Participating:
 2 Mario Garcia-Serra, Esq.,
 3 On behalf of Agave Ponce LLC
 4 Dan Freed, Architect
 5 RTKL Associates
 6 Eddie Avila, Agave Ponce, LLC

7 Public Speakers:
 8 Stephen Bittel
 9 Enrique Lopez
 10 Alicia Bache-Wiig
 11 Daniel Siberio
 12 Marina Foglia
 13 Jeff Welch

1 City Clerk, and failure to register and provide
 2 proof of registration shall prohibit your
 3 ability to present to this Board.
 4 Officially now, the City of Coral Gables
 5 Planning and Zoning Board of December 10th,
 6 2014, at 6:05 is now in session.
 7 Please call the roll.
 8 MS. MENENDEZ: Marshall Bellin?
 9 MR. BELLIN: Here.
 10 MS. MENENDEZ: Anthony Bello?
 11 Jeff Flanagan?
 12 MR. FLANAGAN: Here.
 13 MS. MENENDEZ: Julio Grabiell?
 14 MR. GRABIEL: Here.
 15 MS. MENENDEZ: Maria Menendez?
 16 MS. ALBERRO MENENDEZ: Here.
 17 MS. MENENDEZ: Alberto Perez?
 18 MR. PEREZ: Here.
 19 MS. MENENDEZ: Eibi Aizenstat?
 20 CHAIRMAN AIZENSTAT: Here.
 21 Normally at --
 22 Mr. City Attorney, welcome. You'd like
 23 to --
 24 MR. LEEN: Good to see you, Mr. Chair.
 25 Good evening. I just wanted to make a

1 brief statement. Tonight the Planning & Zoning
2 Board is going to be considering legislative
3 changes to the Zoning Code. Nothing that's
4 being presented this evening is what's called a
5 quasi-judicial matter. A quasi-judicial matter
6 is when the Board members sit, in a sense, like
7 a judge, and they're making -- they're applying
8 the Zoning Code to a particular property.

9 What's at issue tonight is a change to the
10 Zoning Code. So, in those sort of matters, it
11 is permissible for the individual Board members
12 to meet with anyone, including the applicant,
13 and so I just wanted to make that clear
14 tonight. So tonight there are no disclosures
15 of any sort of meetings in a quasi-judicial
16 matter, which are generally not allowed, and
17 I've given opinions before that when the Board
18 members or the Commissioners are acting as
19 judges, they shouldn't be meeting with the
20 applicant or they shouldn't be meeting with
21 members of the public, in order to preserve
22 their ability to be a judge.

23 Later in this matter, there will be a time
24 when something comes before the Planning and
25 Zoning Board, what's called the site plan,

1 which will be quasi-judicial, and at that
2 point, there can be no conversations regarding
3 that site plan and everything will be decided
4 on the record in the proceeding. But I just
5 wanted to make clear that tonight, we're
6 talking about changes to the Zoning Code, and
7 these are legislative changes.

8 Thank you.

9 CHAIRMAN AIZENSTAT: Thank you.

10 With that said, I would like to put on the
11 record that I did go ahead and meet with
12 counsel and the applicant for legislative
13 reasons, on November 11th. I don't know if
14 there's anybody else here on the Board that has
15 done so.

16 MR. GRABIEL: Yes, I did, too.

17 MR. PEREZ: I met, as well.

18 MS. ALBERRO MENENDEZ: I met, as well.

19 MR. BELLIN: I did, as well.

20 MR. FLANAGAN: As did I.

21 CHAIRMAN AIZENSTAT: Okay, please note
22 that.

23 MR. LEEN: Mr. Chair, I provided an opinion
24 that those were permissible meetings. They're
25 clearly permissible under Florida law, and

1 they're helpful to the Board members, because
2 it gives them additional information about what
3 are the legislative changes that are being
4 requested.

5 CHAIRMAN AIZENSTAT: Okay, perfect.

6 MR. WU: Mr. Chairman, also just for the
7 record, we're also changing the Comprehensive
8 Plan, as well.

9 CHAIRMAN AIZENSTAT: Correct.

10 MR. LEEN: Some of the changes today are
11 Comprehensive Plan changes. Our Comprehensive
12 Plan is referenced in our Zoning Code and is
13 available online. Changes to the Comprehensive
14 Plan are also considered legislative changes,
15 just like the ones to the Zoning Code. There's
16 particular statutes that relate to them, but in
17 terms of whether they're legislative or
18 quasi-judicial, it's viewed the same way, and
19 these are, again, legislative matters,
20 perfectly permissible to speak with people
21 about them.

22 Thank you.

23 CHAIRMAN AIZENSTAT: Thank you.

24 I'd like welcome Commissioner Pat Keon to
25 our meeting. Thank you for coming.

1 At this time, anybody who wishes to speak
2 this evening must complete the roster, which is
3 at the podium with Jill. We ask that you
4 please print clearly so the official records of
5 your name and address will be correct.

6 With that said, and with the exception of
7 attorneys, all persons who will speak on the
8 agenda items tonight before us this evening,
9 please rise to be sworn in. Anybody that will
10 speak tonight. Attorneys do not need to.

11 (Thereupon, all who were to speak were duly
12 sworn by the court reporter.)

13 CHAIRMAN AIZENSTAT: Thank you.

14 Also, I'd like to take this opportunity
15 right now to ask everybody to please silence
16 your cell phones or turn them off. That would
17 be greatly appreciated. It's a good time to do
18 it.

19 Okay. Moving forward, we're going to go
20 ahead, and Item Number 2, which is the election
21 of Chairperson and Vice-Chairperson, we're
22 going to go ahead and move that to the end, so
23 we can get these items out of the way first.

24 The next order of business is the approval
25 of the minutes of the Planning and Zoning Board

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1 meeting of November 12th, 2014. Is there a
 2 motion?
 3 MR. BELLIN: I'll make a motion to approve.
 4 MR. GRABIEL: I'll second.
 5 CHAIRMAN AIZENSTAT: We have a motion and
 6 second. Any comments? No?
 7 Call the roll, please.
 8 MS. MENENDEZ: Jeff Flanagan?
 9 MR. FLANAGAN: I was absent, but I read
 10 through them and I vote yes.
 11 MS. MENENDEZ: Julio Grabiel?
 12 MR. GRABIEL: Yes.
 13 MS. MENENDEZ: Maria Menendez?
 14 MS. ALBERRO MENENDEZ: Yes.
 15 MS. MENENDEZ: Alberto Perez?
 16 MR. PEREZ: Yes.
 17 MS. MENENDEZ: Marshall Bellin?
 18 MR. BELLIN: Yes.
 19 MS. MENENDEZ: Eibi Aizenstat?
 20 CHAIRMAN AIZENSTAT: Yes.
 21 Just a little format as to how tonight will
 22 proceed. We're going to go ahead and first
 23 have the City do their presentation, followed
 24 by the applicant, after which time there will
 25 be public comments. What I will ask is public

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1 comments to be limited to two to three minutes,
 2 because of the fact that we have so many people
 3 here. And I ask you, if something has been
 4 said by somebody else, if you could go on and
 5 state whatever you're here for and so forth,
 6 that would be great.
 7 Then afterwards we will go ahead and close
 8 the floor, have Board discussion and see if we
 9 get to a motion and a vote.
 10 MR. LEEN: Mr. Chair, may I say one other
 11 thing? For the members of the public who are
 12 going to speak tonight, the issue today -- as I
 13 mentioned when we were talking about
 14 discussions with the applicant, the issue today
 15 is legislative. So, when you speak, what
 16 you're going to be discussing is the change to
 17 the Code itself, which will allow a development
 18 similar to the one that's being proposed. It's
 19 not the specific site plan, though. So the
 20 City is not going to be imposing conditions of
 21 approval or things related to parking or
 22 traffic for this particular site plan. That
 23 would be something that would be done later.
 24 So I just want to make that clear. Tonight
 25 we're talking about changing the law, changing

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1 the Zoning Code, and so your comments --
 2 Obviously, you're able to say whatever you
 3 think is appropriate. You have your First
 4 Amendment rights. But I would just suggest the
 5 focus should be more on the change to the law,
 6 and then there's going to be another public
 7 hearing in front of the Planning & Zoning Board
 8 in the future on this specific site plan, and
 9 if there's concerns that you have related to
 10 that site plan, those should be put on the
 11 record at that hearing and they would need to
 12 be considered by the Planning and Zoning Board,
 13 sitting as a judge, and they would need to
 14 consider your rights and what you've raised.
 15 So just information for you to consider.
 16 CHAIRMAN AIZENSTAT: Thank you. Mr. City
 17 Attorney, since Items 6 through 8 are related,
 18 should we read them into the record at the same
 19 time?
 20 MR. LEEN: Which? I'm sorry.
 21 CHAIRMAN AIZENSTAT: The three items that
 22 are before us tonight.
 23 MR. LEEN: Yes.
 24 CHAIRMAN AIZENSTAT: Okay.
 25 MR. LEEN: Items 6 through 8, they can be

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1 read into the record now.
 2 CHAIRMAN AIZENSTAT: Okay.
 3 MR. LEEN: Let me -- We're going to hold
 4 the public hearing as to all of them at once.
 5 There would be votes on each of them
 6 separately, but they would be considered
 7 together. So, if you have any comments on any
 8 of the items that are being presented tonight,
 9 you should make them during the public comment
 10 section.
 11 Mr. Chair.
 12 CHAIRMAN AIZENSTAT: Thank you.
 13 The first item is an Ordinance of the City
 14 Commission of Coral Gables, Florida, requesting
 15 an amendment to the Future Land Use Map of the
 16 City of Coral Gables Comprehensive Plan
 17 pursuant to Zoning Code Article 3, "Development
 18 Review," Division 15, "Comprehensive Plan Text
 19 and Map Amendments," and Small Scale Amendment
 20 procedures, Statute 163.3187 of the Florida
 21 Statutes, changing the boundaries between
 22 Commercial Low-Rise Intensity, Commercial
 23 Mid-Rise intensity and Commercial High-Rise
 24 Intensity Land Use designations, on property
 25 generally bounded by Sevilla Avenue on the

1 north, Malaga Avenue on the south, Ponce de
 2 Leon Boulevard on the west, and Galiano Street
 3 on the east, and generally known as 2801, 2901
 4 and 3001 Ponce de Leon Boulevard, Coral Gables,
 5 Florida, as shown on Exhibit A, and legally
 6 described on Exhibit B; providing for
 7 severability, repealer, and an effective date.
 8 The next item is an Ordinance of the City
 9 Commission of Coral Gables, Florida, requesting
 10 an amendment to the text of the City of Coral
 11 Gables Comprehensive Plan Future Land Use
 12 Element, Policy FLU-1.1.3, "Table FLU-2,
 13 Commercial Land Uses," pursuant to expedited
 14 State Review Procedures, Florida Statute
 15 163.3184, and Zoning Article 3, "Development
 16 Review," Division 15, "Comprehensive Plan Text
 17 and Map Amendments," amending the Commercial
 18 High-Rise Intensity, Commercial Mid-Rise
 19 Intensity and Commercial Low-Rise Intensity
 20 Land Use classifications, to provide that a
 21 residential use shall be permitted, and B,
 22 intensity shall be controlled by a planned area
 23 Mediterranean Village Form-Based Code -- I'm
 24 sorry, a Planned Area Development plan instead
 25 of Floor Area Ratio, in the project developed

1 in accordance with the Mediterranean Village
 2 Form-Based Code, and further amending the
 3 Commercial High-Rise Intensity and Commercial
 4 Mid-Rise Intensity Land Use classifications to
 5 provide that in such a Mediterranean Village
 6 project, additional height may be granted for
 7 specified uses or architectural
 8 establishment -- embellishment; providing for
 9 severability, repealer, and an effective date.
 10 And finally, an Ordinance of the City
 11 Commission of Coral Gables, Florida, providing
 12 for text amendments to the City of Coral Gables
 13 official Zoning Code, by amending Article 3,
 14 "Development Review," Division 5, "Planned Area
 15 Development," to create Section 3-510,
 16 Mediterranean Village Form-Based Code, with
 17 form-based development standards that modify
 18 and supplement the existing Planned Area
 19 Development standards and criteria, to allow
 20 appropriate infill and redevelopment in
 21 urbanized areas if certain minimum requirements
 22 are met, and amending Appendix A, site-specific
 23 zoning regulations, Section A-36, "Crafts
 24 Section," by removing Section A-36.B.5
 25 regarding the use, design and number of stories

1 for development in Block 20; providing for
 2 severability, repealer, codification, and an
 3 effective date.
 4 With that said, I'd like to ask the City to
 5 please make their presentation.
 6 MR. WU: Thank you, Mr. Chair. Just for
 7 the record, we do have three communications
 8 that were laid in front of you regarding this
 9 case. Just make sure you have received that,
 10 and we acknowledge it for the record.
 11 At this time, I'd like to present Mr. Ramon
 12 Trias, the Planning and Zoning Director, to
 13 give you a brief synopsis of the Code changes
 14 that would be the focus of today's meeting, the
 15 evolution, why we are here, and the specific
 16 outreach and reviews done at this level.
 17 Thank you.
 18 MR. TRIAS: Thank you, Mr. Wu.
 19 Mr. Chairman, I would like to make an
 20 announcement before I start. If anybody in the
 21 audience is here for the Collection alley
 22 vacation, that item is not going to be heard
 23 tonight. That was an error that was
 24 communicated to you in error from the Public
 25 Works Department, so sorry about that. I

1 apologize on behalf of the City.
 2 Mr. Chairman, as you well know, and as the
 3 audience knows, today we're going to deal with
 4 a project that has been discussed many times,
 5 in many meetings, in many different ways, and
 6 today we're only going to deal with one of
 7 those issues, which is the legislative changes.
 8 Originally, the applicant intended to have
 9 also the site plan and the legislative changes
 10 at the same time, as most projects would be.
 11 Unfortunately, they were not a hundred percent
 12 ready with the concept, with the site plan, so
 13 it's only being provided to you as a concept,
 14 but I do not anticipate any changes from that
 15 concept in any future meeting, so I wanted to
 16 clarify that beforehand.
 17 In my view, it was a good use of our time
 18 to look at the legislative changes, because
 19 they're very, very significant. The way that
 20 the project is being proposed by the applicant
 21 requires both changes of land use and changes
 22 of the way that the Zoning Code is structured,
 23 which is what we call the Form-Based Code.
 24 As everybody knows, the project is almost
 25 seven acres and is at the heart of the City,

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1 right there by Ponce Circle. As the Chairman
 2 explained, Sevilla is on the north and Malaga
 3 on the south, Galiano and Ponce are the other
 4 two boundaries, a very significant project.
 5 It's three full blocks, extremely important for
 6 everybody in the community to be aware of
 7 what's going on, and in my view, we are going
 8 to have many, many more meetings and many more
 9 opportunities to provide input.
 10 The three items are highly technical.
 11 There's the Comp Plan and the Zoning Code text
 12 amendment, and those are items that you're
 13 going to be able to make a recommendation for
 14 the Commission to make a decision. If you make
 15 a recommendation tonight, the Commission may
 16 choose to schedule a special meeting to deal
 17 with this issue, sometime in January. I would
 18 expect that would be the next time this goes
 19 before the public.
 20 The project itself, as I said, it is
 21 presented to you as a concept that is fully
 22 designed, and my preference would have been to
 23 have the project ready for approval, but it
 24 wasn't ready for approval, for technical issues
 25 that deal mostly with the way that the streets

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1 were going to be designed and some final issues
 2 that had to be finalized. But in terms of the
 3 public improvements at the ground level, the
 4 sidewalk, the high-quality public spaces, all
 5 of that has been resolved and all that has been
 6 submitted to you and has been presented in many
 7 public meetings.
 8 The overall project, as everybody knows, is
 9 fairly intense, and it does require some
 10 additional height in one point, in one
 11 building, and some additional bulk for the
 12 project that we can discuss later on in more
 13 detail, but as you can see, it has been
 14 designed to continue the grid of streets, to
 15 maintain the important public space right along
 16 Ponce de Leon, and it's very thoughtful in
 17 terms of the terminations of vistas and other
 18 artistic features that are very consistent with
 19 the nature and architecture in this City, with
 20 the original vision of Merrick, who, in fact,
 21 laid out those blocks in that exact
 22 configuration.
 23 The architecture is designed to follow the
 24 models that are mentioned in the Code, in terms
 25 of quality of buildings, and in addition to

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1 that, it's designed to mix uses in a very
 2 fine-grained, detailed way. So there's going
 3 to be retail downstairs, some office space,
 4 some hotel space, and some residential. The
 5 applicant will go into some detail on that
 6 later on.
 7 The existing site is also very well known.
 8 It's the location of a failed project, and it's
 9 been vacant for a while. And you can see the
 10 context, which it's a mixture of larger and
 11 smaller buildings, clearly a context that is
 12 looking for a vision for that public space.
 13 What I wanted to spend some time on and
 14 some detail is the fact that this project has
 15 been reviewed for many, many months during this
 16 year, by many boards, in many public settings.
 17 The first meeting, back in April, was the
 18 Development Review Committee, which, as you
 19 know, is a Staff committee that provides
 20 technical input, and that was in April.
 21 Then in June, there was an informational
 22 presentation to the City Commission and there
 23 was also a public meeting and it also had the
 24 opportunity for input.
 25 Then in July, there was an informal

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1 presentation before the Board of Architects,
 2 and it was right here in this room, and it was
 3 also a public meeting and it was also an
 4 opportunity to discuss some of the issues that
 5 deal with design and architecture with a very
 6 good group of professionals who serve as
 7 members of the Board.
 8 Then in August, we had a meeting with this
 9 Board, to deal with the Code. We already had
 10 had a public meeting with the Planning and
 11 Zoning Board, that was posted, advertised, and
 12 in fact, it was televised.
 13 Then the applicant had the required public
 14 meeting in September, and it was a meeting in
 15 which the project was discussed, and I'm sure
 16 that the applicant will be able to explain the
 17 outcome of that discussion.
 18 Now, in order to enhance even more the
 19 public input and the input from experts, we
 20 decided to set up a peer review process, a peer
 21 review process that took place twice. It took
 22 place once in September, and it dealt with the
 23 architecture of the project, and it was chaired
 24 by Elizabeth Plater-Zyberk at the University of
 25 Miami, and it was a panel composed of

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1 professionals of architecture and some retail
 2 experts that gave some very good input, and as
 3 a result, the project was modified.
 4 Then we had an actual action taken by the
 5 Board of Architects in November. The Board of
 6 Architects again had a public meeting and it
 7 reviewed the project and it approved the
 8 project in concept, with the understanding that
 9 it's going to come back, each building,
 10 probably, several times to refine it even more.
 11 They were satisfied with the architecture, and
 12 in fact, they were very complimentary, and as I
 13 said, that was just the first of many meetings
 14 that they intend to have.
 15 Then we had another panel review, another
 16 peer review panel in November, which was held
 17 here, again, and that peer review was
 18 specifically about the Code and that's included
 19 in the minutes -- the minutes are included in
 20 your package. And that is, again, an
 21 opportunity to provide professional information
 22 for you to review and consider.
 23 And finally, we're here tonight, as a
 24 public meeting with Planning and Zoning, and we
 25 expect that there will be several. As I said,

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1 today we're only going to deal with the
 2 legislative changes, and then later on, we're
 3 going to deal with the project. So I wanted to
 4 clarify that, so everybody understands where we
 5 are.
 6 Now I will ask Susan Trevarthen, who is our
 7 consultant, the City's consultant, to explain
 8 in some detail the requests for the Comp Plan,
 9 and later on, Joe Kohl will describe the actual
 10 zoning changes that are being proposed.
 11 MS. TREVARTHEN: Good evening, Mr. Chair.
 12 Susan Trevarthen, Weiss Serota Helfman, for the
 13 City.
 14 As Ramon was just explaining, we've had a
 15 number of meetings on this project so far, and
 16 also with the land use, proposed changes to the
 17 text and the zoning text, and I just wanted to
 18 note for the Board that in some, we've had two
 19 City Commission workshops, one Planning and
 20 Zoning Board workshop, one BOA workshop, and
 21 two expert panel reviews, all of which are not
 22 part of the normal review process. So those
 23 are things that have been added to the process
 24 for greater depth of review over the last year.
 25 So, turning to the first request that's

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1 before you this evening, it's a Comprehensive
 2 Plan map amendment, and right now this
 3 property, as you can see on the left, has
 4 several different designations. It has the
 5 dark red, which is the high-rise intensity, the
 6 bright red, which is the mid-rise intensity,
 7 and the pink color, which is the low-rise
 8 intensity.
 9 The effect of the map changes is to move
 10 around those boundaries on the site. You still
 11 have the same three categories after the fact.
 12 And the impact of that, in a realistic and
 13 practical sense, is height. The way that your
 14 plan is written, the distinctions between these
 15 categories are not meaningful, for example, in
 16 terms of permitted uses. They're the same for
 17 all three categories. The main thing -- and
 18 the FAR in the existing plan is the same for
 19 all three categories of uses. The main thing
 20 that changes is the height, and so you see the
 21 pattern afterwards on the right-hand side, and
 22 as shown on the slide, you can see the acreages
 23 that are changing, some going up and some going
 24 down, and just noting that this is the area
 25 that's being discussed for the legislation,

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1 it's bounded by Sevilla on the north, Galiano
 2 on the east, Ponce on the west, and Malaga to
 3 the south. There is one excluded property,
 4 which is shown in yellow, at the middle of your
 5 slide.
 6 Turning to Application Request Number 2,
 7 this is a Comprehensive Plan text amendment,
 8 and this is affecting the chart in your Future
 9 Land Use Element that lays out the significant
 10 features your commercial land use categories.
 11 So what is the effect of the text change? The
 12 first effect is that it provides for
 13 residential use to be permitted so long as that
 14 commercially designated property is approved as
 15 a Mediterranean Village, and Mediterranean
 16 Village is the concept before you this evening,
 17 this new legislation. So the first change is,
 18 you can have residential.
 19 The second change is that you swap out the
 20 existing floor area ratio that controls
 21 intensity of development within the commercial
 22 land use categories and you replace it with the
 23 Mediterranean Village Form-Based Code
 24 regulations and the PAD plan. So, instead of
 25 regulating intensity by that numerical

1 calculation that results in a floor area ratio,
 2 it's going to be through the very detailed and
 3 visual standards that will be discussed in
 4 greater detail by Joe Kohl after I finish
 5 outlining the applications for you.
 6 So we added residential use, we swapped the
 7 FAR for the Form-Based Code approach, and then
 8 the third effect of the Comp Plan text changes
 9 is height, and they're narrow changes to
 10 height. The first change is for the High and
 11 Mid-Rise Commercial categories. Currently, the
 12 High-Rise category is 190.5 feet, if you get
 13 your Mediterranean Level 2 bonuses. The
 14 Mediterranean Village proposal requires Level 2
 15 bonuses. So that's a given for what we're
 16 discussing this evening, and what that change
 17 in the text does is, it allows you to exceed
 18 the 190.5 for three reasons and three reasons
 19 only. Those reasons are architectural
 20 embellishment, a tower or some other type of
 21 unoccupied space that is embellishing the
 22 development. The third -- I mean, excuse me,
 23 the second purpose is a top floor, one or two
 24 level dining, entertainment or other similar
 25 destination use that's open to the public. And

1 then the third purpose is a top-floor activated
 2 rooftop.
 3 So, in the High-Rise district, your current
 4 plan says 190.5. In the Mid-Rise district,
 5 your current plan says 97. In each of those
 6 cases, the language allows you to exceed that
 7 height for these targeted purposes, the
 8 architectural embellishment, the top-floor
 9 destination, and the top-floor activated
 10 rooftop. There is no change to the height
 11 provision of the Low-Rise Commercial category.
 12 So, just looking through those changes
 13 here, this is the change to the High-Rise.
 14 It's in your backup, as well, but you can see
 15 the actual wording, changing in the middle --
 16 the middle column is the change to the FAR and
 17 to the residential use; the right-hand column
 18 is the change to the height. These -- The text
 19 of these changes is also set out in the Staff
 20 Report itself for your ease of reference.
 21 The second set of text changes in the Comp
 22 Plan is to the Low-Rise -- I mean, excuse me,
 23 Mid-Rise. So this is the Mid-Rise. Again, you
 24 can see in the middle column, where the
 25 residential is being allowed, as well as the

1 FAR being replaced by form-based coding, and in
 2 the right column where the height is modified.
 3 And then in the Low-Rise, you can see there's
 4 no change in the right column, but the same
 5 changes in the middle column.
 6 I'm seeing a number of people flipping
 7 through. On Page 9 is where the text of those
 8 changes is in your Staff Report, if that makes
 9 it easier for you to take a look at that. So
 10 turning to Number 3, that's the Zoning Code
 11 text amendment, and this is the Mediterranean
 12 Village Form-Based Code. Where are we
 13 procedurally? It's an option that's within a
 14 pre-existing option in your plan. Your Zoning
 15 Code already has something called a Planned
 16 Area Development, and this is an extra option
 17 within PAD for the designated geographic area,
 18 and as I said, that's from Ponce to Sevilla,
 19 Galiano and Malaga. Those are the only
 20 properties that are eligible to seek this
 21 treatment as the legislation is being proposed,
 22 and the bulk of them are included in the
 23 proposal, but the property at 2915 Coconut
 24 Grove Drive is not a part of what you're
 25 looking at this evening.

1 So you're going to hear a lot more about
 2 this from Joe, but in general, the reason for
 3 going to the form-based code regulatory
 4 approach, and as we discussed at the workshop
 5 here before, it allows you to look at a more
 6 coordinated contextual approach to development
 7 that results in an increased benefit to the
 8 City and all property owners, and not looking
 9 at properties one by one, parcel by parcel,
 10 looking at these three blocks together.
 11 There's a great focus on quality and on the
 12 public realm, and this is a type of form-based
 13 code that has been drafted to be highly
 14 discretionary, in the sense that it is through
 15 a PAD approval. This is not an as-of-right, as
 16 you see in some of the other form-based
 17 regulations that are out there. It takes
 18 advantage of shared infrastructure and creates
 19 the opportunity for very significant urban
 20 plazas.
 21 So with that -- oh, and the second part of
 22 this Zoning Code text amendment is to remove
 23 the site-specific language that affects one of
 24 the properties that are part of this geographic
 25 area. The one that is the northern block,

1 that's Block 20, and currently there's
 2 site-specific language affecting that, saying
 3 that it would be an office building of 13
 4 stories, so the text change also removes that
 5 site-specific language.

6 So I'll turn the presentation over to Joe
 7 Kohl at this point, to present you the
 8 Form-Based Code in greater depth. Joe is an
 9 expert in form-based coding, and has worked
 10 significantly on the preparation of this
 11 document. Thank you.

12 MR. KOHL: Thank you.

13 Joseph Kohl, Dover Kohl and Partners, 1571
 14 Sunset Drive, Coral Gables.

15 It's a pleasure here, to be here. Just to
 16 kind of go through the basics of the Code,
 17 we've set it up with the idea of streets as
 18 important spaces and those being the guiding
 19 principles that then describe what can get
 20 built on either side of them, and so the Code
 21 is organized by street type. So, instead of a
 22 zoning category or a sub-zoning category, we're
 23 using these designations, so for -- There's
 24 basically four. Signature streets is what
 25 we're calling the primary street, like Ponce de

1 map.

2 So, then, each of these categories, like
 3 the signature street, the downtown street, the
 4 plaza and the apartment street, each have
 5 separate pages in the Code, and so each
 6 basically dictate what would happen on those
 7 facades of the buildings and into the facade to
 8 some degree. So we've broken that down with a
 9 diagram that shows height. So this example on
 10 the screen is for signature streets. It's the
 11 most intense of the classifications. So in the
 12 heights -- in the height diagram, we're
 13 specifying floor-to-ceiling heights, with the
 14 range, the maximum height, as Susan mentioned,
 15 fall within the existing Comprehensive Plan.
 16 We've diagrammed that concept of adding the two
 17 levels, up to two levels of a restaurant,
 18 recreation -- restaurant or gathering place,
 19 open to the public, in there.

20 So -- and then certain requirements that
 21 describe the profile. So, in this case, the
 22 profile is fairly pretty straight along the
 23 street, where the other ones have more
 24 setbacks, like once you get to the seventh
 25 floor, the building would actually have to set

1 Leon. Then we've got a plaza, which kind of in
 2 the hierarchy of things falls somewhere between
 3 a signature street and the other category of
 4 downtown street. So that's three. And then on
 5 the edge, along Galiano, there's what we're
 6 calling an apartment and townhouse street,
 7 which is, again, residential in character,
 8 where the other streets are mixed-use in
 9 character.

10 So these are two maps that appear in the
 11 Code. One is called the street type plan,
 12 which basically functions like a zoning map in
 13 that regard and shows those types, and then
 14 we've got the regulating plan that adds extra
 15 requirements to a development, and so they're
 16 listed below, where we specifically want to see
 17 shopfront -- shopfronts opening up to the
 18 sidewalk, where we've got a very specific
 19 build-to line, and things like where we're
 20 recommending, so some things are required and
 21 some things are recommended, recommended
 22 arcades and certainly public -- certain public
 23 pedestrian amenities along Ponce de Leon there
 24 and a few other places. And so that's the type
 25 of requirement that we've plugged into that

1 back further off the street, and so we see that
 2 in the other two categories.

3 And then on the next page, we've got
 4 diagrams that address where the building should
 5 be placed, so those are setback requirements,
 6 and then where parking is located, so again
 7 we're anticipating that parking will be perhaps
 8 even below grade and above grade, so of course
 9 you're not required to put parking underground,
 10 but you could, as a way to basically limit the
 11 number of stories of parking that we have to
 12 have above ground, and so where there's parking
 13 above ground, there's a setback requirement on
 14 the street, so that the entire wall of Ponce de
 15 Leon is not -- we're not looking at parking
 16 garage openings.

17 Then frontage elements, so again, each
 18 street has a somewhat distinctive character, so
 19 the types of things that adorn buildings, like
 20 porches and stoops and colonnades and arcades
 21 and so forth, are specific to those types, and
 22 so that's why that's described, and in the
 23 architecture sections, then, there are rules
 24 that apply to each of those. So, again, it
 25 leaves it up to the designer to decide which of

1 those are going to be on the building, but the
2 architectural standards kick in and say if
3 you're going to do a colonnade, then you need
4 to meet these certain requirements. That's how
5 that works.

6 And then on the -- following that page,
7 basically, those are the bulk requirements that
8 one would have to follow. We've included,
9 which is not normally in a straight Zoning Code
10 or a PUD, but to actually describe how the
11 streets should be created, and so again, we're
12 looking at the whole picture, not just the
13 walls of the buildings, but the street space
14 itself, and the design of the streets are
15 important.

16 There's two plans here, both from signature
17 streets, because Ponce -- Part of this site is
18 on Ponce Circle, which in the diagram is
19 basically represented as a very wide median,
20 and then there's another portion of Ponce that
21 is the skinnier part with the median, and so
22 that's why there's two plans there, where the
23 other categories just have one. And so here
24 you've got things that delineate the width of
25 lanes for moving vehicles, the width of

1 sidewalks, the width of parking lanes, and
2 where you put trees and so forth, so again,
3 trying to get very specific about how the
4 streets should be laid out, and then -- So
5 those top three or top four are fairly similar
6 in character, but I thought it would be useful
7 to see the townhouse and apartment streets,
8 which are not up to that 190 feet. There's
9 basically a three-story height limit, with a
10 little bit of space; you could use the roof of
11 those buildings for outdoor space. It can be
12 private, and you could put a roof structure
13 over that, but it's not a habitable floor, so
14 it's really a three-story height limit for
15 apartments or townhouses.

16 Again, we're showing the entrance raised up
17 a little bit off the street, and some of those
18 may have gardens in front of them, to the curb.
19 So, again, it's perceived as a transition
20 between the single-family detached houses that
21 are across Galiano to the site. And then --
22 and likewise, with the other ones, this shows
23 the street cross-section. So, again, Galiano
24 is a bit narrower in that spot, and showing the
25 same kind of requirements of curbs and so

1 forth.

2 And then we've got another category called
3 paseos, and generally, these are going to be
4 privately owned, so this would not be a public
5 street, it would be part of the internal
6 project, and so basically, we've included that
7 in there to again make sure that if there's
8 certain -- It's primarily there for
9 encroachments, so if they do colonnades or
10 arcades or other things, it meets with the
11 character of the spaces that are part of the
12 public streets.

13 And then what we did with the architecture
14 section is, we took -- again, we took a look at
15 the Mediterranean Ordinance, and basically just
16 inserted it into this ordinance in a very
17 specific way, and using the examples of the
18 great old buildings of Coral Gables, and
19 hitting key elements that are design aspects
20 that we would like to see. Kind of it's the
21 hidden magic behind those wonderful old
22 buildings, trying to pull it out in a way that
23 anyone could understand.

24 So, using those as examples, we talk about
25 a vertical hierarchy and show examples of how

1 that's accomplished and how you add emphasis to
2 a building. If anyone here is a painter, you
3 know paintings have emphasis in there, there's
4 certain parts of them that jump out, and so the
5 same is true with architectural compositions.

6 The next one -- and then again, looking at
7 the historical examples of columns and arcades,
8 and particular arches and proportions, so we've
9 boiled that down, basically, using diagrams to
10 identify the proportioning system and certain
11 details to bring that to light. So that's kind
12 of the bulk of the ordinance.

13 MR. TRIAS: Thank you very much, Joe.

14 Mr. Chairman, as I mentioned before, the
15 City has gone out of its way to emphasize
16 public participation as much as possible. The
17 last event was the peer review of the Code,
18 peer review only of the Code issues, and we
19 believe that there will be many more
20 opportunities to provide input.

21 The requests have been summarized, and at
22 this point I just want to bring your attention
23 to the Staff Report, which has the findings of
24 fact, and that Staff believes that they have
25 satisfied all the requirements, and of course

1 we believe that we should recommend approval at
2 this point.

3 So this concludes the presentation from
4 Staff, and I believe the applicant has a
5 presentation, and there's a speaker that wants
6 to speak at 7:00. If we could have the
7 courtesy to allow him to speak at 7:00, that
8 would be very nice, also.

9 CHAIRMAN AIZENSTAT: Well, let's go ahead
10 and have the applicant to make the
11 presentation, please.

12 MR. GARCIA-SERRA: Good evening, Mr. Chair,
13 Members of the Board. My name is Mario
14 Garcia-Serra, with offices at 600 Brickell
15 Avenue, representing Agave Ponce, LLC, the
16 owner of the six and a half acre site bounded
17 by Ponce de Leon Boulevard on the west, Galiano
18 Avenue on the east, Malaga Avenue on the south,
19 and Sevilla Avenue on the north. It's my
20 understanding there's somebody that wants to
21 speak at 7:00 p.m. That's what I just heard, I
22 believe, right?

23 CHAIRMAN AIZENSTAT: It's a little unusual.
24 We'd like -- He'll go first, but I'd like
25 for you to finish your --

1 MR. GARCIA-SERRA: Okay, then I'll proceed.

2 CHAIRMAN AIZENSTAT: I don't want to
3 interrupt you in the middle.

4 MR. GARCIA-SERRA: Okay. I appreciate it.
5 I'm joined tonight by Hector Fernandez and
6 Eddie Avila of Agave Ponce; Dan Freed and Josh
7 Bailey are project architects from RTKL; John
8 McWilliams and Mark Santos from Kimley-Horn,
9 our traffic and parking consultants; and Stan
10 Eichelbaum, our retail consultant.

11 Let me start off by telling you some
12 information about the applicant, my client.
13 Agave Ponce, LLC, is wholly owned by the
14 Beckmann family of Mexico. Their company was
15 established in the 1720s, and their best known
16 business is the Jose Cuervo brand of tequila.
17 As you can imagine, the Beckmanns, due to their
18 long history, are one of Mexico's most
19 respected business families. They have
20 literally owned certain properties for hundreds
21 of years and see their business as a legacy to
22 be maintained for several centuries more.

23 This is very rare for real estate
24 development in Florida, where the ownership
25 outlook usually does not go beyond a few years

1 and rarely surpasses a 10 or 20-year time
2 frame. This unique client has acquired a very
3 unique site in the City of Coral Gables, a six
4 and a half acre site, one block south of the
5 Central Business District and directly across
6 the street from the City's largest park. It
7 presents a once in a generation opportunity to
8 enhance this area of the City.

9 Because of this, Agave has taken its time
10 and has consulted with City Staff to an
11 exceptional degree, so as to decide on the best
12 course of development of this site, which has
13 unfortunately sat vacant and underutilized for
14 over six years now. The discussions have been
15 going on for two and a half years, with there
16 being a series of public workshops and panels
17 over the last year. The process has resulted
18 in the proposed Comprehensive Plan and Zoning
19 Code amendments which are before you tonight.

20 Let me summarize each of the requests for
21 you. The first one is an amendment to the
22 Future Land Use Map, which involves more of a
23 rearranging of the land use designation which
24 presently already exists. This is the site.
25 Here is the FLUM as it exists today. You can

1 see the dark maroon color, as mentioned
2 previously, is Commercial High designation.
3 The red designation color is a Commercial
4 Medium designation, and the pink is the
5 Commercial Low designation. That is the
6 existing FLUM map. This is how we are
7 proposing to amend it. As you can see, we
8 maintain the Commercial High designation
9 fronting Ponce. Some of it does extend further
10 eastward than it does at present, but there is
11 now a larger Commercial Low designation on the
12 western side of the property and centered
13 around the historic Ponce Arts building, which
14 is located at 2901 Ponce de Leon Boulevard, on
15 the western end of the center block.

16 The Commercial Low designation stays on the
17 frontage of Galiano, facing the single-family
18 homes, and if you go look at the net effect of
19 this changing of the Future Land Use Map, what
20 it essentially results in is a .69 or .7
21 increase in what is designated Commercial High.
22 So that is approximately about a 10 percent
23 increase of the portion of the property which
24 is designated Commercial High, which is why I
25 say it's really more a rearranging of the

1 designations that exist today than it is
2 necessarily any increase in one designation
3 over the other increase in development
4 potential on the site.

5 Our second request is for the text
6 amendments to the Comprehensive Plan. This is
7 a breakdown of the Future Land Use Map
8 designations and how they are before and
9 afterwards. You'll see the increase in the
10 Commercial High from 2.6 to 3.2.

11 Here it's probably not capable of being
12 read from your vantage point, but you will see
13 in your package the proposed amendments to the
14 text of the Comprehensive Plan. There are
15 amendments to the Commercial High, Medium and
16 Low designations, and as Susan mentioned
17 earlier, the effect of these changes,
18 essentially, are first to replace the concept
19 of FAR as the limiting or controlling factor in
20 floor area, with a regulating plan. In other
21 words, a plan that would be reviewed by this
22 Board and approved by the City Commission,
23 would be the limiting factor on floor area.

24 The second change has to do with height,
25 and permits a bonus height of two levels in

1 submit is what's appropriate due to the size of
2 the building, and in proportion to the size of
3 the building, and also appropriate because this
4 area is designated -- this actual spot on the
5 property is designated by the Code amendments
6 to be a signature vista termination. In other
7 words, because University Drive -- the view as
8 you go up University Drive terminates at this
9 point, it's seen as an appropriate area for a
10 sort of landmark feature to be proposed there.

11 Now, this takes me to our third and final
12 request of the legislative amendments, but it's
13 the one that I think is also the most important
14 and innovative, and that is the amendment to
15 the Zoning Code, to create a Form-Based
16 Mediterranean Village Planned Area Development
17 set of regulations. Over the years, this Board
18 has reviewed Planned Area Developments, which
19 are developments that, due to their size, are
20 subject to a more flexible set of zoning
21 regulations, because in these cases we're not
22 dealing with just one building, but a whole
23 area of the City. What we're doing here today
24 is a concept -- is that same concept, but based
25 on -- but incorporating other principles, and

1 both the Medium and High categories, on the
2 condition that the bonus height space be
3 utilized for a publicly accessible use, and
4 also grants the City Commission discretion to
5 approve the height of architectural features.

6 Where this is probably best illustrated is
7 in what we are proposing for the building which
8 is going to be the hotel component of the
9 project. You see it here, and you see that
10 first dotted line, which is right there in that
11 area, is indicating the maximum habitable
12 height today, 190 and a half feet. The next
13 dotted line further up shows an additional 25
14 feet, which today is what is permitted for
15 architectural features for buildings, which the
16 proposed Comprehensive Plan amendment would
17 permit to be used for habitable space as long
18 as it's a publicly accessible use. In this
19 case, we're proposing a rooftop restaurant for
20 use of the -- for the use of that space, which
21 would be open to the public.

22 Above that, what you see shaded in red
23 would be the height of the architectural
24 features of this building, which are about 78
25 feet in height, and which we would respectfully

1 the principles that we're incorporating are
2 form-based principles into the regulations.

3 Now, you will ask, and I'm sure everyone
4 has asked and you've heard probably several
5 answers to what are form-based regulations, and
6 let's start off by saying what they are not.
7 They are not the traditional Euclidean form of
8 zoning, which relies upon segregation of the
9 uses and limits itself to regulating buildings
10 through mathematical formulas regarding height,
11 floor area and setback. Instead, in my
12 opinion, it is a more sophisticated way of
13 regulating development by incorporating good
14 planning, enhanced design, and the existing
15 as-built environment, to better and more
16 thoroughly govern the form of what is proposed
17 to be built.

18 This property or these principles are
19 incorporated in three different ways. Number
20 one, a mix of uses is required. As opposed to
21 Euclidean zoning which says you should have
22 commercial here, residential here, industrial
23 here, form-based zoning encourages a mix of
24 uses, so as to decrease in great part
25 dependence on a car and sort of activate

1 streets and communities.
 2 Secondly, height, bulk and mass are not
 3 regulated by mathematical formulas, but by a
 4 regulating plan. In other words, what we are
 5 used to as an FAR of 3.5, which you multiply
 6 the size of the property by that factor and
 7 that yields the amount of floor area that you
 8 could potentially build, with there being
 9 certain exceptions for parking and other space
 10 which perhaps isn't considered usable. Here,
 11 instead of using that sort of one-dimensional
 12 way of regulating things, there's a plan that
 13 looks at what sort of street are you located
 14 on, how close will you be to that street, do we
 15 want to activate that street, how much parking
 16 is really necessary for these sort of uses,
 17 considering the proximity of mass transit, and
 18 other factors, and so it's something that is
 19 more thorough and essentially more deliberative
 20 in how it regulates what is ultimately going to
 21 be built, as opposed to giving you a number.
 22 And lastly, there are requirements for
 23 height and design, activation of streetfronts,
 24 and requirements for public benefits and
 25 amenities, such as park space and requirements

1 our sort of illustration or approximation of a
 2 building if it were built under today's Code,
 3 and under today's Code, it requires -- or
 4 permits a maximum 3.5 FAR for this property, so
 5 you see the 3.5 indicated there, and then the
 6 amount of parking that is required for that
 7 amount of space would be approximately a factor
 8 of 3.86 FAR, for a total, approximately, of 7.4
 9 FAR.
 10 So how is it that the building on the
 11 right, under the Form-Based Code, comes in at
 12 the same total FAR when you factor in parking,
 13 but when you look at the usable FAR, it's
 14 higher, the 4.375 is obviously higher than the
 15 3.5 FAR? And that's because the Form-Based
 16 Code introduces principles such as shared
 17 parking, based on the mix of uses that are
 18 located in the project. It requires or permits
 19 liner spaces around parking garages, or
 20 requires that the parking be underground, so as
 21 to conceal some of the mass and the bulk of the
 22 building that is created by the parking, and
 23 then, while not indicated on the illustration,
 24 I would say on the right, we have things such
 25 as requiring retail on the ground floor,

1 for public art, green building standards, and
 2 the concealing of parking areas underground or
 3 within liner spaces.
 4 We could continue to discuss this in the
 5 abstract, but I think it would be better if we
 6 use the actual project to give you an idea of
 7 how this Form-Based Code would work in
 8 implementation, and what you have up here is
 9 what I think is a very telling illustration.
 10 On the right, you have the project, an
 11 approximation of the project that we have
 12 proposed before you and if you look at the
 13 first line under the illustration, you'll see,
 14 if we were to calculate the floor area that
 15 this project has under the interpretation of
 16 the requirements of the FAR, of the existing
 17 City Zoning Code, it would be a 4.375 FAR, all
 18 the usable space that is in there. However, if
 19 you were to count the parking, and parking is
 20 undoubtedly one of the biggest contributors to
 21 a mass and size of a building, that FAR or that
 22 parking, the amount of parking that would be
 23 required, would be about 2.0, yielding a total
 24 FAR of approximately 7.2.
 25 Now, if you look at the left, this would be

1 requiring certain areas to be public open
 2 spaces, based on what's the best place for the
 3 public open space or best area for a public art
 4 installation. It results, both from an
 5 urbanistic and design point of view, to be a
 6 far superior product.
 7 With that said, I would ask now our project
 8 architect, Dan Freed, to come up here and show
 9 you the plan in concept and the plans that
 10 we've developed so far, and how we've
 11 incorporated the comments from this Board and
 12 all the other boards that we've gone before in
 13 the past year, so as to, again, not looking for
 14 your approval necessarily on the site plan,
 15 that will be at a later date, but to show you
 16 how this Form-Based Code would actually work in
 17 being implemented on this property.
 18 MR. FREED: Thank you, Mario.
 19 My name is Dan Freed. I'm a vice-president
 20 with RTKL, based here in our Coral Gables
 21 office.
 22 I think one of the other key aspects to
 23 this that Mario touched on is the below-grade
 24 parking. It obviously makes a big difference
 25 to what we're doing here, and it allows for a

1 substantially different project than the
 2 project on the left. A gentleman that was
 3 working on embellishments and enhancements that
 4 the developer is proposing beyond our site
 5 isn't able to be here tonight, so I'm going to
 6 present his work. It's Alexander Adams, with
 7 ALPHA, and this proposal is showing the intent
 8 for the embellishment or enhancements to the
 9 road system to the neighborhood to the east of
 10 our project, so Sevilla on the north, Coconut
 11 Grove on the south. We're highlighting
 12 additional landscaping and trees lining all of
 13 the roads connecting to Douglas, and it also is
 14 highlighting, in yellow, raised tables that
 15 we're proposing here at the intersection of
 16 Galiano and Sevilla, here at Palermo and
 17 Galiano, and here at Coconut Grove Drive and
 18 Malaga. Those raised tables are intended to
 19 calm traffic.

20 The other proposal is that we're -- They're
 21 smaller and difficult to see in this diagram,
 22 but there are also raised tables here on
 23 Santander, here on Malaga, here on Palermo, and
 24 here on Sevilla. I missed the one down here on
 25 Coconut Grove Drive, as well. This existing

1 circle essentially remains the same. We could
 2 propose a raised table there in lieu of the --
 3 in lieu of the circle that exists today. The
 4 intent is to provide what this neighborhood, in
 5 the end, prefers and so we're open to other
 6 suggestions in these embellishments. Alex has
 7 been -- is a neighbor of that neighborhood and
 8 has worked extensively or intimately with the
 9 neighbors, to try to bring together a plan that
 10 they all believe in, and I feel it's the right
 11 direction to go forward. This is a section
 12 through a typical street, so this is the
 13 section marks here for all of the typical
 14 streets heading to Douglas. And it is
 15 essentially keeping the existing sidewalk in
 16 the same location and narrowing the street
 17 dramatically, to a new dimension of about 19
 18 feet. That, in itself, is a traffic-calming
 19 device, and again, this is all enhancements
 20 that the developer will be financing.

21 I'm going to walk through, fairly
 22 quickly --

23 MR. GARCIA-SERRA: Mr. Chair, we only have
 24 about another 15 to 20 minutes of the
 25 presentation. Do you want us to continue or do

1 you want to --

2 CHAIRMAN AIZENSTAT: I just don't want to
 3 stop you in the middle of your presentation. I
 4 don't think that would be right.

5 MR. FREED: I'll try to be brief, then we
 6 can go back and touch on anything that I
 7 covered too quickly. This is our illustrative
 8 site plan, quite a bit of work over the last
 9 three years on the embellishment that the Agave
 10 development team would like, and they reinforce
 11 with us, day in and day out, that they really
 12 want this to be special, and so it's quite
 13 lush. It's incorporating a higher level of
 14 public art than is currently required, and it
 15 is also incorporating water features and open
 16 paseos throughout the project.

17 Color-wise, this is designated as our
 18 office lobby. Here, entering off of Sevilla,
 19 it's the blue color. The purple is the hotel
 20 lobby. It has a dropoff on Ponce de Leon, so
 21 traffic can get off of Ponce de Leon and into a
 22 porte-cochere to allow easy access to the
 23 lobby. Yellow is representing our residential
 24 lobbies. One occurs now here on Malaga,
 25 another one here on Sevilla, one here on

1 Palermo, and then town homes line the eastern
 2 side of the site along Malaga, as well as
 3 Galiano.

4 A few things to point out here, changes to
 5 what we've done is, we've incorporated -- or
 6 since you last saw the project, we've pulled
 7 together the residential towers on Sevilla and
 8 allowed those to all be entered from one
 9 position. That is here, here on Sevilla, and
 10 that's allowed us to group access to parking,
 11 access to service, which I've mentioned
 12 previously at our last meeting. All of our
 13 service loading is occurring below grade,
 14 through an entry that occurs here on Sevilla.
 15 It's allowed all of that vehicular traffic to
 16 enter and exit the site in this position, by
 17 reducing that residential entrance to just one.
 18 We've done the same thing here on Malaga. So
 19 there was two entries to residential on Malaga.
 20 We've reduced it to one, also eliminated the
 21 second residential tower that was here on
 22 Malaga, and that's really allowed us to
 23 simplify and organize better the access to
 24 parking which occurs here in this location, off
 25 of Malaga. Our other entries to parking occur

1 here on Palermo, and I mentioned before,
 2 service is only happening -- all service access
 3 to the site is here on Sevilla Avenue.
 4 The other change to the site access since
 5 you last saw it is the elimination of an entry
 6 to the below-grade parking here off of Ponce de
 7 Leon. What we have currently is only access
 8 for hotel guests or valet, so you come into the
 9 porte-cochere, drop off your friend or
 10 compatriot, and you're able to enter self-park,
 11 if you will, or valet park, using a ramp that
 12 goes here, down to below-grade parking, and
 13 then a valet and self-park ramp that exit the
 14 parking here to go back to the dropoff. We're
 15 also providing valet dropoff, I mentioned
 16 previously, the last time we met, here on
 17 Palermo, and I just want to highlight some of
 18 the improvements beyond what is currently
 19 required by Code that Agave development is
 20 committed to.
 21 They've asked us to design a LEED
 22 Neighborhood Development here on this site.
 23 With that requirement comes at least one of our
 24 buildings, most likely at a minimum the office,
 25 being a LEED certified building, as well.

1 We've made a commitment to use all natural
 2 materials on the bottom two levels, and also on
 3 all roof areas where the public or guests of
 4 the hotel or a user of the office can touch the
 5 material or see it in a dramatic way; all
 6 natural materials are being committed to,
 7 natural stones, essentially.
 8 We have provided the 20 percent minimum
 9 open space that is required currently, but
 10 we're also providing, above that, a 30 percent
 11 open space for all of the town home sites, and
 12 we're getting that with small parks that occur
 13 within the diagram of the townhouse plan.
 14 We're committing to a 30 percent minimum of
 15 native planting and we're well beyond that, and
 16 I mentioned previously that we're committing to
 17 a level of expenditure on the public art beyond
 18 what's currently required, and Agave is
 19 committing to improvements to the public
 20 transit, to be determined, but in conversations
 21 with how that might support or embellish the
 22 current trolley system.
 23 I mentioned all of our parking. We have a
 24 full below-grade level. It's a huge commitment
 25 by Agave to go below grade, and for not just

1 parking, which is one level down, but also for
 2 loading and service, which is about a level and
 3 a half down. The commitment there on an
 4 economic level is quite high. We're, of
 5 course, avoiding the residential property on
 6 Coconut Grove Drive and avoiding and not
 7 digging around the existing historic structure,
 8 which is also being maintained and renovated as
 9 we move forward.
 10 The second level, essentially, retail,
 11 depicted in the orange. It's a two-level
 12 office lobby depicted here in the blue, and the
 13 rest is really access to parking above, as well
 14 as the town homes in yellow.
 15 Since you last saw it, we have provided a
 16 liner of office use, all along the floor plate
 17 of the office along Ponce de Leon, so no
 18 parking gets to be visible above grade in that
 19 south block, and we're meeting -- I forget the
 20 requirement, but we're meeting, I think it was,
 21 a 70 percent requirement -- a 30 percent
 22 maximum access for parking or visibility to
 23 parking along this front. We're exceeding
 24 that, as well.
 25 Here, this is the illustrative roof plan.

1 We are committing to 15 percent of our total
 2 roof area being accessible to the public, and
 3 those are established here with a public park
 4 that is here, in this location, as well as
 5 here, in this location. These are intensive
 6 green roofs, meaning there's depth to it.
 7 There are real trees, water features, and truly
 8 a great amenity for the neighbors and
 9 community.
 10 We're also committed to providing extensive
 11 green roofs in any roof that is over 1,000
 12 square feet, again a commitment I've never seen
 13 in the 26 years that I've been practicing here
 14 and throughout the U.S.
 15 The hotel is also providing public rooftop
 16 access for the restaurant or guests of the
 17 hotel or for anyone that wants to use the
 18 restaurant that's up on that higher location on
 19 the top of the hotel, and the other amenities
 20 that are up here are for the residents here in
 21 a residential -- two pools, as well as for the
 22 office users here, with a green roof that
 23 occurs on this podium level for their use.
 24 This area is residential amenities, as
 25 well, for residents, and this is accessible for

1 the hotel guests, to this roof and pool area.
 2 This diagram is tough to read, I apologize,
 3 but it's trying to identify our open space. I
 4 mentioned that we're committed to a minimum of
 5 20 percent open space and that we're exceeding
 6 the Form-Based Code requirement of 30 percent
 7 for the townhouse parcels. We're providing 34
 8 percent open space for those areas.
 9 What this also is depicting, again, a
 10 change since you last saw the project, a new
 11 paseo that we're adding here that takes us from
 12 Sevilla to Palermo, open to the public,
 13 continues the retail paseo diagram that extends
 14 through the middle parcel, as well as the south
 15 parcel out to Ponce de Leon. The red squares
 16 are indicating future locations for the public
 17 art, and the emphasis on, really, this area
 18 around the historic structure as an important
 19 plaza for emphasizing and really featuring the
 20 historic structure.
 21 I want to highlight more changes that we
 22 made since you've last seen the project. We've
 23 added a south larger retail shop, here in this
 24 location, so we have a true kind of nicely
 25 anchored on two level retail, larger retail

1 shops, one here and one here. We've also
 2 organized and made more efficient, if you will,
 3 the depth of the retail in certain areas and
 4 cleaned up the retail diagram from the last
 5 time you saw it. We've reduced the curb
 6 radiuses throughout the project to about a
 7 15-foot radius in most areas, where it works
 8 from the standpoint of vehicular, and frankly
 9 makes the pedestrian a little bit safer.
 10 There's a couple exceptions where trucks
 11 wouldn't be able to make that turn, where we
 12 have exceeded that tighter curve radius.
 13 As I've mentioned, we've organized and
 14 simplified access to parking ramps, and I've
 15 mentioned that we have consolidated residential
 16 lobbies on Malaga and Sevilla.
 17 On the second level, again, that second
 18 floor anchor, a large retail space here, and
 19 simplified parking and made retail shops more
 20 efficient and better depths.
 21 On the north parcel, we've moved the office
 22 lobby. Because of that liner of office now
 23 coming down the whole face of the office tower,
 24 the whole way to the top of the retail, we've
 25 been able to move the office lobby, which was

1 kind of a sky lobby position, to be on the
 2 street and a two-story space entered here, as I
 3 mentioned, off of Sevilla, and I've already
 4 mentioned the paseo that we've added here,
 5 between Sevilla and Palermo.
 6 Some revisions here, we simplified the
 7 landscaping design to really frame with the
 8 vegetation the historic structure instead of
 9 kind of hiding it with some of the prior
 10 design. We've eliminated some detail in
 11 paving, quite frankly, that was rather
 12 confusing and detracted from the specialness of
 13 the space.
 14 Here on the south parcel, we have
 15 eliminated the deceleration lane that occurred
 16 here on Ponce de Leon, because we've also
 17 eliminated that entrance that I spoke to
 18 previously to parking that was here in our
 19 former plan, and so that's exclusively -- These
 20 ramps are purely for hotel guests.
 21 From the diagram standpoint, this
 22 essentially stays the same. This is the
 23 vehicular circulation diagram. The red arrows
 24 indicate access for vehicles to the parking
 25 system below grade and above grade, and the

1 black arrow indicates the single entrance for
 2 all trucks entering the loading for
 3 below-grade, valet here off of Ponce de Leon,
 4 and then circulation for parking above grade.
 5 Connecting -- important features are connecting
 6 all three sites with that circulation, and I
 7 didn't mention but all of the ramps connect all
 8 levels of parking from the B1 level up to the
 9 top level of parking above grade. That's
 10 critical, so we're not pushing cars back out
 11 onto the street in an attempt to find spaces
 12 that they couldn't find below grade. They can
 13 always stay internal to the diagram and not add
 14 to the traffic outside.
 15 We've mentioned previously the below-grade
 16 parking, or sub-below-grade loading. We
 17 haven't shown you this before, but this is our
 18 designated areas for bicycle parking. We've
 19 been very deliberate in providing it in
 20 numerous areas around the site. We've also
 21 started to highlight where we plan to provide
 22 employee lockers and showers, indicated in the
 23 red, for folks coming here on a bike, and then
 24 the orange is showing public lockers that we're
 25 providing along the paseo, for folks that come

1 here by bike and want to shop or go to the
 2 hotel.
 3 Now, some changes that have occurred since
 4 we visited you last. Our original massing,
 5 presented on July 23rd, I forget if this was
 6 the Board of Architects meeting or your
 7 meeting, but essentially, our massing was two
 8 residential towers here on Malaga and
 9 residential buildings that essentially come
 10 straight down to the ground on Sevilla, as well
 11 as here on what we're proposing as an alley off
 12 of Palermo.
 13 In September, we made some revisions and
 14 pushed back the second residential building
 15 here on Malaga. We pushed back the third, what
 16 we call the third residential building here off
 17 of Palermo, and did the same with the
 18 residential building on Sevilla. Since that
 19 time, and what we're presenting to you today,
 20 is a change of FAR from 4.55 to 4.375, as well
 21 as the additional change of the elimination of
 22 the second tower here for the residential into
 23 one tower, resulting in a reduction in
 24 residential by a few units, and also a further
 25 setback of the residential building here on

1 Sevilla, and I can show you that with some
 2 other diagrams that we have later.
 3 This is showing the office liner that we've
 4 added, so no parking in the office forum facing
 5 Ponce de Leon. This shows the setbacks I
 6 talked about -- mentioned previously, but a
 7 little bit better in this diagram, on top of
 8 our actual model, showing the increased
 9 vertical setback above the parking, as well as
 10 above the retail podium.
 11 And then new professional renderings of the
 12 current design as it stands today. Here you're
 13 standing in the park on Ponce de Leon, looking
 14 back at the hotel. The entry to the hotel is
 15 here. The historic building is here on --
 16 between Palermo and Coconut Grove Drive. You
 17 see the view down Coconut Grove Drive, the
 18 corner of the office building here on the left,
 19 and one of the residential buildings here on
 20 the right.
 21 This is on Ponce de Leon, sort of crossing
 22 from the park, using the crosswalk that exists
 23 there, looking back at the historic structure
 24 that will be renovated and reutilized, the view
 25 down Coconut Grove Drive and the view down

1 Palermo, with one of the residential buildings
 2 in the background.
 3 This is a view, again, on Ponce de Leon.
 4 These cars are driving south and the park is to
 5 the right. Hotel, office, residential, facing
 6 Sevilla. I'm sorry, this is also the office
 7 building, I'll show you later a blowup.
 8 This is a view kind of hovering over
 9 Sevilla here in the foreground. Galiano is on
 10 the left. The three-story town homes here all
 11 along Galiano, residential and office on the
 12 far right.
 13 This is a view on Sevilla, a kind of
 14 close-up view. I've mentioned that loading is
 15 happening here, off of Sevilla, and then the
 16 double entry, for entry and exit for cars
 17 wishing to enter the parking, is happening
 18 here. That singular entrance for residential
 19 is here. The office entrance is farther down
 20 behind the trees there.
 21 This is a view on Malaga, as Coconut Grove
 22 Drive is here, so it's kind of on the 45 of
 23 Malaga, shown kind of here on the board, and
 24 showing the three-story town homes in the
 25 foreground. Another view of those town homes,

1 but this is on Galiano. Another view on
 2 Malaga, kind of in the opposite direction.
 3 Coconut Grove Drive is here. A close-up view
 4 of the historic structure is here. This is the
 5 view down Coconut Grove Drive. We have lowered
 6 the statement tower that we're suggesting is
 7 the access to the publicly accessible park,
 8 here. It was much taller, in our previous time
 9 that we presented to you. We've reduced that
 10 height. A close-up view of the office entrance
 11 on Sevilla. A close-up view, we're heading
 12 north, this car is heading north on Ponce, and
 13 this is the dropoff for the hotel. Typical
 14 retail storefronts occurring all along Ponce,
 15 activating that street.
 16 And this is one of the entries to the paseo
 17 that occurs on the south parcel here from Ponce
 18 de Leon. A view of the top of the hotel
 19 building. If you will, this is kind of a great
 20 place to kind of show what is above that 190.5.
 21 All hotel keys are below this line, which is
 22 the 190.6, and then the restaurant is here, the
 23 only occupied space above that 190.6, along
 24 with the terrace adjacent to that space.
 25 That concludes our presentation.

1 CHAIRMAN AIZENSTAT: Thank you.
 2 MR. GARCIA-SERRA: Members of the Board,
 3 these six acres have been a scar in the heart
 4 of the City for over six years now. I think
 5 that every one agrees that they need to be
 6 redeveloped, and sooner rather than later. My
 7 client is looking to invest over half a billion
 8 dollars into this endeavor. The only question
 9 is, how do we do it so as to maximize the
 10 benefit for everyone, the property owner, the
 11 neighbors, the City, and the general public.
 12 After much deliberation, both we and your
 13 City Staff have concluded that a form-based set
 14 of development regulations is the best way to
 15 ensure the highest quality development of this
 16 site. I think that the person who best
 17 summarized what we are trying to accomplish
 18 here was Liz Plater-Zyberk, one of the leading
 19 figures in the New Urbanism Movement, a former
 20 dean of the University of Miami School of
 21 Architecture, and a long-time Coral Gables
 22 resident, who chaired the peer review panel,
 23 both that reviewed the design of the project as
 24 well as the proposed Code amendments, and
 25 stated, in the deliberations on the Code

1 That concludes our presentation. I'll
 2 reserve some time, of course, if necessary, to
 3 make rebuttals to any of the public comments,
 4 and we have various of our consultants and
 5 experts here available for any of your
 6 questions.
 7 MR. TRIAS: Mr. Chairman, I would request
 8 one last speaker, and that would be Elizabeth
 9 Plater-Zyberk, who was the chair of the peer
 10 review panel, and she's here and she can
 11 summarize what happened in the peer review and
 12 perhaps be a resource for you throughout the
 13 discussion about the Code.
 14 So, Liz, if you could speak.
 15 CHAIRMAN AIZENSTAT: Ramon, was that the
 16 speaker that needed to speak by seven o'clock?
 17 MR. TRIAS: No. There's another person, if
 18 you want to do that first.
 19 CHAIRMAN AIZENSTAT: No, let her go ahead
 20 and speak now.
 21 MR. TRIAS: Liz is one of our consultants,
 22 so that was part of our presentation.
 23 CHAIRMAN AIZENSTAT: Okay, thank you.
 24 MS. PLATER-ZYBERK: Good evening. Not to
 25 prolong this, I will just point out that --

1 amendment, the following: "It's important to
 2 differentiate this particular Form-Based Code
 3 from a lot of the others. In those other
 4 codes, the objective was in many cases to
 5 create a clear path for by-right development
 6 approval so that if an applicant's project was
 7 to merely comply with the new rules, they would
 8 not be subject to a discretionary review. That
 9 is not the case here. In Coral Gables, we have
 10 a situation in which this is high demand real
 11 estate and the City can demand the best
 12 possible project, and so what happens here is
 13 that the City Staff and the Development
 14 Services Director and Commission hold really
 15 important controlling authority over key
 16 project specifics and the final approval. This
 17 is more of a curatorial approach to the
 18 composition of the City, to the great ongoing
 19 artwork that is the City of Coral Gables.
 20 Indeed Agave Ponce is committed to building a
 21 project which will rank among the great urban
 22 and architectural landmarks of the City
 23 Beautiful, and which will help to maintain the
 24 great quality, reputation and prestige of the
 25 City for another hundred years."

1 CHAIRMAN AIZENSTAT: If you could state
 2 your name and address, please.
 3 MS. PLATER-ZYBERK: Yes. Elizabeth
 4 Plater-Zyberk. I live at 6612 LeJeune Road, in
 5 Coral Gables.
 6 I was asked by the City to convene a group
 7 of peers to review the project in two ways. In
 8 September, we held a design review, which was
 9 held at the University of Miami and included
 10 Professor Joanna Lombard and architect and
 11 author Marianne Cusato, architectural designer
 12 and author, Marianne Cusato, who is, in fact,
 13 an expert on classical architecture, and of
 14 course, Joanna teaches studios employing
 15 classical architecture, and then more recently,
 16 in November, we in this room convened a review
 17 of the Form-Based Code that was presented to
 18 you this evening. We had a presentation of the
 19 Code. We also had it to review in advance, and
 20 that group included Ana Gelabert-Navia, a
 21 former planner of the City of Miami, who
 22 shepherded Miami's new Code into place several
 23 years ago, and Dr. Charles Bohl, who is the
 24 director of the Masters in Real Estate
 25 Development and Urbanism Program at the

1 University of Miami. And in that case, we had
 2 one person who understood -- who understands
 3 very well the development world, one person who
 4 is concerned about enforcement -- I needed to
 5 remember that word -- from her experience with
 6 another city, and of course, my experience with
 7 the writing of form-based codes and the
 8 reason -- the reasons to use a form-based code.
 9 So we had a very thorough and wide-ranging
 10 discussion at that time. And I'd be happy to
 11 answer some questions, perhaps, after your next
 12 speaker.

13 CHAIRMAN AIZENSTAT: Thank you. At this
 14 time, we're going to go ahead and close the
 15 floor to the applicants and open it up to
 16 public comments. Was there somebody that you
 17 wanted to speak first, Ramon?

18 MR. TRIAS: Yes.

19 CHAIRMAN AIZENSTAT: Jill? That gentleman,
 20 could you call his name, please.

21 MS. MENENDEZ: Did you sign up, sir?

22 MR. BITTEL: Stephen Bittel.

23 MS. MENENDEZ: Yes, Stephen Bittel is the
 24 very first one.

25 MR. BITTEL: Hi, I'm Stephen Bittel. I

1 reside at 4125 Braganza, in the City of Miami.
 2 Directly, in entities controlled -- that I'm
 3 the managing member of and controlled by our
 4 firm, Terranova Corporation, we have owned
 5 eight buildings on Miracle Mile for 11 years.
 6 In all due respect to most articulate counsel,
 7 we have owned those for 11 years, not three or
 8 four, as he suggested. We also own other
 9 buildings in Miami for 34 years and 20 years,
 10 so we certainly have a long-term approach.

11 I was born in Jackson Memorial Hospital.
 12 I'm a product of the Miami-Dade County Public
 13 School System from years one through twelve. I
 14 am the sole shareholder of Terranova and have
 15 been at all times.

16 I appreciate the thoughtful design on these
 17 six acres. I am concerned very directly on the
 18 impact on Miracle Mile. I spoke here for the
 19 first time in my life when the City
 20 Commissioners were considering whether or not
 21 to make a significant investment of in excess
 22 of 20 million dollars on a streetscape on
 23 Miracle Mile that has been promised for all 11
 24 years of our ownership.

25 My concern is that a proposed project of

1 325,000 feet of retail, which has been artfully
 2 segmented into different sections, but it's all
 3 retail, plus another probably 25,000 feet of
 4 retail in the hotel part, for a total of
 5 350,000 feet, is almost the entire amount of
 6 the retail on Miracle Mile today. This would
 7 be -- to allow this quantity of retail set off
 8 the street, well deep off the project, drawing
 9 retail and pedestrian traffic off Ponce de Leon
 10 Boulevard, would have the same devastating
 11 impact on Miracle Mile that Merrick Park did a
 12 long time ago.

13 When this project was first presented to
 14 us, it was presented as a luxury product that
 15 would have nothing to do with Miracle Mile.
 16 That has changed. The five-star hotel has now
 17 gone as four-star, and I am sure they will do
 18 the best that they can, but once -- when a city
 19 conveys upon a developer, someone like me, the
 20 right to build an envelope, we then, once we
 21 have built it, will lease it to the best
 22 tenants we can, and if luxury is not available,
 23 we'll go down a step. Having retail this far
 24 off the street will be a drag on the retail of
 25 Miracle Mile forever, similarly as having

1 retail on the second floor, which historically
 2 doesn't rent in South Florida, will also be a
 3 drag on retail. We will have a devastating
 4 impact on Miracle Mile, and whether it's an
 5 existing Code, a Form-Based Code, or some other
 6 form of Code, it is simply too much. The scale
 7 and mass of this project has grown and grown
 8 and grown, and will have a long-term negative
 9 impact on our very important community.

10 I question the wisdom of investing in the
 11 streetscape at the level that the City so
 12 desperately wants to do, and we stood -- and I
 13 stood here and supported it and said, "Tax us
 14 to pay for it," but to do that at the same time
 15 as we damage Miracle Mile by doing a project of
 16 this scope, with so much retail, I believe
 17 would have a devastating impact.

18 Terranova operates a lot of retail, close
 19 to a billion dollars' worth. We are similarly
 20 the largest owner on Lincoln Road, where the
 21 rents are five times higher. So I think we do
 22 know something about that which I speak to you
 23 about today. So I would encourage you to be
 24 cautious and be careful and limit the amount of
 25 retail, force it to Ponce, where it should be.

1 Every great city and every great country where
2 we have great urban areas, good urban planning,
3 dictates that all the retail activity and the
4 public restaurants be out on the street so it
5 does connect to Lincoln Road -- excuse me, to
6 Miracle Mile, and not draw the traffic away
7 from it. Thank you.

8 CHAIRMAN AIZENSTAT: Thank you.
9 Mario, could I ask you to put down some of
10 the boards, because there's people behind that,
11 that can't see, while we have public comment.
12 Thank you.

13 I'd like to also welcome at this time
14 Commissioner Frank Quesada, who has joined us,
15 and obviously, as I mentioned before, Pat Keon,
16 when she was here before. Thank you.

17 She's still here.

18 Next speaker, please.

19 MS. MENENDEZ: Barbara Tria.

20 MS. TRIA: Thank you. I have nothing to
21 add.

22 MS. MENENDEZ: Paul Penny.

23 MR. PENNY: Not tonight.

24 MS. MENENDEZ: Enrique Lopez?

25 MR. LOPEZ: Good evening, Mr. Chairman,

1 Members of the Board, fellow residents --
2 fellow residents, applicant and others.

3 First of all, I'd like a clarification
4 before my clock starts ticking.

5 CHAIRMAN AIZENSTAT: If you could state
6 your name and address, please, for the record.

7 MR. LOPEZ: I'm Enrique Lopez, a resident
8 at 1312 Sorolla Avenue. I'm also here in the
9 capacity of the member of the board of
10 directors of the Good Gables Government
11 Committee.

12 I'd like a clarification, because
13 counsel -- and counsel, just for the record, it
14 is my understanding that this Board's vote, be
15 it positive or denial, will actually accept or
16 deny a form-based code for the City, as well as
17 approve the applicant's project within the
18 concept of form-based code.

19 I would like a clarification on that,
20 counsel, because I am confused, as I shared
21 with you, and --

22 MR. LEEN: I understand.

23 MR. LOPEZ: I appreciate it. Thank you.
24 Yes.

25 MR. LEEN: What's being considered

1 tonight -- and it's a recommendation of the
2 Planning and Zoning Board; it will go before
3 the Commission for two readings -- is a
4 legislative change, a Comprehensive Plan change
5 and a change to the Zoning Code, that would
6 permit what's called a Mediterranean Village as
7 part of -- It's an amendment, in a sense, to
8 the PAD provisions. It's a form of a PAD, but
9 it's -- and a PAD is a Planned Area
10 Development, and it's only in one area of the
11 City. It's designated by street boundaries,
12 and it could only be in this spot, based on the
13 way that it's been defined in the Code. So the
14 actual site plan is going to come before this
15 Board and then the Commission at a later time.

16 Now, the changes to the -- What's being
17 proposed, the Mediterranean Village, would be a
18 legal vehicle that would allow the site plan to
19 be considered by the City Commission and
20 approved. But that is not an as-of-right
21 approval. That's something that would be
22 considered as a conditional use, which means
23 that residents could testify, individuals who
24 are affected could testify. There would have
25 to be determinations made by the Commission

1 regarding the impact and whether those impacts
2 could be mitigated. There would be the right
3 to an appeal. And all this would be decided by
4 the City Commission in two readings, and by
5 this Board through one meeting preceding that,
6 and they would give a recommendation as to
7 that, as well.

8 MR. LOPEZ: Okay, thank you. Obviously, it
9 goes right to my point. I do support FBC,
10 form-based coding, and I want Mr. Trias, with
11 which I've had several meetings to educate
12 myself before standing in front of a very
13 diligent and intelligent group, basically tells
14 me that form-based coding basically takes our
15 very strict and very special Code, and
16 basically puts it into pragmatic Code. An
17 example he used was Mediterranean style.
18 Basically, there will be pictures or
19 schematics, and obviously, I'm not an
20 architect, I am an engineer, where it would
21 actually show someone what Mediterranean style
22 would be, and not have to leave to it
23 interpretation of a Planning Director, present,
24 past or future.

25 So I do support form-based code. However,

1 I do not support the project applicant's
 2 application of form-based code, for the
 3 following reason, very basic. Parking in Coral
 4 Gables, it is so abundant, correct? By the
 5 Code, by today's Code, this project will
 6 require approximately 3,500 parking spaces.
 7 Based on the shared parking component, this
 8 project is proposing 2,445 spaces. What does
 9 it tell me? Simple math, 1,105 spaces deficit.
 10 Okay? Mind you, this does not include the 161
 11 spaces that we're about to lose on Miracle Mile
 12 as a result of streetscape and the
 13 approximately 400 additional spaces which the
 14 new planned garages do not address, don't even
 15 meet Miracle Mile's present capacity. I think
 16 you all can figure out the numbers.

17 What's really even further interesting is
 18 that some of the participants who do support
 19 within Staff this project have been
 20 participants where they have disallowed a
 21 developer, within the last year, project
 22 permits because they had a 46 parking space
 23 permit -- void. So figure it out. I'm having
 24 great difficulty.

25 Number two, transit improvement plan. It's

1 unknown, it's undefined. I don't distrust the
 2 developer, but frankly, the developer is not
 3 going to look out for my best interests,
 4 necessarily, or the City's best interests. I
 5 would like to see that transit improvement plan
 6 be very specific, everything to what's going to
 7 be done, the commitment, the dollar commitment,
 8 if it's in the trolley, whatever it is. It's
 9 basically, as the gentleman said, to be
 10 determined, and to be determined leaves a lot
 11 of room for improvement.

12 No consideration of present or planned
 13 overlays. You all know, the BID, the many
 14 overlays, the many issues, the Merrick Village,
 15 the big picture. None of the above. It's not
 16 happening. There is no connection.

17 By the way, these are exact comments, and I
 18 hope you do -- I'm sure you have, I won't put
 19 that to question -- looked at the peer review,
 20 because these architects, including Ms. Plater
 21 and others, brought some very valid questions,
 22 some of which I'm sharing with you right here,
 23 so I'm not even the expert, but it makes sense
 24 to me, because not only do they say it; it is a
 25 low-hanging fruit. Public space percentages,

1 calculated for compliance purposes, however,
 2 there was a question, and that remains a cloud
 3 in my mind, as to the truly public access of
 4 that public space. So are we using it strictly
 5 to make a number, meet a quantity, but then we
 6 have memberships or limited access areas?
 7 That's still a big question mark. And others
 8 voiced, such as the use of the bridges within
 9 the facility, the flow to the Mile, no thought,
 10 and that can go on the record, and Mr. Trias
 11 and the others can state to the fact, the fact
 12 is that there was no thought given to the flow
 13 to Miracle Mile, to try to help the Mile. I
 14 concur with the gentleman. This has the
 15 potential, based on magnitude, to basically
 16 kill Miracle Mile. So we'll streetscape it,
 17 we'll beautify it, and then we'll bury it.

18 Applicants in the past have been very
 19 adherent to our Code. 396 Alhambra is a
 20 perfect example. They have gone through every
 21 nook and crook, and by the way, I don't blame
 22 them. I would take advantage of the shared
 23 parking, the undefineds that go into this
 24 project.

25 Public input has been very limited. I can

1 tell you for a fact that invitations to these
 2 things, they were not that public. They were
 3 legally public, you know, the Miami Daily News,
 4 et cetera, but nonexistent. I found out
 5 through third parties and because it is a
 6 quality of life component in our City. This is
 7 not the only project. As our Mayor said today,
 8 there are around 60 projects. We're on a roll.
 9 I don't know what type of roll we are, but the
 10 fact is, we need to slow down and not be on
 11 this roll, because this would destroy the
 12 quality of life. I'm not against the project,
 13 but I think we need to look at it.

14 I would ask that this Board defer this item
 15 and allow the Code change plans and process to
 16 further have more input, as we did in 2001 and
 17 2010, where we had professionals such as
 18 yourself give your two cents' worth. This is a
 19 democracy. This is not just because it's been
 20 a year and there were three or four meetings.
 21 That's not it. This is a major Zoning Code
 22 change, and the City has fallen short, once
 23 again, in doing it the right way. After all,
 24 this is our quality of life.

25 I do ask, I do not wish for this to become

1 a Brickell West. I would like that area
 2 developed, and I thank Agave for taking charge.
 3 I would have liked to have seen the Spanish
 4 Village with Allen Morris and -- may he rest in
 5 peace -- Ralph Sanchez. It didn't happen that
 6 way, but I ask your consideration. All of you
 7 are recipients of the same quality of life I'm
 8 asking, and we're not saying no to the
 9 developer, but let's look at all the facts,
 10 cross the T's, dot the I's. Let not be paid
 11 attorneys by developer be the voice of the
 12 people. After all, we are the people.

13 Thank you very much.
 14 CHAIRMAN AIZENSTAT: Thank you.
 15 MS. MENENDEZ: Alicia Bache?
 16 MS. BACHE-WIIG: Good evening. Alicia
 17 Bache-Wiig. I live at 3026 Coconut Grove
 18 Drive. I'm here today in support of the
 19 project, of the Mediterranean Village being
 20 proposed to us today. I also represent three
 21 other property owners, 3102, 3027 and 3018
 22 Coconut Grove Drive. History on our street
 23 goes back to Old Spanish Village, when we have
 24 had to withstand for many years all the
 25 repercussions having to do with the abandoned

1 site. That's dark streets, crime, basically a
 2 blighted area that we've had to deal with, and
 3 as a result, our property values have been
 4 affected and impacted.

5 At that time, there was no Comprehensive
 6 Plan or anything with regards to the adjacent
 7 property, I mean, the adjacent neighborhood,
 8 which is ours, and how that was going to be
 9 weaved into that project.

10 I know that today we're here to change the
 11 Code to allow for increased square footage,
 12 usage, and decreased parking, building heights,
 13 et cetera. Again, we support this project.
 14 However, with these changes, our street will
 15 continue to be impacted in a greater way. The
 16 increase in traffic, density and commercial use
 17 will no longer allow for our single-family home
 18 designations to be sustainable. Our one-story
 19 scale adjacent to approximately 200-foot
 20 towers, even with the step-down of the
 21 surrounding town homes, will no longer be
 22 compatible in scale and envelope.

23 We have the 27th (sic) Avenue corridor, we
 24 have the Ponce de Leon corridor, and
 25 essentially, we are a gateway to this project,

1 with Coral Gables Hospital to one end and this
 2 project on the other. I think today we have
 3 the opportunity to address what is a
 4 Comprehensive Plan for our neighborhood. We
 5 don't know what that is, because we're going to
 6 be impacted and we request the Board to pass
 7 some kind of a resolution where our
 8 neighborhood and our scale and our current
 9 zoning is looked at with a specific time frame.
 10 That would make us whole and compatible with
 11 what's being planned around us. Do you guys
 12 have any questions?

13 CHAIRMAN AIZENSTAT: Thank you.
 14 MS. BACHE-WIIG: Thank you.
 15 MS. MENENDEZ: Daniel Siberio.
 16 MR. SIBERIO: Hi. Hello, I'm Daniel
 17 Siberio, the homeowner at 3021 Coconut Grove
 18 Drive, Alicia's neighbor. I just wanted to say
 19 and reiterate everything she said about the
 20 impact of having a project that was canceled
 21 seven years ago, and we've pretty been impacted
 22 by the fact of not just the crime, but the
 23 issue of just the views of a property that's
 24 been abandoned.
 25 I certainly support this project. I think

1 it's one of the greatest things that's going to
 2 happen to Coral Gables, not just now, but over
 3 the next 25, 30 years. I think if Coral Gables
 4 is going to compete in the city, with
 5 everything that's happening in Brickell and
 6 Downtown Miami, this is certainly something for
 7 us, the homeowners that live here, that's going
 8 to create great quality of life. But I do
 9 think you need to reconsider the impact of the
 10 zoning for what's going to happen to us as
 11 single-family homes in Coconut Grove Drive and
 12 the Crafts area, probably from Coconut Grove
 13 Drive, Galiano, to 37th Avenue, to Douglas,
 14 between Santander and Sevilla.

15 I met with Commissioner Quesada over a
 16 month ago, and we discussed the fact that, you
 17 know, down the road, this whole area needs to
 18 be rezoned. It's not, you know, feasible to
 19 think that it can remain single-family homes.
 20 And as such, I think that sometime over the
 21 next three to five years, this whole area
 22 should be rezoned to some kind of limited
 23 commercial, giving us the opportunity to, you
 24 know, redevelop our properties. I personally
 25 would love to have a live/work space. I'm a

1 CPA, financial advisor. I view the City with
 2 this project and my home in that area as an
 3 opportunity to build something that could be,
 4 you know, a combination of office, work space
 5 and home, that's realistically compatible to
 6 being, you know, walking space to a fabulous
 7 development. And I know there's opposition
 8 from people on Miracle Mile. I'd like to say
 9 that Miracle Mile today is really not a retail
 10 destination. Merrick Park is, but Miracle Mile
 11 isn't. It's more of a restaurant destination.
 12 But in any case, however the project gets
 13 modified, and I'm sure there will be some
 14 modifications, I do request that you consider
 15 in the near future how you're going to rezone
 16 the Coconut Grove Drive area and the Crafts
 17 area, as I mentioned, between Santander and
 18 Sevilla, Galiano and Douglas.

19 Thank you very much.

20 CHAIRMAN AIZENSTAT: Thank you.

21 MS. MENENDEZ: Marina?

22 MS. FOGLIA: Good evening. My name is
 23 Marina Foglia, and I am the executive director
 24 of the Business Improvement District of Coral
 25 Gables. Our offices are located at 220 Miracle

1 Mile. I am here today representing our
 2 members, which consist of 350 retailers and 120
 3 property owners, and I beg to differ, but we do
 4 have extensive retail along Miracle Mile and
 5 the adjacent streets. We may be known as a
 6 dining and bridal destination, but we have only
 7 96 of those are restaurants. The rest, over
 8 300, are shops, between furniture, beauty,
 9 boutiques. So we are a retail destination.

10 But I am here because our members have
 11 several concerns regarding the project, and
 12 so -- and I'm sorry -- We've had several
 13 conversations already with Agave, and while
 14 we're in favor of the hotel component and all
 15 the residential component and the majority of
 16 the project, we are very concerned with the
 17 retail. It is 350,000 square feet of retail
 18 being proposed, you know, four blocks away from
 19 Miracle Mile and the Downtown District. In
 20 conversations with them, we have asked them to
 21 consider alternatives to the retail. 82,500
 22 square feet of that is amenities, and we're
 23 fine with the hotel, the gym, et cetera. But
 24 the remainder retail component, we've talked to
 25 them and we feel that there is a great need and

1 a void for a convention center or large
 2 ballroom area in the City of Coral Gables. As
 3 you know, the Biltmore can only hold 350
 4 people, you know, banquet style. The Hyatt can
 5 only hold 300. The -- what is it, the Coral
 6 Gables Country Club can only hold 450. So I
 7 think, you know, there is a great need and one
 8 that we would like everybody to consider when
 9 making the plans, instead of the retail, to add
 10 a large ballroom facility or a convention
 11 center, and feeling that our visitors and our
 12 community will be better served by that.

13 Also, I want to remind everybody that a few
 14 months ago, our streetscape was approved, that
 15 is, a 20 million dollar capital improvement
 16 project. 10 million of those are being paid by
 17 our property owners along Miracle Mile and
 18 Giralda Avenue. So that is a large, large
 19 investment. The design firm has just been
 20 hired. Construction is set to begin hopefully
 21 in September. Construction probably will take
 22 a year and a half.

23 So, as you can see, a lot of investment is
 24 being made in our Downtown area, and our
 25 retailers and property owners have waited many,

1 many years for this project to be approved, but
 2 the streetscape that is being approved, that is
 3 only the first phase, in what is called the
 4 hardware. You know, the street alone will not
 5 fix many of the issues that we have in our
 6 Downtown. The second layer, you know, which is
 7 the software, is the overlay that we have been
 8 proposing for many years, as well, and has not
 9 passed.

10 So, in terms of the BID, you know, the
 11 vision for Agave, and while we've talked -- you
 12 know, it is not that it competes with our
 13 Downtown, but that it serves as a complement,
 14 so, you know, we don't want it to be a
 15 competition, but a complement. We feel that
 16 together, rather than separately, we can
 17 achieve more by improving the attractiveness of
 18 the streets and improve, you know, the overall
 19 Downtown, making it attractive and connecting
 20 it and making it inviting to residents and
 21 visitors alike.

22 For your information, the BID formed an
 23 overlay committee, many, many years ago, which
 24 includes many representatives from the
 25 University of Miami. You know, Dr. Charles

1 Bohl was one of those who was here with the
 2 review peer, and they have been considering
 3 this overlay referred to as the Zane/Friedman
 4 Downtown Overlay, and basically what this
 5 overlay suggests are numerous doable
 6 enhancements to the Downtown that can be made
 7 concurrently at this time. Now that you are,
 8 you know, reviewing this process, we hope that
 9 you will be able to review our overlay, as
 10 well.

11 I have heard many people voice their
 12 concerns in terms of the shared parking, the
 13 density and the height, but one of our concerns
 14 is the connectivity, as well. We would like to
 15 see and to make sure that this project really
 16 connects to the streetscape. The streetscape
 17 currently, where it ends, and until it reaches
 18 the Agave project, no enhancements are being
 19 made to that area. So, between the garage
 20 developments being proposed, you know, Garage 1
 21 and Garage 4, and with the new Agave, maybe,
 22 you know, we can work something out where the
 23 streetscape is extended, making it very
 24 pedestrian friendly to all.

25 In addition to the connectivity, I would

1 point out that she's placed on the agenda for
 2 the next Commission meeting an item relating to
 3 zoning on Miracle Mile, taking a look at that,
 4 and we're going to receive a report from our
 5 Planning and Zoning Director regarding that,
 6 and I'll be available to answer questions, as
 7 well, so I just wanted everyone to know that
 8 that is going to be looked at. It's separate
 9 than this, but it will be looked at, and this
 10 will obviously probably come into consideration
 11 in discussion when looking at that.

12 CHAIRMAN AIZENSTAT: Thank you.

13 MS. MENENDEZ: Jeff Welch.

14 MR. WELCH: Good evening. My name is Jeff
 15 Welch. I am CEO of Coral Gables Hospital.
 16 Nice to see all of you here tonight, and I just
 17 want --

18 CHAIRMAN AIZENSTAT: Could you state an
 19 address, please?

20 MR. WELCH: Oh, 3100 Douglas Avenue.

21 CHAIRMAN AIZENSTAT: Thank you.

22 MR. WELCH: Road, sorry.

23 So we're located just kind of southeast of
 24 the property, and I just wanted to offer the
 25 support of the application and support that the

1 like to see maybe the transit plans to include,
 2 you know, trolleys or the loop, or maybe little
 3 golf carts, you know, bringing people to and
 4 from. As you know, the summers are very warm,
 5 so I don't think a lot of people walk, and we
 6 have rain. You know, we want to see some
 7 alternatives, getting people to and from both
 8 areas.

9 And in closing, I just want to say, number
 10 one, that we are in support of the hotel, the
 11 office space and the residential occupancies.
 12 We do believe that it will have a positive
 13 impact on our Downtown. However, please
 14 consider, you know, the hardship that the
 15 excessive amount of retail will have on the
 16 Downtown Coral Gables area and its long-time
 17 property owners and merchants, and especially
 18 the property owners who are paying a large
 19 amount of annual assessments, you know, to pay
 20 for the streetscape.

21 Thank you very much.

22 CHAIRMAN AIZENSTAT: Thank you.

23 MR. LEEN: Mr. Chair?

24 CHAIRMAN AIZENSTAT: Yes, sir.

25 MR. LEEN: Commissioner Keon wanted me to

1 City of Coral Gables will do what's in the best
 2 interest of Coral Gables.

3 I think the application and the ideas that
 4 have been brought forward are creative and they
 5 preserve the integrity of Coral Gables and it
 6 will actually eliminate that bit of a black eye
 7 for the City Beautiful, where this specific
 8 area is. So that's all I have to say.

9 CHAIRMAN AIZENSTAT: Thank you.

10 MS. MENENDEZ: We have no more speakers.

11 CHAIRMAN AIZENSTAT: No more speakers?
 12 Mario?

13 MR. GARCIA-SERRA: Mr. Chair, I just need
 14 about 10 minutes of rebuttal.

15 I think the very important thing to note is
 16 that of the speakers that came up tonight and
 17 expressed any objection, you'll notice that
 18 there were no objections or criticism of the
 19 Form-Based Code legislative amendments that are
 20 proposed for the Comprehensive Plan and the
 21 Zoning Code, and which are actually the items
 22 before you this evening. The objections and
 23 criticisms we heard were more program site plan
 24 based, saying too much retail or we should have
 25 a convention center as part of that hotel, or

1 similar types of comments, which are really all
2 comments appropriate for the site plan review,
3 once the site plan review happens.

4 There was some discussion and considerable
5 discussion about the amount of retail, and I
6 think it's just my responsibility to try to
7 give you what our summarized response is to
8 that issue, which is that Miracle Mile, in
9 order to maintain it as a vibrant and
10 successful retail destination, needs to expand
11 and improve both its amount of retail available
12 and the quality of retail available, something
13 which I think our project will help enhance.
14 Indeed, this should be seen as one whole,
15 Miracle Mile and this project connecting, and
16 we are more than willing to entertain
17 streetscape improvements, different sorts of
18 connections, whether it be by trolley or some
19 sort of private shuttle in between the two
20 destinations so as to enhance that
21 connectivity.

22 But if you look at the competition that's
23 coming from places like Brickell City Center,
24 Miami World Center, these are large new retail
25 destinations, and in order for the Downtown of

1 Coral Gables to maintain -- stay competitive
2 with those destinations, they need to evolve,
3 they need to grow, they need to improve in
4 quality, and that's one thing that this project
5 is going to do.

6 If you look at a consultant that was hired
7 by the the City, Robert Gibbs, who was part of
8 the panel discussion reviewing the design of
9 the project, and is seen as a national
10 authority on the issue of retail, he said that
11 the retail floor area in this project should be
12 a minimum of 300,000 square feet, in order to
13 maintain both its own viability as well as
14 enhance the viability of the Miracle Mile
15 shopping district.

16 We have our own retail consultant here, of
17 course, that he can give his views, which I
18 pretty much summarized right now. Again, that
19 discussion, more appropriate for the time of
20 site plan.

21 I think the last thing I want to say is
22 that when you look at the actual single-family
23 home residential neighbors that came here to
24 speak, they spoke in support. These are
25 probably the people that would be most impacted

1 by this project, due to their geographic
2 proximity, and what they told you is that
3 they're in support of the project, they see it
4 as part of the evolution of the City, and they
5 actually want to see that evolution and that
6 sort of change of looking at how we regulate
7 development be applied to their neighborhoods,
8 too, and I think that says a lot.

9 At one point in time, you would have people
10 saying, "I'm going to tie myself to a tree or
11 put myself in front of a bulldozer before I let
12 this project happen." Now they're saying it's
13 change, it's change that we want to see, and we
14 want to be part of that change. I think that's
15 something very important to take into
16 consideration when looking at these new
17 proposed regulations.

18 Thank you very much.

19 CHAIRMAN AIZENSTAT: Thank you.

20 MR. LEEN: Mr. Chair --

21 Mario, one other thing. We had spoken
22 about the -- There's a property that is a
23 holdout property, that is not included in the
24 application, and I had to step out of the room
25 a couple times. Did you have a chance to talk

1 about that?

2 MR. GARCIA-SERRA: We did not address that,
3 aside from the fact that it is indicated on the
4 aerial photograph.

5 There is, in the central block --

6 MR. LEEN: Can I ask you -- The reason why
7 I'm raising this, Mr. Chair, is because I
8 did -- you know, traditionally, right now, the
9 proposed legislative change has one section
10 which is a single-family house, it's sort of in
11 the middle of the proposal. They're unable --
12 The applicant cannot propose that that be
13 upzoned to commercial, because they don't own
14 the property. So the actual Mediterranean
15 Village would not include that one property. I
16 just wanted to make it clear on the record,
17 though, that you have reached out to them, and
18 that the property does not want to be included
19 at this time. I do think that the City should
20 reach out to that property, to see if they
21 would like to be upzoned at the City's request,
22 but ultimately, that may be something that
23 should be left up to that property. But I
24 wanted you just to comment on that, so that
25 it's in the record.

1 MR. GARCIA-SERRA: On many occasions, we
 2 have approached that property owner. He's
 3 expressed to us unequivocally that he's not
 4 interested in selling the property to us or
 5 being a co-applicant, and so we understand
 6 that. We respect his right to make that
 7 decision. We're trying to be very respectful
 8 of him with regards to how the project is
 9 proposed and the area around him, how it's
 10 proposed to be developed. We're not looking to
 11 entrap him or put him in a canyon, and indeed,
 12 you know, the regulations talk about what might
 13 take place in the event we were ever to acquire
 14 that property, and this Board could, in its own
 15 discretion, make recommendations as to perhaps
 16 how the City should proceed with regards to
 17 that property. But you are correct, not part
 18 of the application right now, nor do we expect
 19 to be able to acquire that property any time
 20 soon.
 21 MR. TRIAS: Mr. Chairman, I received an
 22 e-mail today from the property owner and that
 23 has been distributed to you, and it's similar
 24 to the comments that he has given me in the
 25 past.

1 MS. MENENDEZ: Excuse me, Mr. Chair,
 2 there's one more letter that wants to be
 3 entered into the record.
 4 MR. GARCIA-SERRA: Yes, I chose to provide
 5 her that statement by the Coral Gables Chamber
 6 of Commerce. It's dated today, Wednesday,
 7 December 10th, 2014, entitled Agave's
 8 Mediterranean Village Project. "The Coral
 9 Gables Chamber of Commerce understands the
 10 importance of a project of this magnitude and
 11 has every confidence that developers will work
 12 closely and partner with our business community
 13 to ensure a positive impact that will leave a
 14 lasting imprint on the City Beautiful for years
 15 to come. We recently convened an ad hoc
 16 working group to study the impact of the Agave
 17 project, how it might impact the business
 18 community and how it will best integrate into
 19 our neighborhood with the most positive impact.
 20 The group was comprised of stakeholders and
 21 members of the Chamber, the Business
 22 Improvement District, the University of Miami,
 23 among others. The Chamber will continue to
 24 host these meetings over the next few months as
 25 we gain further understanding of the various

1 components of the project before we ultimately
 2 update our Board of Directors."
 3 CHAIRMAN AIZENSTAT: There's also an e-mail
 4 which I received, I don't know if anybody else
 5 on the Board received, but I see that you have
 6 a copy of that e-mail here, from the Gables
 7 Good Government Committee, and that is also
 8 being entered into the record, correct?
 9 MR. WU: Yes, sir.
 10 CHAIRMAN AIZENSTAT: Okay.
 11 MR. LEEN: Mr. Chair, one final thing.
 12 Commissioner Quesada would like to say a word.
 13 CHAIRMAN AIZENSTAT: Please.
 14 COMMISSIONER QUESADA: If it's okay, Mr.
 15 Chair.
 16 CHAIRMAN AIZENSTAT: Of course.
 17 COMMISSIONER QUESADA: Thank you.
 18 CHAIRMAN AIZENSTAT: Thank you. Thank you
 19 for coming.
 20 COMMISSIONER QUESADA: I feel like I'm
 21 becoming a member of the Planning and Zoning
 22 Board, I'm here so often.
 23 As always, thank you for your service.
 24 Thank you, for the residents, for everyone
 25 being here, to the applicant, everyone watching

1 at home.
 2 I just wanted to clarify one thing that a
 3 resident said earlier. I have met with many
 4 residents related to -- from the surrounding
 5 neighborhood that expressed an interest in
 6 changing their zoning, or looking into it. I
 7 have not given any opinion whatsoever as to
 8 whether I believe it should happen or not, and
 9 I just wanted you guys to know that, but again,
 10 when residents ask to meet, I will always
 11 listen, and that's where we're at. So thank
 12 you for your time. Keep up the good work.
 13 CHAIRMAN AIZENSTAT: Thank you, and thank
 14 you for coming.
 15 MR. GARCIA-SERRA: Mr. Chair, one other
 16 brief statement just provided to me from a
 17 Michael Levine, at 103 Santander Avenue, and
 18 Arian Honderd at 3100 Galiano. "The general
 19 opinion of homeowners in the 100 block of
 20 Santander and of Galiano Court favors your
 21 proposed Mediterranean Village design at Ponce
 22 Circle. It is a beautiful project and we are
 23 grateful for the professional dedication,
 24 thoughtfulness and time."
 25 CHAIRMAN AIZENSTAT: Thank you.

1 Jill, we're done with the speakers?
 2 MS. MENENDEZ: Yes, we are.
 3 CHAIRMAN AIZENSTAT: Okay. At this time,
 4 I'd like to go ahead and close the floor to
 5 public comment and open it up for Board
 6 discussion. Who'd like to start?
 7 MR. GRABIEL: I guess I'll start. I just
 8 want to make sure that what we will be
 9 reviewing has nothing to do with the number of
 10 parking spaces that will be allowed.
 11 CHAIRMAN AIZENSTAT: Julio, I think your
 12 microphone is off.
 13 MR. LEEN: Do you want to use mine?
 14 MS. ALBERRO MENENDEZ: This one works.
 15 MR. GRABIEL: Okay. I never get the one
 16 that works. It's nothing personal, I
 17 understand.
 18 I guess I want some clarifications. What
 19 we would be looking at right now will have no
 20 impact because that will be reviewed later, a
 21 number of cars that are parking -- that are
 22 proposed, correct?
 23 MR. LEEN: It will. There is a shared
 24 parking component to the legislative change.
 25 MR. GRABIEL: Yeah.

1 MR. LEEN: So it will affect -- it could
 2 affect the total amount of parking, depending
 3 on what's permitted as part of the application.
 4 However, it is not reviewing a specific
 5 application --
 6 MR. GRABIEL: For the actual number of
 7 spaces.
 8 MR. LEEN: -- for the actual amount of
 9 parking spaces and any impact, because
 10 ultimately, if you found an impact, you might
 11 impose a condition --
 12 MR. GRABIEL: Okay.
 13 MR. LEEN: -- to address that, but it does
 14 introduce the concept of shared parking.
 15 MR. GRABIEL: Okay.
 16 MR. LEEN: Charles, do you have anything?
 17 MR. WU: That's correct. It introduces the
 18 concept, but doesn't get into detail to the
 19 degree of level of -- numbers of parking being
 20 requested or provided. So that would be at the
 21 next level, the site plan. Again, just the
 22 concept is being introduced, because it's not
 23 allowed anywhere in the City.
 24 MR. GRABIEL: How about the amount of
 25 square feet that will be allowed on the site?

1 MR. LEEN: Yes, there's a Comprehensive
 2 Plan change that removes the FAR limitation.
 3 MR. GRABIEL: Right.
 4 MR. LEEN: So, instead, it actually gives
 5 more discretion to you and to the Commission as
 6 to what you ultimately approve, but you could
 7 approve, for example, a project that's greater
 8 than the FAR currently there.
 9 MR. GRABIEL: Uh-huh.
 10 MR. LEEN: So -- and I believe that this
 11 proposal, although it's not in front of you, is
 12 greater than what would be allowed under the
 13 current Code, which is what requires the
 14 Comprehensive Plan amendment. So there are --
 15 so I guess what I'm saying is, your legislative
 16 changes will have impacts from an eventual
 17 proposal, and we know that a proposal is coming
 18 soon.
 19 MR. GRABIEL: But not the specifics?
 20 MR. LEEN: No, not the specifics, and you
 21 would have to review that in what's, again, as
 22 a judge, applying this Code and determining
 23 what the impacts are from this specific
 24 proposal and what conditions should be imposed
 25 to basically mitigate those impacts, and that

1 would be at a separate proceeding.
 2 MR. GRABIEL: Okay.
 3 CHAIRMAN AIZENSTAT: Thank you.
 4 Maria?
 5 MS. ALBERRO MENENDEZ: Can the architect
 6 pull up the illustrative site plan, please?
 7 You just -- That one. Explain to me the public
 8 amenities that form part of this project, the
 9 parks, the paseo, the pedestrian walks, and
 10 whether they're in fact -- How are you going to
 11 have it open to the public, in particular, the
 12 rooftop parks?
 13 MR. FREED: This is the site plan for the
 14 ground floor, so it's showing the illustrative
 15 design for Coconut Grove Drive, the trees and
 16 water features that occur along this paseo and
 17 retail circulation path, as well as this one.
 18 All of that is accessible to the public.
 19 MS. ALBERRO MENENDEZ: Are those public?
 20 Are they going to be dedicated to the public or
 21 are they going to be private but provide access
 22 to the public?
 23 MR. FREED: Maintained by the developer,
 24 but potentially secured at late hours, just
 25 from a security standpoint.

1 MS. ALBERRO MENENDEZ: No access at that
2 time?

3 MR. FREED: Potentially, if the -- I think
4 it depends on the security and how that's dealt
5 with, so it hasn't been determined.

6 MS. ALBERRO MENENDEZ: The reason I ask is
7 because --

8 MR. FREED: As an architect, I don't decide
9 that.

10 MS. ALBERRO MENENDEZ: I understand that.
11 The Form-Based Code, as I understand it, a big
12 incentive, I guess, for this Form-Based Code is
13 providing a lot of pedestrian amenities,
14 providing a lot of public space, and I just
15 want to make sure that that, in fact, is very
16 much a component of the project and that it's
17 not going to be restrictive in any way.

18 MR. GARCIA-SERRA: If I could add one more
19 thing, the intent would be to provide an
20 easement in favor of the City for public access
21 into those areas, whether they be paseos or
22 parks.

23 MS. ALBERRO MENENDEZ: Okay. If we can go
24 to the rooftop and look at the parks.

25 MR. FREED: Sure. So here, these are

1 various roofs that occur throughout the
2 project, so some of them are at the very top of
3 the structure, for the hotel here. These
4 are -- We're calling them public rooftops.
5 We're not including them in the percentage of
6 publicly accessible. The only two that we're
7 including as publicly accessible and would be
8 designed as intensive green roofs are this one
9 here, located in this location -- It's
10 accessible by circulation that occurs here, so
11 we'd have elevators and stairs that access from
12 the street, the whole way up to the top of the
13 park.

14 MS. ALBERRO MENENDEZ: Okay.

15 MR. FREED: And another one here in this
16 location, accessible by the same elevators --
17 sorry -- yeah, elevators and stairs, here in
18 this location, that gives the public access to
19 that rooftop, as well.

20 The other parks that are shown here are
21 all -- The other green areas are residential
22 amenities, as well as hotel amenities or office
23 amenities, with the exception of this park and
24 of this park.

25 MS. ALBERRO MENENDEZ: How are you going to

1 provide access? You mentioned through
2 elevators. Are they going to be open certain
3 times or --

4 MR. FREED: Again, it's an operational
5 issue that we haven't, frankly, solved right
6 now. I think that in an ideal world, we would
7 love for it to be open 24/7, and if that's --
8 if that's possible from a security standpoint,
9 we'd certainly be open to that.

10 MS. ALBERRO MENENDEZ: Do you have any park
11 space on the first floor?

12 MR. FREED: There's multiple places. Let
13 me jump back.

14 MS. ALBERRO MENENDEZ: On the ground floor,
15 I guess.

16 MR. FREED: Sure. So we're providing many
17 features, especially along Coconut Grove Drive,
18 there's a large plaza here. There is a
19 single -- you know, a single access lane
20 through the -- maintaining Coconut Grove Drive,
21 but our sidewalks are quite wide and we're also
22 providing a plaza space that essentially is
23 scaled to be this size, that surrounds the
24 historic structure. I mentioned already the
25 paseos. The level of space or the level of

1 detail to the green space is quite high, and
2 these types of embellishments that occur
3 throughout the retail diagram are not -- are at
4 a high level of design, as well as open to the
5 public, as much as they can be from a security
6 standpoint.

7 MS. ALBERRO MENENDEZ: Okay. If you have
8 other comments, I still have a few, but I want
9 to look them up.

10 CHAIRMAN AIZENSTAT: Please continue.

11 MS. ALBERRO MENENDEZ: No, no, I want to
12 look them up, so if someone else wants to go.

13 CHAIRMAN AIZENSTAT: Jeff?

14 MR. FLANAGAN: Just to follow up on a
15 couple of those, did I hear you correctly say,
16 then, that your 20 percent of open space does
17 not include any of that rooftop space?

18 MR. FREED: Correct. Correct.

19 MR. FLANAGAN: Well, how much -- what
20 percentage or how many square feet is the
21 rooftop space?

22 MR. FREED: It is -- We have agreed to a --
23 Let me pull up the slide. We've agreed to 15
24 percent of the total roof area of the entire
25 project to be publicly accessible.

1 MR. FLANAGAN: Okay.
 2 MR. FREED: And the only two things being
 3 counted in that are the two publicly accessible
 4 roof gardens that I mentioned. We're not
 5 including the residential amenity space, with
 6 their amenities. We're not including the hotel
 7 amenity space, with the pool and terrace for
 8 the hotel.
 9 MR. FLANAGAN: So it's 15 percent plus,
 10 basically, the pools.
 11 MR. FREED: It's 15 percent plus everything
 12 else that's illustrated here in this plan. And
 13 what this plan doesn't show is that on top of
 14 that, any roof that's up there that is over a
 15 thousand square feet is also a green roof. So
 16 it's an extensive green roof that would reduce
 17 the amount of heat load on the project,
 18 reflection of the heat in the city, and also
 19 help with the drainage issues that occur when a
 20 roof isn't an extensive green roof.
 21 MR. FLANAGAN: You used that term several
 22 times, extensive green roof. What does that
 23 mean? Is that a term of art?
 24 MR. FREED: So you either have an extensive
 25 or an intensive green roof. An intensive green

1 MR. BELLIN: Yes.
 2 MR. GARCIA-SERRA: Okay. What is being put
 3 before you this evening is the legal framework
 4 by which we would then come back and apply and
 5 ask you to approve the project. So what could
 6 stop this project ultimately from happening, if
 7 you don't think it's appropriate because of its
 8 height, size, scale or whatever, it might be
 9 the amount of retail, would be indeed the
 10 recommendation of this Board and the City
 11 Commission.
 12 There's a distinction between the Code
 13 which permits a project to come forward in a
 14 certain legal framework and the actual site
 15 plan approval that's going to give us the
 16 ability to then go and get building permits to
 17 build the project. So this is setting up the
 18 legal framework, the regulations by which we
 19 would ask you for your approval of a site plan.
 20 MR. BELLIN: If this Board decides that an
 21 FAR of 4.375 is too much, how do we stop that
 22 from happening, if we've already approved the
 23 Form-Based Code which allows it?
 24 MR. GARCIA-SERRA: Well, you have
 25 discretion. You have certain site plan

1 roof has a higher depth of soil, which allows
 2 for large trees, lush landscapes, more of a
 3 natural park setting, and that type of green
 4 roofs are being used on the two public rooftops
 5 that I mentioned previously.
 6 An extensive green roof is quite minimal in
 7 its depth, but it's providing the drainage
 8 benefits and heat reflection and lack of heat
 9 gain that comes with providing natural material
 10 versus a roof material.
 11 MR. FLANAGAN: Got it.
 12 CHAIRMAN AIZENSTAT: Jeff, do you want to
 13 continue?
 14 MR. FLANAGAN: No, I just want to --
 15 CHAIRMAN AIZENSTAT: Marshall?
 16 MR. BELLIN: Yeah, I have a couple of
 17 questions, and one that's bothered me for a
 18 while. If we approve a Form-Based Code, we've
 19 essentially approved this project, because it
 20 solves all of -- The parking is an issue, the
 21 FAR is an issue, the height is an issue. So,
 22 once we approve a Form-Based Code, what stops
 23 this project from --
 24 MR. GARCIA-SERRA: Do you want me to
 25 address it?

1 criteria in the Code regulations that permit
 2 you, at the time when the site plan comes
 3 before you, with the 4.375, to say, "No, this
 4 isn't consistent with the neighboring areas,
 5 this isn't consistent with, you know, the mix
 6 that we think is appropriate for this project."
 7 MR. LEEN: Marshall, if you find that it's
 8 too intensive for the site and it can't be
 9 mitigated, you don't have to approve the
 10 proposal as it comes. You can limit it. You
 11 have a lot of discretion.
 12 I'd ask Susan to also provide her thoughts.
 13 MS. TREVARTHEN: Yes, I'd be happy to
 14 answer the question. An example of what we're
 15 trying to explain and what you're hearing is,
 16 think of the parking reduction. The language
 17 in this Form-Based Code says you can ask for
 18 such a parking reduction. You're not entitled
 19 to it. And it sets a framework for, this is
 20 the kind of evidence you have to provide, this
 21 is the kind of argumentation, these are the
 22 features, these are the amenities that you have
 23 to provide, and then all that gets reviewed and
 24 approved in a discretionary framework, and if
 25 this Board and the Commission find that the

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1 criteria are not met to the full extent, then
2 you wouldn't approve the full extent of the
3 parking reduction.
4 So that's just one example of the framework
5 of the possibility of having the discussion, is
6 in the document that's in front of you tonight,
7 and having that possibility is accompanied by
8 requirements, like transit improvements and
9 other things that are assured in exchange for
10 that flexibility, but the actual decision,
11 which would come with the site plan, it would
12 come with a development agreement that would
13 assure all these obligations, that would be
14 with the PAD approval and the site plan.
15 MS. ALBERRO MENENDEZ: But what you just
16 described, where is that in these documents?
17 Where is the definition of the whole --
18 MS. TREVARTHEN: The Form-Based Code itself
19 talks about all of this. It's the document --
20 MS. ALBERRO MENENDEZ: But where is it in
21 the legislation?
22 MS. TREVARTHEN: I mean, you have a huge
23 amount of information in front of you, but this
24 is the Form-Based Code document, and it's,
25 what, 60 pages long, and yes, it has many

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1 images in it, but it also has text.
2 MS. ALBERRO MENENDEZ: We don't have that.
3 MS. TREVARTHEN: Yes, you do.
4 CHAIRMAN AIZENSTAT: It's in the book.
5 MS. TREVARTHEN: Yeah, it's so long that
6 it's not directly attached as part of the Staff
7 Report.
8 MS. ALBERRO MENENDEZ: But the book is the
9 applicant's application.
10 MS. TREVARTHEN: Yes.
11 MS. ALBERRO MENENDEZ: Where does it form
12 part of our legislation that we're considering
13 today?
14 MS. TREVARTHEN: Yes, the proposed
15 legislation is in that book, and the ordinance
16 that you're being asked to look at, this is an
17 exhibit to the ordinance that creates the
18 Form-Based Code changes.
19 MS. ALBERRO MENENDEZ: The exhibit in the
20 ordinance, though, is not attached. I have
21 that circled as --
22 MS. TREVARTHEN: But it's in your backup,
23 but it was attached, I guess, in that book. I
24 haven't seen how they were batched together and
25 handed to you.

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1 MS. ALBERRO MENENDEZ: Yeah, that was one
2 of my questions, because in this particular
3 ordinance, which is Attachment K, it makes
4 reference to attachments or Exhibit A and
5 Exhibit B, and it's --
6 MS. TREVARTHEN: This is what Joe was
7 explaining to you. This is what you've seen
8 the versions of at the workshop, and it's just
9 in the other book that you received.
10 MS. ALBERRO MENENDEZ: So that is Exhibit A
11 or B?
12 MS. TREVARTHEN: This is the legislation
13 that we've been talking about at --
14 MS. ALBERRO MENENDEZ: Okay.
15 MS. TREVARTHEN: -- the earlier workshops,
16 it's what we had the peer review panel on, and
17 it's what we've been talking about this
18 evening. So there's a great deal in here.
19 There's not just drawings, there's not just
20 design features. There's also text, and so let
21 me quickly flip to the provisions that I was
22 referencing.
23 MR. FLANAGAN: Susan, I'm sorry.
24 MS. TREVARTHEN: Yes.
25 MR. FLANAGAN: Can I just ask Mario, where

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1 in your binder is that?
2 MR. BELLIN: It's Number 2.
3 MR. GRABIEL: Section 2, at the end.
4 MS. TREVARTHEN: I believe it was D or C.
5 MR. GARCIA-SERRA: Right. It's an exhibit
6 to the statement of use letter.
7 MS. TREVARTHEN: There, you're in the
8 middle of it right there.
9 So if you go to Page 4.1, which is --
10 MR. FLANAGAN: Exhibit C under our Tab 2,
11 it's buried in there, okay.
12 MS. TREVARTHEN: That document has Section
13 3-510-4, at Page 4.1, and there's a series of
14 general standards, and we've been describing
15 those to you at the prior workshop, as well as
16 this evening. You'll see on this page, the
17 LEED-ND requirement. You'll see the traffic
18 study, the transit improvement plan, the
19 pedestrian amenities, the requirement to do
20 Level 2 Mediterranean bonus. I mean, all of
21 these things are things that are outlined for
22 your convenience in the Staff Report and in the
23 presentation, but the actual wording is in this
24 document. And if you turn to Page 4.3, that's
25 the beginning of the shared parking reduction

1 discussion, and you'll see that it calls for
 2 not just a study of parking characteristics of
 3 similar projects, but also an operational
 4 assessment, commitments to how they're going to
 5 operate on the site, and how to show that that
 6 justifies that it will work. Those decisions
 7 are not in front of you. Nobody is asking you
 8 to say that number is right, that operational
 9 plan is correct. This is the opportunity for
 10 them to bring you that plan and have you say at
 11 a future meeting whether it's accurate or not
 12 and whether the criteria have been met.

13 As we go through the language that you were
 14 just asking about on the activated rooftops,
 15 it's at the bottom of Page 4.4. The 15 percent
 16 that was represented by the applicant is right
 17 there in the second line, the thousand square
 18 feet. So all of this is in the language of the
 19 Code.

20 MS. ALBERRO MENENDEZ: Susan --

21 MR. LEEN: I'd like to add two things to
 22 that. when you look at Section 3-510-1, which
 23 is intent --

24 MR. GRABIEL: What page?

25 MR. LEEN: That's on Page 1.1. It talks

1 about the intent and what the goal is to
 2 achieve here. So you might take a look at
 3 that, and then if you combine that with the
 4 process, it says -- and that's on 1.2 -- it
 5 says, "The City Commission shall review the
 6 components of a proposal and evaluate its
 7 compliance with the standards required in this
 8 section, with full discretion to reject,
 9 approve, modify or condition any approval as
 10 needed to comply with the intent and purpose of
 11 this section." And then it mentions that
 12 certain regulations don't apply, but what I
 13 would --

14 MS. TREVARTHEN: Well, those particular
 15 ones, 502A and 502C.

16 MR. LEEN: Yes.

17 MS. TREVARTHEN: The remainder of the PAD
 18 does apply.

19 MR. LEEN: Yes. So you would also look at
 20 the PAD regulations, the ones that do apply.
 21 But anyway, I guess the ultimate issue is, it's
 22 a conditional use approval. You could reject
 23 it if you felt it was inappropriate and the
 24 goals that are stated here were not met, that
 25 it was too massive, that it caused too much of

1 an impact that was harmful. You could reject
 2 it, you could require modifications.
 3 Ultimately, this grants a tremendous amount of
 4 discretion to the City Commission to approve or
 5 not approve and then to you to recommend it or
 6 not recommend it, but it does legally allow it.
 7 I don't want to understate it. This would --
 8 These changes would allow this applicant or
 9 another applicant in the future to make a
 10 proposal similar to the one that you saw, and
 11 it would authorize, give the power --

12 MS. TREVARTHEN: Within these streets.

13 MR. LEEN: Within these streets, within the
 14 boundaries I mentioned before, and it would
 15 give the Commission the authority to approve
 16 it. That is true.

17 MR. BELLIN: So, basically, what you're
 18 saying is, this is not an as-of-right project.

19 MS. TREVARTHEN: Exactly.

20 MR. BELLIN: And if it's as-of-right
 21 project, how does a designer, a developer,
 22 design a project, if whatever he designs can be
 23 thrown out or not approved? It's like saying
 24 you can build a house with a living room, and
 25 then say, "Well, maybe there shouldn't be a

1 living room in the house, we don't want a
 2 living room." I mean, how do you develop a
 3 program if you don't really know what the
 4 parameters are?

5 MR. LEEN: I would say two things, and then
 6 I'll turn it over to Susan to give her
 7 thoughts, too, but you know, there is a
 8 development agreement component, so I think
 9 that this does -- this sort of proposal would
 10 involve -- There would have to be discussions
 11 with the City and with Staff, and, you know, an
 12 applicant would have to decide whether they
 13 wanted to pursue it. But I'd also say that
 14 this is an option. They don't have to choose
 15 to do this, either. They could develop it in a
 16 different way.

17 Susan?

18 MS. TREVARTHEN: That's correct, and I lost
 19 my train of thought. I apologize. You were
 20 asking about -- if you don't mind.

21 MR. BELLIN: I don't understand how you can
 22 develop a project without really knowing what
 23 the guidelines are.

24 MS. TREVARTHEN: I recall. I recall, thank
 25 you. What I wanted to say was, the PAD is

1 actually an extremely open-ended provision of
 2 the Zoning Code today. It allows broad
 3 deviation from the PAD regulations, as well as
 4 the rest of the Zoning Code. This document,
 5 this 60 pages, is far more prescriptive and far
 6 more predictive of what would actually be
 7 developed on the site, and within that tighter
 8 framework of legislative choices, different
 9 design decisions can be made.

10 MR. BELLIN: Is a cross parking agreement
 11 guaranteed in this proposal?

12 MS. TREVARTHEN: Yes. If you look at the
 13 section that deals with the parking, which is
 14 back at 510-4, it begins on Page 4-3, this lays
 15 out what has to be looked at, and this all has
 16 to be reduced to -- and assured as part of the
 17 site plan approval and the accompanying
 18 development agreement, and I think, you know,
 19 the effort has been made to demand a high level
 20 of documentation and data so that you will have
 21 the proper information in front of you when you
 22 make that decision.

23 MR. FLANAGAN: Susan --

24 MS. TREVARTHEN: Yes.

25 MR. FLANAGAN: -- but if this ordinance, or

1 literally in accord with these PAD regulations,
 2 satisfy public benefits to at least an
 3 equivalent degree."

4 You know, the issue with that, though, is,
 5 it does not provide a lot of standards as to
 6 what to do, so it gives the applicant the
 7 ability to propose a host of things and it
 8 doesn't provide a lot of standards by which the
 9 Commission could consider it, except what's in
 10 the public benefit.

11 So, you know, I think the benefit -- when I
 12 was saying that this provides a lot of
 13 discretion, I meant the Commission has a lot of
 14 discretion to approve or deny the application
 15 that complies with the Mediterranean Village
 16 proposal. I do agree with you that the actual
 17 Mediterranean Village proposal is more specific
 18 as to this area than the PAD regulations would
 19 be, so in that sense, it would decrease
 20 discretion, but the one thing it doesn't do is,
 21 right now under the Comprehensive Plan, there
 22 is an FAR limitation, and this FAR limitation
 23 is being replaced by the Mediterranean Village
 24 concept. So, for example, if you were to say,
 25 "Well, we approve or we recommend approval of

1 this Code, rather, is much more descriptive
 2 than the current regulations, wouldn't that
 3 make the discretion of the Commission a lower
 4 threshold, they would have less discretion
 5 because of all of the descriptive nature and
 6 the language contained in here?

7 MS. TREVARTHEN: Yes and no. It has to do
 8 with it being form-based, and so it's very
 9 highly prescriptive in that you see some of
 10 those drawings that tell you exactly which
 11 layers and which locations have parking levels
 12 and others that don't. Normally, you wouldn't
 13 see that in text. It's hard to be that
 14 fine-grained. So, you know, there are things
 15 that are -- It's both an assurance as well as
 16 room for flexibility as you design within that
 17 framework.

18 MR. LEEN: If I could add on to that -- you
 19 know, I think one thing to think about is,
 20 right now, under the PAD, there's a provision,
 21 I'll read it, that allows basically deviation
 22 from the Zoning Code, exceptions, if it's in
 23 the public interest. It says that, "Actions
 24 designed to construction or other solutions
 25 proposed by the applicant, although not

1 the Mediterranean Village concept, but we want
 2 to put a 4.0 FAR," this proposal would not be
 3 able to proceed. If you just said the
 4 Mediterranean Village proposal, it could
 5 proceed. You could still reject it, or
 6 recommend rejection. You could still recommend
 7 that it go down to 4.0 FAR, but it does retain
 8 that discretion in the City Commission to say,
 9 "You know, we think maybe 4.375 is appropriate
 10 here, with these conditions to mitigate the
 11 impact."

12 MR. BELLIN: But what if you say that it's
 13 not appropriate, a 4.0 is, but a 4.375 is not?
 14 Then what does the developer do? He starts
 15 from scratch?

16 MR. LEEN: If the City Commission says that
 17 upon review?

18 MR. BELLIN: Yes.

19 MR. LEEN: Well, they could -- I mean,
 20 technically, they could challenge that. I
 21 mean, there is the right to judicial review.
 22 Two, they could accept it and redo their
 23 proposal and make it 4.0 FAR.

24 MS. TREVARTHEN: If I could address this,
 25 you know, the nature of this proposal is not to

1 have an FAR restriction for the reasons that
 2 have been outlined by the experts who have
 3 presented to you this evening. It's certainly
 4 something that you could look at, and this
 5 project has been evolving and redesigned over
 6 time and it could be further evolving, based on
 7 the input that it's receiving through the
 8 review process. So it doesn't necessarily mean
 9 that the project cannot proceed. It affects
 10 what would be built, and that would have to be
 11 looked at and the applicant would have to come
 12 back with how they would change the project to
 13 meet whatever you came up with this evening.
 14 MR. GARCIA-SERRA: Marshall, if I could say
 15 something to sort of address your question --
 16 MR. BELLIN: Sure, sure.
 17 MR. GARCIA-SERRA: -- because I think what
 18 you're asking is, why would you as a developer
 19 ever want a Code which is more prescriptive as
 20 to what you have to do, and at the same time
 21 subjects you to even more discretion as far as
 22 what the City Commission can potentially
 23 approve or not approve, and the answer to that
 24 lies into how form-based codes work, and they
 25 really are a more collaborative tool by which a

1 developer and the City can sort of have a
 2 discussion and decide upon what's best for this
 3 property. You know, so often in your
 4 profession and in mine, and I'm sure many other
 5 members of the Board have seen it before, we
 6 get stuck in these fights with City Staff over,
 7 "Well, don't count that as floor area because I
 8 really can't use that, and if you look at the
 9 definition," or, "Don't count this for parking,
 10 because that's really back-of-house space and I
 11 can't use it," you know, sort of thing, so when
 12 you get caught in that sort of, you know, back
 13 and forth with the City, it's not necessarily
 14 something that is productive or really a
 15 looking at the decision on a large scale.
 16 What this tries to do is communicate as
 17 best as possible to the applicant, this is what
 18 the City wants, this is what the City thinks is
 19 best, and encourages us to go in there with
 20 something that comes as close as you possibly
 21 can to that, but it also gives you flexibility
 22 in other areas to provide what the City is
 23 really looking for, you know. Indeed, is there
 24 more risk? There is. There is more guidance,
 25 and hopefully it's enough of a deliberative and

1 collaborative process that by the time we come
 2 up here with a site plan, we have some
 3 confidence in the product that we're
 4 presenting.
 5 MR. BELLIN: But a Form-Based Code really
 6 does away with the FAR issue --
 7 MR. GARCIA-SERRA: Right.
 8 MR. BELLIN: -- basically. So why even
 9 have a 4.375 number in there to start with?
 10 MR. GARCIA-SERRA: It's not in there. We
 11 are just telling you so that you know how big
 12 the project is that we're proposing right now,
 13 that if we were to calculate it pursuant to how
 14 FAR is determined and interpreted today in the
 15 City, it would be a 4.375. But that number
 16 does not appear anywhere in the legislation.
 17 MS. TREVARTHEN: And if I can just build on
 18 that, when I made my presentation, I walked you
 19 through the Comp Plan text changes, and it
 20 doesn't have a number. The FAR language gets
 21 stricken, and it says that the intensity will
 22 be controlled by the Mediterranean Village PAD
 23 plan. So I just want to be clear exactly how
 24 that happens in the Comp Plan language.
 25 MR. LEEN: Mr. Chair, I would note, though,

1 that just for purposes of the record, 4.375
 2 FAR, I think they used that number, and please
 3 comment if I'm incorrect, because it's my
 4 understanding that's the highest FAR that
 5 currently could be allowed in the City,
 6 considering a transfer of development rights in
 7 this Central Business District. So it's
 8 something that is not foreign to the Code, and
 9 in fact, when we did the trolley building
 10 lawsuit and we resolved that matter and allowed
 11 a building, I believe we used the same number,
 12 4.375 --
 13 MR. GARCIA-SERRA: Correct.
 14 MR. LEEN: -- under the theory that that --
 15 whether or not the Comprehensive Plan is going
 16 to limit it to 4.375 or not, that happens to be
 17 the highest density that could be used in areas
 18 of the City that are governed by FAR, so
 19 they're trying to remain consistent with that,
 20 is my understanding.
 21 MR. GARCIA-SERRA: Correct, and it sort of
 22 is evidence of what I was discussing earlier.
 23 When we were going through all the various
 24 workshops and board discussions, including
 25 before this Board, some of the feedback we were

1 getting is, "Hey, we just think this is too
 2 big," and at one point, this had even
 3 achieved -- the project was around a 4.7 FAR,
 4 and so what we did in response to those
 5 comments is reduce it in size, and indeed, if
 6 you were to calculate it today, based on how
 7 FAR is defined and interpreted, it would be
 8 4.375, but you don't see that as a maximum
 9 threshold anywhere in the legislation. At the
 10 end of the day, it's going to be controlled by
 11 a regulating plan that is approved, that could
 12 be higher, could be lower.

13 CHAIRMAN AIZENSTAT: Susan, how are TDRs
 14 treated within this Form-Based Code?

15 MS. TREVARTHEN: They are not. We're
 16 saying, by analogy, your Comp Plan has this
 17 concept in the CBD where people can use TDRs to
 18 get themselves to 4.375. So, within the whole
 19 span of the City of Coral Gables Comp Plan,
 20 that number has a place, and it's a limited
 21 place, and that's the place.

22 This is not a proposal for 4.375. This is
 23 a proposal that everything in this 60 pages is
 24 what tells you the volume and intensity of what
 25 happens on the site. You certainly have the

1 today?

2 MS. TREVARTHEN: Oh, TDRs are available. I
 3 mean, that was something we looked at early on.
 4 There are TDRs available in the marketplace,
 5 but the Zoning Code and the Comp Plan together
 6 don't make that an option for the properties
 7 bounded by these streets.

8 CHAIRMAN AIZENSTAT: So what you're trying
 9 to do is -- from what I'm hearing, is go around
 10 that.

11 MS. TREVARTHEN: Well, it's an element of
 12 what we're doing, but what we're doing is, you
 13 know, the City and the experts who have been
 14 been involved, it's much greater than that,
 15 and, you know, if -- I realize the Board may
 16 have detailed questions, but this kind of begs
 17 out for -- begs for a response from -- I don't
 18 know, is Liz still here? Yes. You know, she
 19 can talk quite eloquently about why we do
 20 form-based codes rather than FAR, and what the
 21 benefit is to the City.

22 CHAIRMAN AIZENSTAT: But what we have
 23 before us for the draft of the Form-Based Code,
 24 that was written by Staff, by the City? It was
 25 written by the applicant?

1 height limits in the land use category, but
 2 otherwise that intensity is controlled by all
 3 of these drawings and all of these standards.

4 CHAIRMAN AIZENSTAT: When you say that the
 5 TDR, what can be used today is limited, that
 6 comes from historic designation properties?

7 MS. TREVARTHEN: It's limited because only
 8 properties within the CBD are eligible to seek
 9 that, and we are not located at this site
 10 within the CBD.

11 CHAIRMAN AIZENSTAT: Okay, but the donor
 12 site would have to be what, under our TDR under
 13 this Code?

14 MS. TREVARTHEN: Well, the City has looked
 15 at some changes to that, and I don't recall
 16 where we are in that process. Has it changed,
 17 or --

18 MR. LEEN: Right now it's still historic
 19 sites, are generally --

20 CHAIRMAN AIZENSTAT: That's what I'm
 21 saying, right now it's historic sites.

22 MR. LEEN: Within a certain area.

23 CHAIRMAN AIZENSTAT: If you were to look at
 24 this property with historic sites that are
 25 available, how much could you get in TDRs

1 MS. TREVARTHEN: There was a cost recovery
 2 agreement that was entered into between the
 3 City and the applicant, and so the applicant
 4 set aside the money so that the City could then
 5 retain its own experts to work on the
 6 Form-Based Code, and then that document that
 7 has resulted from that collaborative process,
 8 there was a lot of input from the applicant,
 9 there were many things where Staff said, "No,
 10 we don't want this," you know, and they came to
 11 a place where that became the proposed
 12 Form-Based Code that's in your backup. This
 13 document is produced by Dover Kohl.

14 MR. TRIAS: Mr. Chairman, Joe Kohl gave the
 15 presentation and he was the author, with his
 16 partner, Victor Dover, in collaboration with
 17 Staff.

18 MS. ALBERRO MENENDEZ: Could I suggest,
 19 though, that we mark it Exhibit A and put it as
 20 part of the ordinance?

21 MR. TRIAS: Yes.

22 MS. ALBERRO MENENDEZ: Because it's
 23 confusing.

24 MR. TRIAS: A very good point.

25 MS. ALBERRO MENENDEZ: What is Exhibit B of

1 the ordinance?
 2 MS. TREVARTHEN: Exhibit B is -- I have it
 3 here. It's the one -- and I believe it's in
 4 your packet, right behind Exhibit A. It is the
 5 one-page document, if I can just open this, and
 6 all it does is, it shows the strike-through/
 7 underline of the site-specific language.
 8 CHAIRMAN AIZENSTAT: Okay.
 9 MS. TREVARTHEN: So we showed that on the
 10 slide, we read it aloud. That's the language
 11 that's being deleted.
 12 MR. FLANAGAN: It's in the back.
 13 MS. ALBERRO MENENDEZ: You know, my
 14 experience with these types of development, and
 15 I shared it with the developer when we met on
 16 these legislative issues is, you first -- in
 17 particular, if you're not passing a City-wide
 18 Code, you first look at the project, you
 19 basically review the impacts to the
 20 neighborhood, you discuss parking, shared use
 21 parking, whatever concept, the form-based
 22 concept, you approve the project, and then the
 23 legislation comes with it.
 24 This concept of reviewing the Form-Based
 25 Code particular to this project and then look

1 at the project doesn't make sense to me,
 2 because if we do change the project, then I
 3 don't know how this would work. I mean, I
 4 understand from Staff that there was some issue
 5 with them not having submitted some drawing
 6 that was needed for them to present the
 7 full-blown project, but we've dedicated so much
 8 time, you know, to this project today and I
 9 would have loved to have gotten into the
 10 traffic analysis that we've been provided,
 11 which to me is not complete. I don't have the
 12 intersection trip generations that would help
 13 us determine what areas, in fact, are being
 14 impacted. I mean, I have so many questions
 15 concerning the project, and we're being asked
 16 to review the legislation without looking at
 17 the project in detail.
 18 So I don't know if you guys have any
 19 more questions.
 20 MR. BELLIN: I have another question. What
 21 is the position of the Board of Architects with
 22 respect to reviewing this project? Do they
 23 have any say in the matter at all?
 24 MS. TREVARTHEN: They've already had a
 25 preliminary review.

1 MR. BELLIN: But I'm saying, if we pass
 2 this, apparently, because it's a Form-Based
 3 Code, there really is no discussion whether
 4 it's acceptable to the Board of Architects or
 5 not.
 6 MR. TRIAS: Mr. Bellin, the Board of
 7 Architects discussed the concept and approved
 8 it, with the understanding that each building
 9 would come back to them individually. That's
 10 something that was discussed as a matter of
 11 being practical about reviewing the project at
 12 the level of detail.
 13 CHAIRMAN AIZENSTAT: Is that in here?
 14 MR. TRIAS: In --
 15 MS. TREVARTHEN: The Board of Architects is
 16 reviewing the project.
 17 MR. TRIAS: Yeah.
 18 MS. TREVARTHEN: The Board of Architects
 19 does not review the legislation.
 20 MR. TRIAS: Right. The legislation does
 21 not change the Board of Architects' process.
 22 Maybe that's the real answer to your question.
 23 MR. BELLIN: That's my question.
 24 MR. TRIAS: The same process applies, and
 25 it's just more complicated than usual, because

1 the project is very large so I expect there
 2 will be multiple meetings, and one meeting has
 3 already taken place in which official action
 4 took place.
 5 MS. TREVARTHEN: Which was a preliminary
 6 review of approval.
 7 MR. BELLIN: Okay.
 8 CHAIRMAN AIZENSTAT: Alberto?
 9 MR. PEREZ: Mario, in relation to the
 10 development agreement, I can only imagine,
 11 because this is an ongoing agreement that's
 12 being negotiated with the City, but having read
 13 through it, there's no Exhibit H, as it
 14 pertains to off-site improvements. Can you
 15 walk me through the proposed off-site
 16 improvements --
 17 MR. GARCIA-SERRA: Okay.
 18 MR. PEREZ: -- and maintenance attached to
 19 it and who's responsible for the improvements,
 20 et cetera?
 21 MR. GARCIA-SERRA: Sure. It was part of
 22 our presentation.
 23 Dan, if you could come up and show, it was
 24 one of the first slides that talks about the
 25 proposed streetscape improvements in the

1 single-family neighborhood to the east. There
 2 we go. Dan, if you could just describe it,
 3 perhaps, a little bit.
 4 MR. PEREZ: So you're proposing to improve
 5 all the blocks from Malaga all the way to
 6 Douglas?
 7 MR. GARCIA-SERRA: Correct, or from Galiano
 8 to Douglas, and then from Sevilla down to
 9 Coconut Grove Drive.
 10 MR. PEREZ: At the front end cost of the
 11 developer, but from a maintenance perspective,
 12 whose responsibility would that be?
 13 MR. GARCIA-SERRA: It would be both our
 14 responsibility to install and maintain.
 15 MR. PEREZ: Excuse me?
 16 MR. GARCIA-SERRA: It would be our
 17 responsibility to both install and maintain
 18 those right-of-way improvements.
 19 MR. PEREZ: To --
 20 MR. GARCIA-SERRA: Yes, unfortunately,
 21 that's usually how most projects in the Gables
 22 are handled. The improvements that you make in
 23 the right-of-way, whether it be on-site or
 24 off-site, you also agree to maintain them.
 25 MR. PEREZ: Okay, and then on the proposed

1 that the developer is proffering?
 2 MR. GARCIA-SERRA: It's something that
 3 would be required by these development
 4 regulations, the ones being proposed today.
 5 MR. WU: If these regulations are adopted,
 6 they would be a requirement of the design. 15
 7 percent of the rooftop has to be publicly
 8 accessible. The details on the level of how
 9 that's going to operate is going to be in the
 10 development agreement, how many hours it's
 11 going to be open, the level of security, et
 12 cetera. So you have another level of review at
 13 the beta phase for the site plan.
 14 MR. BELLIN: Mario, is there any other
 15 property owner that has the benefit of the
 16 Form-Based Code?
 17 MR. GARCIA-SERRA: Of this particular
 18 Form-Based Code that's being proposed tonight?
 19 MR. BELLIN: Yeah.
 20 MR. GARCIA-SERRA: This would be limited to
 21 the boundaries of the project site. In the
 22 City, there are perhaps other zoning
 23 regulations that are somewhat
 24 form-based-inspired. Mixed-use regulations are
 25 maybe one example, which, of course, apply in

1 residential breakdown, the 229 units, what's
 2 the use there? Is that proposed to be rental
 3 or is that condominium, or what's the plan?
 4 MR. GARCIA-SERRA: They would all be condo,
 5 or townhouse. There's some townhouse
 6 developments, also.
 7 MR. PEREZ: So it would all be condo?
 8 MR. GARCIA-SERRA: Uh-huh.
 9 MR. PEREZ: So, upon turnover from the
 10 developer to the master association or condo
 11 association, how do these proposed public
 12 rooftops play into that? If at one day down
 13 the line, the master association or the condo
 14 association doesn't want to grant access to
 15 these public rooftops, what's the plan?
 16 MR. GARCIA-SERRA: Well, the master
 17 association, as successor to the developer,
 18 would be obligated by that development
 19 agreement.
 20 MR. PEREZ: So there would be a covenant,
 21 basically stating that that will always be a
 22 public rooftop?
 23 MR. GARCIA-SERRA: Correct. Correct.
 24 MR. PEREZ: Is that public rooftop
 25 required, or is it basically just something

1 other areas, but this is limited to this site.
 2 MR. BELLIN: All right. I don't see why we
 3 don't make -- If that's the case, why don't we
 4 make Form-Based Code throughout the City?
 5 MR. GARCIA-SERRA: Right. Well, the only
 6 thing that we can ask for, of course, has to do
 7 with our property, what we can apply for.
 8 That, of course, is part of your --
 9 MR. WU: I think that's a policy discussion
 10 the Commission will discuss with Staff at a
 11 future date. It's been discussed at the prior
 12 workshop.
 13 MR. LEEN: I mean, you can recommend that.
 14 You could recommend that they look at it. But
 15 that's a substantial change. To put this
 16 Form-Based Code together for this one area took
 17 a lot of time.
 18 MR. WU: And very specific for this area.
 19 MR. LEEN: It's very specific.
 20 MR. WU: This is not transferable easily
 21 somewhere else.
 22 MR. LEEN: So you'd have to go place by
 23 place, but for example, like we're talking
 24 about Miracle Mile zoning regulations, as I
 25 mentioned, at the next Commission meeting. So

1 there will be times and places to propose that,
 2 if you're interested.
 3 CHAIRMAN AIZENSTAT: Maria, do you have
 4 some more comments?
 5 MS. ALBERRO MENENDEZ: No.
 6 CHAIRMAN AIZENSTAT: Jeff?
 7 MR. FLANAGAN: I have a couple.
 8 Mario, under the current Code, both the
 9 Comp Plan and the current Zoning Code, how much
 10 square feet of retail could you get?
 11 MR. GARCIA-SERRA: You know, we'd have
 12 to -- It's a 3.5 FAR, multiplied by the total,
 13 you know, lot area, which is 6.7 acres, if I
 14 remember right.
 15 Dan, would you happen to have that, where
 16 you can make that calculation?
 17 So, under today's Code, the total floor
 18 area that could potentially be built there,
 19 under the 3.5 FAR, would be one million,
 20 twenty-one thousand, four hundred ninety-two
 21 thousand (sic) square feet.
 22 MR. BELLIN: And that could all be retail?
 23 MR. GARCIA-SERRA: Correct.
 24 MR. BELLIN: It's in the C zoning, so --
 25 MR. GARCIA-SERRA: It's commercial, yeah.

1 MR. BELLIN: -- it could all be commercial.
 2 MR. FLANAGAN: Could you do parking below
 3 grade today?
 4 MR. GARCIA-SERRA: Could we do it? Yes.
 5 There's no restriction on not doing it.
 6 MR. FLANAGAN: I mean, there's several
 7 components of this proposed Code where it
 8 seemed like, "Oh, we can go below grade," and,
 9 "We can do this," "We can do that," but I think
 10 those are all -- some of those are things that
 11 could be done today, that doesn't require this
 12 Code change in order to do, below-grade
 13 parking; you could always create easements to
 14 have structures or pedestrian walkways over
 15 existing public rights-of-way, as we did in
 16 Merrick Park, or as was done there. So a lot
 17 of that could be done under today's
 18 regulations. I'm trying to understand why this
 19 couldn't be done under the City's current
 20 regulations and current PAD provisions.
 21 MR. GARCIA-SERRA: It's specificity of
 22 what's called the regulating plans within the
 23 Code, the building standards and the
 24 architectural standards and so forth. They
 25 regulate to such an extent, saying literally,

1 on this corner, you should have, you know,
 2 this, or on this corner, you should be set back
 3 this much, or on this street frontage, you need
 4 so much amount of retail, that I guess,
 5 conceivably, you could amend today's Code so as
 6 to put in all those requirements, but at the
 7 end of the day, when you finish doing all those
 8 amendments, you'll have a Form-Based Code. You
 9 know, you'll still be getting to the same end
 10 product that we have today except maybe then
 11 you'll just be calling it an amendment to the
 12 Zoning Code, as opposed to a form-based
 13 amendment to the Zoning Code. The level of
 14 regulation that's included here is just not a
 15 level of regulation that there is in today's
 16 Code.
 17 MR. FLANAGAN: Right, but if somebody were
 18 to come in with a site plan, all of this is
 19 going to be looked at and addressed and it's
 20 going to be part of a site plan that controls
 21 the future development, and so we end up at the
 22 same place, I think.
 23 MR. WU: Well, the Comp Plan still has to
 24 be changed because of the height.
 25 MR. FLANAGAN: Okay. But I'm on the zoning

1 side for right now. I mean, I understand the
 2 Comp -- I got that, but let's hold that off to
 3 the side for a second.
 4 Assume that does get changed. You could
 5 still use the existing regulations, come up
 6 with a site plan, bring it for review. If you
 7 need to get some variances or what have you,
 8 theoretically, it could be done. Do we end up
 9 right at the same finish line?
 10 MR. TRIAS: Mr. Chairman, if you don't
 11 mind, we may want to ask Elizabeth
 12 Plater-Zyberk, who is the national expert on
 13 form-based codes, to help you with those
 14 questions. Frankly, she has more experience
 15 than anyone in comparing codes.
 16 Liz, if you can come up.
 17 CHAIRMAN AIZENSTAT: But, Ramon, from your
 18 experience, could that be done?
 19 MR. TRIAS: Theoretically, yes, and you
 20 will end up with a form-based code, just like
 21 the attorney said. I mean, at the end of the
 22 day, you would have to make so many changes to
 23 the current Code that it would be a very
 24 lengthy process, and the ultimate result would
 25 be very similar to what you have before you. I

1 mean, before you, you have an opportunity to do
2 it all at once, in a way that is coordinated
3 and you're able to evaluate. Otherwise, it's
4 much more difficult. But Liz is certainly the
5 national expert.

6 MR. FLANAGAN: Before we get there, is
7 there a cheat sheet somewhere? Does somebody
8 have an analysis that says, under this Code, in
9 this project, here's what we can do that we
10 can't do today, whether that's height,
11 whether's setback, no setback, it's parking,
12 whatever it might be? Do you have that?

13 MR. TRIAS: I gave you, I think, five pages
14 of that. That's the cover memo to the peer
15 review. It was my attempt at describing some
16 of those issues, and we can do it better if
17 that was not sufficient, but it did list the
18 different attributes and the different features
19 that are included here, that are currently not
20 in the Zoning Code.

21 Now, certainly, you could try to amend the
22 Zoning Code and include, let's say, shared
23 parking, the activated rooftops, a variety of
24 things, in addition to the form issues that we
25 are clearly explaining here. We could attempt

1 to do that. But I don't think that would be a
2 practical approach, given the time that would
3 it take and the fact that at the end, you end
4 up basically with the same document, so -- But
5 I would encourage, since Liz is here --

6 If you could say a few words on that topic,
7 that would be very helpful. Thank you.

8 MS. PLATER-ZYBERK: I can't speak to the
9 comparison, to how you do it -- how you could
10 do it without this, but I think the key issue
11 of doing the regulation first is setting out
12 the criteria for quality, and a high level of
13 quality that's desired. I think we're all too
14 familiar with projects that come to various
15 boards, following the letter of the law and
16 just lacking in quality, issues -- certain
17 aspects of quality that then are very hard to
18 promote at that point, and by doing the
19 regulation first, one is, in effect, asking for
20 the quality up front.

21 One of the things that I think we, the peer
22 group, was admiring was the architectural
23 aspects of this regulation, in which very
24 clearly some guidance is being given through
25 this document to the quality of the

1 Mediterranean style, and in fact, with
2 instruction about how one might do it better
3 than, perhaps, it's been done before.

4 So I think that's the key issue, is that
5 it's up front, it's requesting certain aspects
6 of form and quality which otherwise you
7 probably are depending on coming in with the
8 design proposal and there's only so much you
9 can do to it through the public hearing process
10 if it's not a good one to begin with.

11 So maybe part of the confusion is that
12 we're looking at a pretty good design project
13 as an illustration of what this Code could
14 produce, and it's probably hard to separate
15 them and imagine how this Code could -- is
16 contributing to producing that quality, which
17 wouldn't -- may not otherwise be, in a sense,
18 guaranteed or not necessarily coming forward
19 through the PAD process.

20 CHAIRMAN AIZENSTAT: Would you say that all
21 the pictures and the massing that we have
22 looked at are representative specifically of
23 the Form-Based Code, the way it is written?

24 MS. PLATER-ZYBERK: The Code is --
25 Certainly -- I can't speak to it detail by

1 detail. We didn't do the two -- you know, put
2 the two together. It's very clear, though,
3 that the Code is producing the forms. And in
4 fact, their request for retail on the street,
5 frequent doors and windows -- I mean, one of
6 the things the Code speaks to is that, with
7 very specific dimensions, the restriction on
8 vehicular entries and so on. All of that is
9 part of it. The setbacks, where -- how the
10 buildings go up and then how they set back.
11 It's not to say that you couldn't -- that a
12 different-looking project couldn't come before
13 you as a result of the same Code, but very much
14 of it is laid out.

15 CHAIRMAN AIZENSTAT: And how does this
16 Form-Based Code speak about heights within --

17 MS. PLATER-ZYBERK: It's very specific
18 about heights.

19 CHAIRMAN AIZENSTAT: -- the structure?
20 So --

21 MS. PLATER-ZYBERK: I need to have it in
22 front of me to take you through it, but -- I
23 don't remember it specifically, but you can
24 find --

25 MR. TRIAS: We have of a couple of

1 displays --
 2 CHAIRMAN AIZENSTAT: Can you put up
 3 there -- You had a --
 4 MS. PLATER-ZYBERK: You can find very
 5 specific language about height.
 6 CHAIRMAN AIZENSTAT: You had a picture that
 7 had all the specific heights, the 190 too, and
 8 then the restaurant that was two stories and so
 9 forth.
 10 MS. PLATER-ZYBERK: One of the things that
 11 we noted in our discussions was, in fact, if
 12 you do look at the Code -- and this is getting
 13 very technical. I wrote the introduction to
 14 the main textbook on form-based codes, and
 15 there are really two different types of codes,
 16 the ones that establish -- ask for building
 17 form related to the street space that's being
 18 formed in front, the public space, and others
 19 that are dealing with building types and really
 20 concerning themselves with individual
 21 buildings.
 22 This one is very much a street space
 23 oriented Code, and if you look at the different
 24 pages that deal with the different street
 25 types, you'll see how it's doing that, and

1 that's where the heights are very specifically
 2 set forth.
 3 CHAIRMAN AIZENSTAT: Right, and that, to
 4 me, is good, the way I see that. When I look
 5 at this drawing and we take a look at the 190
 6 feet --
 7 Ramon, that 190 feet in today's Code,
 8 forget about this Form-Based Code, but in
 9 today's Code, that could be achieved by
 10 including the Mediterranean bonuses.
 11 MR. TRIAS: Yes. That's the maximum.
 12 CHAIRMAN AIZENSTAT: That's the max,
 13 meaning the steeples or whatever
 14 architectural --
 15 MR. TRIAS: Except for -- yeah, the maximum
 16 habitable space is 190 feet right now.
 17 CHAIRMAN AIZENSTAT: If I take away the
 18 architectural bonuses for the steeple or
 19 whatever, what number am I getting to? Bring
 20 it down from 190.
 21 MR. TRIAS: Can you rephrase the question?
 22 CHAIRMAN AIZENSTAT: If I take away my
 23 Mediterranean bonuses, meaning for my tower or
 24 what is visible from a distance, what number
 25 would I be able to go to?

1 MR. TRIAS: That would depend on the land
 2 use, and what happens is that there's --
 3 CHAIRMAN AIZENSTAT: Let's go to this site.
 4 Roughly, what would that be?
 5 MR. TRIAS: What would that be exactly?
 6 MR. BELLIN: 150 feet.
 7 MR. TRIAS: 150, yeah.
 8 CHAIRMAN AIZENSTAT: 150 feet.
 9 MR. FLANAGAN: Today.
 10 MR. BELLIN: Yeah, with no Med bonuses, 150
 11 feet.
 12 MR. TRIAS: 150.
 13 CHAIRMAN AIZENSTAT: So now we're saying
 14 that you can go ahead and go up another roughly
 15 40 feet in Mediterranean bonuses.
 16 MR. TRIAS: Right.
 17 CHAIRMAN AIZENSTAT: Okay. I just want to
 18 understand --
 19 MR. TRIAS: And that doesn't change in this
 20 proposal. That stays, except that in one
 21 location that is controlled through the
 22 regulating plan, right here, you can go higher.
 23 I mean, that's the only thing that changes, and
 24 the way that it's regulated is through this new
 25 document.

1 CHAIRMAN AIZENSTAT: I understand that,
 2 but --
 3 MR. TRIAS: Right.
 4 CHAIRMAN AIZENSTAT: But the way I'm
 5 looking at it, now, with this Form-Based Code,
 6 I can go up 118 feet from that 150. How do I
 7 get that? By the 40 feet that I could go up on
 8 the existing Mediterranean bonus, plus 78 feet
 9 that I can now go up with your Form-Based Code
 10 under Mediterranean? Am I looking at it wrong?
 11 MR. FREED: I think you're including -- The
 12 190.5 is occupied floor that's allowed, the top
 13 of occupied floor. Above that, there's another
 14 25 feet in addition --
 15 CHAIRMAN AIZENSTAT: That's what I want,
 16 okay.
 17 MR. FREED: -- with the Med bonus, with the
 18 Level 2 Med bonus.
 19 CHAIRMAN AIZENSTAT: So 190 plus 25?
 20 MR. FREED: Correct.
 21 MR. TRIAS: Yeah. What happens is that
 22 outside of the Central Business District, right
 23 now, you can do 25 feet of this extra, okay?
 24 MR. FREED: Which is connected here.
 25 CHAIRMAN AIZENSTAT: Okay, and what you

1 want to do is, above that, you want to add 78
 2 feet as a feature?
 3 MR. GRABIEL: Actually 106.
 4 MS. ALBERRO MENENDEZ: All together --
 5 CHAIRMAN AIZENSTAT: That's what I'm trying
 6 to get at.
 7 MR. GRABIEL: 106.
 8 CHAIRMAN AIZENSTAT: So it's 106?
 9 MR. GRABIEL: 106.
 10 MR. FREED: Well, it is 78 feet of that
 11 above our last occupied floor.
 12 MR. GRABIEL: Right, but --
 13 MR. FREED: The last occupied floor is at
 14 218.
 15 MR. GRABIEL: Proposed.
 16 MR. FREED: Proposed.
 17 MR. GRABIEL: Proposed, but he was asking
 18 about the existing Code. Existing Code with
 19 the bonus, Mediterranean bonus, would allow you
 20 to go to 190, plus an additional 25 feet for
 21 decorative elements.
 22 MR. FREED: Correct.
 23 MR. GRABIEL: You're proposing 25 feet,
 24 those 25 feet to be habitable, air conditioned
 25 space, and then above that, go to another 78

1 feet for the decorative element.
 2 MR. FREED: For this single building.
 3 MR. GRABIEL: For that single building, I
 4 understand, which is the tallest building in
 5 the complex, would be the tallest building in
 6 the complex.
 7 MR. FREED: It's the only building above
 8 the 190.5 allowable with the Med bonuses.
 9 CHAIRMAN AIZENSTAT: Now, the Form-Based
 10 Code does not specify how high that you can go
 11 under this Mediterranean bonus; this is what
 12 you're proposing?
 13 MR. TRIAS: Right.
 14 CHAIRMAN AIZENSTAT: So they could come
 15 back -- I'm just asking. They could come back
 16 with something that could go up an
 17 additional -- instead of 78 feet, could go up
 18 120 feet, be more distinctive, or you could not
 19 do that under the Form-Based Code?
 20 Ramon?
 21 MR. TRIAS: Well, you do have the
 22 discretion to say no. I mean, obviously,
 23 clearly, there is that opportunity to do that
 24 in one location, in one location, which is the
 25 map right here.

1 MR. LEEN: The Comprehensive Plan is still
 2 retaining height.
 3 MR. TRIAS: For the habitable space, yes.
 4 MR. LEEN: Oh, so you're saying just for
 5 the architectural --
 6 MR. TRIAS: The question is for the -- Yes,
 7 that's the question.
 8 MS. ALBERRO MENENDEZ: It says per City
 9 approval.
 10 CHAIRMAN AIZENSTAT: Exactly.
 11 MR. TRIAS: Right. So there is some
 12 discretion that is built into the Code, and
 13 then there's also some flexibility that is
 14 built into the regulating plan.
 15 MS. TREVARTHEN: Specifically, the Comp
 16 Plan amendment does not set a maximum
 17 additional height. You are correct. It sets a
 18 test of use. So it can only be for
 19 architectural embellishment. It can be for
 20 that top-floor destination.
 21 CHAIRMAN AIZENSTAT: You said test of use?
 22 MS. TREVARTHEN: Pardon?
 23 CHAIRMAN AIZENSTAT: Test of use?
 24 MS. TREVARTHEN: Yes. The test is not how
 25 many extra square feet. The test is, how are

1 those extra square feet being used. They can
 2 be used for architectural embellishment. They
 3 can be used for that top-floor dining or
 4 entertainment destination that's publicly
 5 accessible. They can also be used for that
 6 top-floor park that's publicly accessible,
 7 which is the height change to the mid level for
 8 that public park that Dan walked you through a
 9 little while ago on the east side of the
 10 property.
 11 CHAIRMAN AIZENSTAT: And that would be
 12 discretionary?
 13 MS. TREVARTHEN: Yes. I mean, the whole
 14 thing, it just opens up the eligibility for
 15 those three uses to be taller.
 16 Now, if this Board's recommendation was to
 17 place an outer limit on that amount, you could
 18 certainly do that, and it wouldn't necessarily,
 19 depending on where you set that number, be a
 20 problem for the project. That's something that
 21 could be debated as a matter of policy.
 22 MR. LEEN: You know, I'm not so worried,
 23 Mr. Chair, about the architectural feature,
 24 because I do think anything that's proposed
 25 would have to go through the Board of

1 Architects. They would have to approve it. It
 2 would have to be approved by the Commission.
 3 The Commission would have tremendous discretion
 4 over an architectural feature. It's not
 5 something really so fundamental to the project
 6 that -- I can't imagine that if it was ever
 7 challenged, a court would not uphold what the
 8 City did in an instance like that.
 9 So I think that, although I can understand
 10 your concern, and you may want to put an upper
 11 limit, and it is within the City's discretion
 12 to do it, I don't know how worried I'd be if
 13 the City were to impose it as part of the
 14 process. I think that that would be upheld.
 15 MR. TRIAS: The current draft of the Code
 16 does have an upper limit, which is one half of
 17 the building height, okay, for the
 18 embellishment, for the architectural
 19 embellishment, and that's only -- that's only
 20 for the signature terminated vista element,
 21 only for that, which is a map in the regulating
 22 plan. Now, that clearly is a policy choice.
 23 You could recommend something different. But
 24 the idea is that at this location, because it
 25 terminates several vistas and so on, some

1 MR. PEREZ: Yes.
 2 MS. MENENDEZ: Marshall Bellin?
 3 MR. BELLIN: Yes.
 4 MS. MENENDEZ: Eibi Aizenstat?
 5 CHAIRMAN AIZENSTAT: Yes.
 6 Sorry, continue.
 7 MS. TREVARTHEN: No, I was just going to
 8 say, Ramon is absolutely right. The plan is
 9 silent on the additional height, but the Code
 10 itself places a limit on it.
 11 MR. TRIAS: Yeah, which exceeds the current
 12 Code. The current Code only allows 25 feet
 13 outside of the Central Business District.
 14 CHAIRMAN AIZENSTAT: I understand.
 15 Usually, you know, in the past, the Board has
 16 always seen a site plan come before us --
 17 MR. TRIAS: Yes.
 18 CHAIRMAN AIZENSTAT: -- that's attached.
 19 This is something totally different.
 20 MR. TRIAS: Mr. Chairman, the intent was to
 21 do that. That was the intent, to bring both
 22 documents to you. What happened was that there
 23 was some technical aspects of the project that
 24 were missing, mostly dealing with right-of-way
 25 improvements and so on, nothing that would

1 taller element would make some sense.
 2 CHAIRMAN AIZENSTAT: Let me -- just one
 3 second. We're about three minutes to nine
 4 o'clock. Does anybody want to make a motion to
 5 extend the meeting?
 6 MR. GRABIEL: I move.
 7 MR. BELLIN: Yeah.
 8 MS. ALBERRO MENENDEZ: I'll second.
 9 CHAIRMAN AIZENSTAT: A time certain or for
 10 how long or --
 11 MR. BELLIN: Let's say 9:30.
 12 MR. GRABIEL: 9:30 to start. We can always
 13 adjust it.
 14 CHAIRMAN AIZENSTAT: 9:30? We have a
 15 motion, seconded?
 16 MS. ALBERRO MENENDEZ: Right.
 17 CHAIRMAN AIZENSTAT: Do we need to call the
 18 roll on that?
 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: Alberto Perez?

1 affect the design of the project. So the
 2 applicant chose to proceed, which I think is a
 3 fine decision, with the legislative changes and
 4 the concept, which none of us expect to see any
 5 changes at this point.
 6 MR. GARCIA-SERRA: Mr. Chair, if I could
 7 add something, too, I think it's very important
 8 to point out from a legal perspective that
 9 whenever you're amending the Comprehensive Plan
 10 or the Zoning Code, you cannot condition that
 11 upon a site plan. You know, that is sort of
 12 Zoning Law 101.
 13 CHAIRMAN AIZENSTAT: Okay.
 14 MR. GARCIA-SERRA: You know, you can't tie
 15 a change in zoning or a change of comp plan to
 16 a site plan. Historically, what has happened,
 17 traditionally here in Coral Gables, is, when
 18 we've come up with Zoning Code text amendments
 19 that are connected with projects, especially
 20 one small in scale, we are also processing the
 21 site plan at the same time, and they usually
 22 land on the same agenda. Those are usually
 23 projects which are smaller in scale than this
 24 one. You know, we're dealing with a project
 25 here that's almost an intermediate one between

1 one that is on an acre of land and a City-wide,
 2 you know, change of Zoning Code. It's sort of
 3 equivalent, at least in my experience, to when
 4 the mixed-use district was created in the north
 5 industrial area, north of the Village of
 6 Merrick Park. I think perhaps at least one of
 7 you or maybe two of you were on the Board at
 8 that time, and if you remember, in that
 9 particular case, we were dealing with larger
 10 area of land. We ended up reviewing the
 11 mixed-use regulations in advance of the site
 12 plan, which was essentially driving the train,
 13 let's say, or the project that was initiating
 14 all these changes in that case, and I'd say
 15 that's the most equivalent other situation that
 16 we have to this one here. We're dealing with
 17 seven acres in the heart of the City and
 18 multiple buildings, and so it isn't a City-wide
 19 change of Zoning Code, but it certainly isn't a
 20 change in Zoning Code we're doing in connection
 21 with just one building.

22 MS. ALBERRO MENENDEZ: But the mixed-use
 23 was an area-wide.

24 MR. GARCIA-SERRA: Correct.

25 MS. ALBERRO MENENDEZ: So it's different

1 same time.
 2 CHAIRMAN AIZENSTAT: Yes, Julio?
 3 MR. GRABIEL: As an architect, I love
 4 form-based code, because it gives you, as an
 5 architect, flexibility that you don't have
 6 otherwise. And the benefit for the community
 7 and the urban design aspects of a project is
 8 that form-based code addresses the spaces
 9 between buildings.

10 Most of our Code, as we have it today,
 11 addresses the form and the shape of the
 12 building, and the other space is basically left
 13 over, and sometimes we get the benefit of a
 14 good open space, sometimes we don't get it.
 15 This is a quality project. I think they have
 16 used form-based code to really create in the
 17 public realm the spaces that will benefit our
 18 community, will benefit the City. I know that
 19 we're not part of the center of the City, but
 20 really this project is going to become part of
 21 the center of the City.

22 The area where I do have a problem is on
 23 the use of the space above the 190 feet. For
 24 better or for worse, the City has a limit of
 25 190 feet in height that is the habitable space.

1 from here. This one is -- This zoning
 2 Form-Based Code is particular to this project.

3 MS. TREVARTHEN: Well, if I may, it's three
 4 City blocks, and we happen to be in the
 5 situation where we have a single owner and
 6 they're proposing a coordinated plan of
 7 development, which all of the experts that have
 8 reviewed this have said is a huge benefit, in
 9 having it be -- to have this coordinated type
 10 of development.

11 MS. ALBERRO MENENDEZ: Oh, absolutely.

12 MS. TREVARTHEN: But it isn't -- We use the
 13 word project sometimes and we all think of, you
 14 know, a building or a smaller scale thing, so
 15 the scope of this is much more legislative in
 16 nature, and I see Craig trying to speak here.

17 MR. LEEN: Yes. You know, Mr. Chair, I'm
 18 still going to recommend that ultimately the
 19 second readings all of these be held at the
 20 same time.

21 MS. TREVARTHEN: I agree.

22 MR. LEEN: I mean, that's going to be my
 23 recommendation, and I think that was Susan's,
 24 too. I don't think that they're averse to it.
 25 So I do think that they will be heard at the

1 The moment we approve any kind of usage, air
 2 conditioned, habitable space above 190, I think
 3 we enter into a slippery slope of, if it's
 4 approved here, why not every place else, and
 5 for better or for worse, we have the 190 which
 6 creates a datum for our City, especially for
 7 the urban core, which I think is important. I
 8 mean, Washington has it, Paris has it.
 9 Pennsylvania used to have it, until they broke
 10 it, and I don't think to the benefit of the
 11 city.

12 So I don't have a problem with going to
 13 297, you know, with a decorative architectural
 14 element, because the City -- I mean, you have
 15 the Biltmore and you have elements on the City
 16 and there's nothing more beautiful on an urban
 17 environment than having the silhouette of
 18 buildings against the sky, and we've been
 19 having those more and more in the urban core of
 20 the City. But the usage of that space above
 21 the 190 for habitable space, I have a concern
 22 with that, just because once we approve that,
 23 that's going to open the floodgates for a lot
 24 of other projects, and I think, again, for
 25 better or for worse, that 190 is our datum,

1 where all our buildings are, and you can see
 2 it. When you look at our urban landscape, you
 3 see that there is an element there that is very
 4 important, with elements that go above and
 5 beyond that, but that we do have that straight
 6 190 there.
 7 CHAIRMAN AIZENSTAT: Jeff?
 8 MR. FLANAGAN: No, I agree with that train
 9 of thought.
 10 MS. ALBERRO MENENDEZ: I have no other
 11 comments.
 12 CHAIRMAN AIZENSTAT: Marshall?
 13 MR. BELLIN: If we approve this Form-Based
 14 Code, the 190 goes away.
 15 CHAIRMAN AIZENSTAT: Well, from what I
 16 heard from what the City Attorney said, we
 17 could put a height limit max on this, or we
 18 cannot?
 19 MR. LEEN: You could include a limit of 190
 20 feet. You could do it in the Zoning Code, you
 21 could do it in the Comp Plan. I would probably
 22 recommend doing it in the Zoning Code.
 23 MR. BELLIN: The problem with that, Craig,
 24 is that we just choose arbitrary numbers, and
 25 we have a lot of those situations.

1 MR. LEEN: But you have to remove that,
 2 then.
 3 MS. TREVARTHEN: It's part of the proposed
 4 language.
 5 MR. GRABIEL: It's here.
 6 MS. TREVARTHEN: That's in the Zoning Code.
 7 MR. GRABIEL: Well, in this document, Page
 8 3.2, I think.
 9 MS. TREVARTHEN: It has the half the height
 10 standard, and that could be changed.
 11 MR. GRABIEL: Page 3.2, Note 2, says that
 12 we can have 5900 square feet of enclosed air
 13 conditioned space above the allowable 190.
 14 MS. TREVARTHEN: But the reason why they
 15 can do that is the Comp Plan change. So let me
 16 direct you back to the Staff Report, Page 9.
 17 If you look at the first line, it's the change
 18 to the High-Rise intensity, and right now it
 19 says 150 maximum or 190.5 maximum with the
 20 maximum of three additional floors, if you have
 21 the Med bonuses. So 190.5 is already there.
 22 CHAIRMAN AIZENSTAT: Right. But we're
 23 talking about -- from what I'm hearing that
 24 everybody is talking about is the 190 max, air
 25 conditioned.

1 MR. LEEN: That's the number that's been
 2 used, though.
 3 MR. BELLIN: I know it, but why is that the
 4 number?
 5 MR. LEEN: Well --
 6 MR. BELLIN: I mean, how do we come with up
 7 that?
 8 MR. LEEN: Well, I mean, one thing about
 9 that number is, there are other buildings at
 10 that height, so you could justify it that way.
 11 Susan, do you have any thoughts on where it
 12 would be more appropriate?
 13 MR. TRIAS: Mr. Chairman, I think it would
 14 be very useful if you have any recommendations
 15 as to content, like the one you're talking
 16 about, to make them, and that's the kind of
 17 input that I think would be very helpful to the
 18 Commission.
 19 CHAIRMAN AIZENSTAT: Susan, where would you
 20 suggest that that be put?
 21 MS. TREVARTHEN: If all you're talking
 22 about is 190 feet, six inches, for habitable
 23 space, the Comp Plan already says that, so you
 24 don't need that third column of changes to
 25 allow habitable space above 190/6.

1 MS. TREVARTHEN: That's what this says.
 2 Now, currently --
 3 CHAIRMAN AIZENSTAT: Everything that
 4 they're showing us is an additional 25 feet, so
 5 they would not be able to do this?
 6 MR. FLANAGAN: Correct.
 7 MS. TREVARTHEN: Yes. The tower would
 8 would come down. The tower would not be as
 9 tall.
 10 MR. TRIAS: The only impact --
 11 MS. TREVARTHEN: That's the impact.
 12 MR. TRIAS: -- in the project, there's two
 13 stories on top of the hotel which are a
 14 restaurant, and if you want to make a
 15 recommendation that that's a bad idea, then
 16 this is the right place to do it. I mean,
 17 that's a perfectly -- yeah.
 18 CHAIRMAN AIZENSTAT: But that's what I'm
 19 asking about. You refer to that as a tower?
 20 MS. TREVARTHEN: Uh-huh, the top of the
 21 hotel.
 22 CHAIRMAN AIZENSTAT: Okay. I was looking
 23 at the red as the tower.
 24 MS. TREVARTHEN: Well, that blue part is
 25 habitable. The red part is not habitable.

1 CHAIRMAN AIZENSTAT: Right, but --
 2 MS. TREVARTHEN: Now, that's a separate
 3 question, that the Code currently says 25 feet
 4 maximum and this is more than 25 feet.
 5 CHAIRMAN AIZENSTAT: Right, but if this
 6 Board -- Can you put that back, please? If
 7 this Board would like to go ahead and look at
 8 that 190 as habitable --
 9 MR. PEREZ: Maximum.
 10 CHAIRMAN AIZENSTAT: -- maximum, do you
 11 have that in place here, or is that something,
 12 a recommendation we have to make?
 13 MS. TREVARTHEN: That's a recommendation
 14 you need to make.
 15 CHAIRMAN AIZENSTAT: And if that's a
 16 recommendation we have to make, my question to
 17 you is, in which section do we make that
 18 recommendation?
 19 MS. TREVARTHEN: I would start with the
 20 Comp Plan, and in the Comp Plan, the ability to
 21 exceed 190.5 is allowed as proposed to be for a
 22 top-floor destination or a top-floor activated
 23 rooftop. Those are habitable spaces. And so
 24 you would be saying, don't make those changes,
 25 but you might be supportive of the additional

1 height for architectural embellishment, from
 2 what I'm hearing you describe.
 3 So, as an example, you would take the
 4 actual language at Page 9 of the Staff Report,
 5 and you would alter it so that only the
 6 architectural embellishment purpose could go
 7 taller, and then in the Form-Based Code itself,
 8 as pointed out by Ramon at Page -- What is it?
 9 MR. TRIAS: It's Page 3.4, 3.4.
 10 MS. TREVARTHEN: Can you point to where
 11 that half height is?
 12 MR. TRIAS: Right here, with the signature
 13 terminated vista element. It's listed as one
 14 half building height.
 15 MS. TREVARTHEN: So it's on the right-hand
 16 column. It's the fifth line down. It says one
 17 half building height allowed.
 18 MR. TRIAS: Now, that's very similar,
 19 what's allowed in the Central Business
 20 District, so it's not unusual in terms of the
 21 Code, so -- and it's a very -- I agree with
 22 Mr. Grabiell, in fact, that it does encourage
 23 beauty and aesthetics. So I would like to
 24 distinguish those two concepts, the fact that
 25 the habitable space is one thing; the

1 decorative architecture is a second topic.
 2 CHAIRMAN AIZENSTAT: I'd actually like to
 3 hear from the applicant as to why they feel
 4 that that additional air conditioned 25 feet is
 5 important to your project. I mean, maybe you
 6 have a valid point. I'm just --
 7 MR. GARCIA-SERRA: You know, it's
 8 interesting, though. The reason that we have
 9 the additional 25 feet, two levels of habitable
 10 space above the 190 and the size of the
 11 architectural features, to a great extent, is
 12 because of the process we've gone through for
 13 all these different boards, all these different
 14 workshops. There actually was an expression of
 15 interest in having a sort of rooftop public
 16 feature like that, at the highest point of the
 17 project, with a public space where people could
 18 go up there and indeed it would be a Windows on
 19 the World, Coral Gables version sort of thing,
 20 and the architectural feature is indeed a
 21 response and I think many architects in town
 22 will tell you the same thing, that just putting
 23 25 feet at the top of 190 really isn't in
 24 proportion. You know, 25 feet is how much is
 25 permitted right now for architectural features

1 outside of the Central Business District.
 2 CHAIRMAN AIZENSTAT: Right, but here you're
 3 climbing 25 feet plus 78.
 4 MR. GARCIA-SERRA: Right, and what we're
 5 saying, as far as the architectural feature is
 6 concerned, is that it should be more than the
 7 25 that is permitted today.
 8 CHAIRMAN AIZENSTAT: When you're talking
 9 about an architectural feature, you're
 10 saying --
 11 MR. GARCIA-SERRA: Nonhabitable,
 12 nonhabitable area. And so, indeed, just the
 13 way it came about, if this Board's feeling,
 14 sincerely, is that, you know, that extra 25
 15 feet above the 190 of habitable space is
 16 inappropriate and the appropriate proportion
 17 for the architectural feature should be X, Y or
 18 Z, that could be part of your recommendation,
 19 and indeed if it's approved by the City -- It
 20 might even be ultimately acceptable to us if we
 21 keep on thinking about it enough, and if the
 22 City Commission agrees with you, then that will
 23 be what we adopted, but I don't want you to
 24 think of it as a make-or-break for this
 25 project. Again, we're trying to get to a point

1 where everybody is happy with the end product.
2 It's a little bit complicated, with so many
3 interests involved and so many different review
4 boards, but that's where we're trying to get
5 to.

6 MR. BELLIN: Mario, if we set the height at
7 190 feet, six inches --

8 MR. GARCIA-SERRA: Uh-huh, habitable.

9 MR. BELLIN: -- then the 25 feet, it
10 doesn't disappear. I assume that you'll just
11 take two stories off of the building and still
12 have that component up there, the restaurant
13 component?

14 MR. GARCIA-SERRA: No.

15 CHAIRMAN AIZENSTAT: No, I think they'll go
16 ahead and --

17 MR. BELLIN: Just get rid of the
18 restaurant?

19 MR. GARCIA-SERRA: Right.

20 CHAIRMAN AIZENSTAT: I don't think they
21 want to lose -- as a developer, I wouldn't
22 think they'd want to lose that square footage.

23 MR. FREED: I think the other thing to
24 point out is, if we just essentially push the
25 diagram down and do the restaurant below the

1 190.6, is then looking into building across the
2 street, there's no value in being able to look
3 down on the City, when you're really at the
4 same level as the surrounding buildings that
5 are adjacent to it.

6 CHAIRMAN AIZENSTAT: To me -- Julio, to me,
7 in a way, it's a Catch-22, and the reason I say
8 that, yes, I'd like to push it down, but after
9 hearing what Mario said and why it comes about,
10 you know, a restaurant up there and a terrace
11 and so forth to see the City is really
12 something nice for the public.

13 MR. FREED: I think, also, when we studied
14 the overall form of the entire project on the
15 three city blocks, if the majority of our
16 buildings are at this 190.5 threshold, it
17 becomes -- I mean, I've lived in D.C., and it
18 has its limitations, and we're simply trying to
19 recognize that this is a special opportunity.
20 It is at the end of an access of a fairly
21 important street, University Drive.

22 CHAIRMAN AIZENSTAT: I understand.

23 MR. FREED: And so it's not -- It came
24 about for other reasons, but frankly, it feels
25 like it's the right thing to do as --

1 CHAIRMAN AIZENSTAT: But it does set a
2 precedent, also, as far as, you know, you're
3 going above that -- That 190, to me, is a
4 sticking point. You know, there's a good side
5 and there's a bad side.

6 MR. GARCIA-SERRA: Let me tell you sort of
7 what we discovered as we were processing this
8 and, you know, why is the 190 there. It's a
9 good question, you know, why is it there. What
10 we've been able to find out is that there
11 appears to have always wanted to maintain a
12 hierarchy of height in Coral Gables, and the
13 highest building in Coral Gables today is the
14 Biltmore Hotel, which if you go up to the top
15 of its highest habitable floor there, if I
16 remember right, 230 something, right? Two
17 hundred and -- The Biltmore Hotel, the highest,
18 230 --

19 MR. FREED: It's around 236.

20 MR. GARCIA-SERRA: 236.

21 CHAIRMAN AIZENSTAT: Which hotel?

22 MR. GARCIA-SERRA: The Biltmore Hotel.
23 It's 236, and so the idea has always been, that
24 is the primary building in the City, and
25 nothing should be higher than that.

1 CHAIRMAN AIZENSTAT: Well, that was
2 Merrick's vision.

3 MR. GARCIA-SERRA: Correct.

4 MS. ALBERRO MENENDEZ: 236?

5 MR. GARCIA-SERRA: Correct.

6 MS. ALBERRO MENENDEZ: And you're going to
7 297 with the architectural features?

8 MR. GARCIA-SERRA: Well, no, in the
9 Biltmore --

10 MR. FREED: The 236 is to the highest
11 occupied floor of the Biltmore. The tallest
12 portion of the Biltmore is 315 and one inch.

13 MS. ALBERRO MENENDEZ: 315? Okay, thank
14 you.

15 MR. GARCIA-SERRA: Right, so we would still
16 be -- even if you count the architectural
17 feature, we'd still be lower. We're lower by
18 more than one inch. We would still be lower
19 than the Biltmore Hotel, so --

20 MR. BELLIN: Mario, is there a restriction
21 with respect to the 25 feet as to the size of
22 the floor plate?

23 MR. WU: Yes. It's 5,900 square feet of
24 enclosed area.

25 MR. BELLIN: That's what exists.

1 MR. WU: That's what's in the proposed --
 2 MR. BELLIN: Yeah, in this proposal.
 3 MR. WU: Yes. That's what's proposed in
 4 the Form-Based Code.
 5 MR. BELLIN: And where did that number come
 6 from? I mean, is it a percentage of the floor
 7 below or is it just a number that -- an
 8 arbitrary number?
 9 MR. WU: I think it's in consultation
 10 with -- designing the project and combining
 11 with, working under regulations as a concurrent
 12 process.
 13 Joe, it's on Page 3.2.
 14 MR. BELLIN: I would prefer, instead of
 15 having that open-ended, where it can be the
 16 same floor plate --
 17 CHAIRMAN AIZENSTAT: Marshall, can you talk
 18 into the microphone?
 19 MR. BELLIN: I'm sorry.
 20 MR. TRIAS: Mr. Bellin --
 21 MR. BELLIN: Yeah.
 22 MR. TRIAS: I think we need to keep in
 23 mind, the Board of Architects review process is
 24 still in place. All of these numbers really
 25 depend on the aesthetic impact and the ultimate

1 design. If the Board of Architects thinks that
 2 it's appropriate, then --
 3 CHAIRMAN AIZENSTAT: Correct, but you're
 4 asking us to approve a Form-Based Code --
 5 MR. TRIAS: Right.
 6 CHAIRMAN AIZENSTAT: -- with what I hear
 7 from the Board is looking for a limitation of
 8 the height.
 9 MR. TRIAS: If your recommendation is --
 10 CHAIRMAN AIZENSTAT: So we're not looking
 11 specifically at the design, but we're looking
 12 at a height right now, is what we're
 13 discussing.
 14 MR. GRABIEL: Uh-huh.
 15 CHAIRMAN AIZENSTAT: What were you saying,
 16 Marshall?
 17 MR. BELLIN: No, I would feel more
 18 comfortable if they came up with a percentage
 19 of the floor below, like we do with lofts or,
 20 you know, mezzanines, where it's got to be no
 21 more than one third of the floor below, and
 22 then it's considered a mezzanine, and rather
 23 than a specific number, I would prefer to have
 24 it as a percentage of the floor below. And
 25 maybe we make it so that it doesn't hurt this

1 project. They've only got 5,000 square feet
 2 there.
 3 MR. GARCIA-SERRA: Charles, what you were
 4 referring to on 3.2 was where it says rooftop
 5 area for signature streets --
 6 MR. WU: Yes.
 7 MR. GARCIA-SERRA: -- should be three
 8 fourths of the area, maximum number?
 9 MR. WU: No, I'm reading Footnote 2. You
 10 spell out 5,900 square feet.
 11 MR. GARCIA-SERRA: Okay. I see where it is
 12 there, indeed.
 13 See where it says here? There's a
 14 limitation of -- I'll read the whole --
 15 MR. TRIAS: Mr. Bellin, do you have a
 16 recommendation that is better than what is
 17 being proposed?
 18 MR. BELLIN: I think if we use the same
 19 number as the mezzanine, one third of the floor
 20 below.
 21 MR. TRIAS: One third?
 22 MR. BELLIN: Yeah.
 23 MR. TRIAS: Okay.
 24 CHAIRMAN AIZENSTAT: Well, go ahead.
 25 Jeff?

1 MR. FLANAGAN: I mean, I don't have an
 2 inherent problem with using a percentage, but
 3 now I'd like to figure out what that would be,
 4 because I think the floor plate of the floor
 5 below is pretty large.
 6 MR. BELLIN: Yeah, but I'm more concerned
 7 about how it looks up there than the actual
 8 size of it. I mean, we've got to have, at that
 9 point, setbacks, and --
 10 MR. TRIAS: The floor --
 11 MR. FLANAGAN: But is it a function of how
 12 high it is in relation to the balance of the
 13 building, or is it a function of how much
 14 rooftop space it takes up?
 15 MR. BELLIN: It's a function of how much
 16 roof space it takes up.
 17 MR. FLANAGAN: So it could still be 25
 18 feet, but if it was spread out, it would be
 19 more proportionate?
 20 MR. BELLIN: Well, but that's a decision
 21 the Board of Architects would make, if that's
 22 an appropriate use of that particular --
 23 MR. TRIAS: There are two numbers that
 24 control. One is that there's a maximum floor
 25 plate for the building, and that would be

1 30,000 square feet for office or 20,000 square
 2 feet for residential. So the buildings have to
 3 be only so large, and then a third of that,
 4 according to Mr. Bellin, on the roof, could be
 5 used for architectural embellishment, I mean,
 6 not habitable space, not usable space, but just
 7 aesthetic improvements to the building.
 8 MR. BELLIN: Well, in this case, it becomes
 9 a restaurant.
 10 MR. FLANAGAN: Right. I thought he was
 11 talking about the habitable space in the
 12 restaurant.
 13 MR. BELLIN: Which is okay, because I think
 14 we come up with a number and then it goes to
 15 the Board of Architects, the Board of
 16 Architects says it's not appropriate, put it in
 17 the center, move it to the side, you know,
 18 whatever they think is appropriate, but at
 19 least we have a number that they can work with.
 20 MR. GRABIEL: But right now, the area
 21 that's being proposed is smaller than one third
 22 of the floor below. My concern is not the size
 23 of that space; it's that we're breaking the 190
 24 datum that the City has. Again, for better or
 25 for worse, but that's the datum that the City

1 has throughout. I don't have a problem with it
 2 being a decorative element, uninhabited, or
 3 non-air-conditioned above that, whatever size
 4 or proportion the architect and the Board of
 5 Architects decide would be the best design for
 6 it. It is, I think, again, a slippery slope.
 7 The moment we break that 190 for this project,
 8 there will be other projects who will want to
 9 come, and then it's going to be --
 10 MR. BELLIN: But Julio --
 11 MR. GRABIEL: We're going to lose some of
 12 the quality that we have, I believe, in --
 13 MR. BELLIN: We're already doing that if we
 14 approve a Form-Based Code.
 15 MR. TRIAS: No, no.
 16 MR. GRABIEL: No, we're not.
 17 MR. TRIAS: No, this draft can be amended
 18 according to your input. So certainly if you
 19 approve the Form-Based Code, you could remove
 20 some of those possibilities to go over 190.
 21 MR. BELLIN: Yeah, but then what happens?
 22 If we say you can't go over 190, what happens
 23 to their restaurant up on the -- above that?
 24 MR. TRIAS: It goes away.
 25 MR. BELLIN: It goes away.

1 Is that something that you're willing to --
 2 Okay, if the developer is not --
 3 MR. TRIAS: What the applicant has told me
 4 is that if they cannot do it up there, it goes
 5 away.
 6 MR. BELLIN: Well, but what I'm saying is
 7 if they can do it up there.
 8 Do you want it up there or you don't want
 9 it up there, is the question.
 10 MR. AVILA: Hi. I'm Eddie Avila. I'm the
 11 developer for Agave. This feature came about
 12 as a suggestion, really, by members of some of
 13 the boards that we've been to. It evolved into
 14 what it is today. If you feel that you don't
 15 want to break that 190 feet, it does not make
 16 sense to do it below that, because then you're
 17 looking right across at everything else on the
 18 property. The only benefit of having this
 19 space is to be above everything else and have
 20 the view around the City. So, if --
 21 MR. BELLIN: But --
 22 MR. AVILA: If habitable stops at 190, then
 23 it's just a hotel.
 24 MR. BELLIN: But what I'm saying is, if the
 25 habitable space doesn't stop at 190, if you can

1 get the additional 25 feet because of that
 2 element, would you rather do that or would
 3 you rather get --
 4 MR. AVILA: Yes, that would be our
 5 preference.
 6 MR. BELLIN: Okay, well, that's what I'm
 7 suggesting, is 190 habitable space; above that
 8 is the --
 9 MR. GARCIA-SERRA: Public use.
 10 MR. BELLIN: The public use space.
 11 MR. AVILA: Thank you. Yes.
 12 MR. BELLIN: And that's 25, so that puts
 13 you at 115 -- 215.
 14 MR. GRABIEL: 215.
 15 MR. BELLIN: Yeah.
 16 MR. GRABIEL: With my proposal, there would
 17 be no restaurant. Marshall is suggesting
 18 keeping the restaurant, I think.
 19 MR. BELLIN: Excuse me?
 20 MR. GRABIEL: So you're proposing keeping
 21 the restaurant?
 22 MR. BELLIN: Yeah, I'm proposing keeping
 23 the restaurant.
 24 MR. GRABIEL: Well, I'm proposing --
 25 MR. TRIAS: Both of you are proposing

1 different things.
 2 MR. BELLIN: Okay.
 3 MS. ALBERRO MENENDEZ: You're proposing
 4 keeping the restaurant below 190?
 5 MR. BELLIN: No. I'm proposing to keep the
 6 restaurant above the 190. 190 for the
 7 habitable space, the 25 feet for the public
 8 space above that, so you're at 215, and then
 9 whatever we decide above that for architectural
 10 embellishments.
 11 CHAIRMAN AIZENSTAT: Maria?
 12 MS. ALBERRO MENENDEZ: No, you know, when
 13 I'm hearing all these details from the
 14 form-based legislation that we're discussing,
 15 it only kind of like makes me want to restate
 16 the fact that I really feel that we should be
 17 looking at the project so that we might
 18 incorporate other changes to the zone -- or to
 19 the Form-Based Code based on other issues that
 20 might come up as part of the development.
 21 MR. BELLIN: But don't we have that in the
 22 next go-round?
 23 MS. ALBERRO MENENDEZ: I know, but --
 24 MR. BELLIN: If we approve the Form-Based
 25 Code today, they're taking a chance that when

1 they come back, we may not agree with what they
 2 did. That's just the facts of life. So, when
 3 they come back to us, a month, two months from
 4 now, we've got the right to --
 5 CHAIRMAN AIZENSTAT: But wouldn't they come
 6 and say, "But the Code before you allows us to
 7 do this"?
 8 MR. BELLIN: Well, but that's the issue I
 9 brought up before.
 10 CHAIRMAN AIZENSTAT: Exactly.
 11 MR. BELLIN: You know, I think you need the
 12 parameters.
 13 MS. ALBERRO MENENDEZ: Let me ask you, when
 14 is it that we have a plan to bring the project
 15 to our Board?
 16 MR. TRIAS: As soon as they're ready,
 17 when --
 18 MR. GARCIA-SERRA: Yeah, I think we'd be
 19 ready for the meeting in January.
 20 MR. TRIAS: They were almost ready. I
 21 mean, it was really an issue of technicalities.
 22 That's the only reason that they're not here --
 23 CHAIRMAN AIZENSTAT: The reason that we're
 24 struggling with this, in this level, is -- I
 25 understand what you're saying is, here we're

1 only looking at the Code. But in reality, this
 2 Code only pertains to this project, so that's
 3 why you're hearing back and forth on that,
 4 because even yourselves are showing us the
 5 project --
 6 MR. GARCIA-SERRA: Right.
 7 CHAIRMAN AIZENSTAT: -- based on the form
 8 code.
 9 MR. GARCIA-SERRA: Correct.
 10 CHAIRMAN AIZENSTAT: What it's going to
 11 look like. So, to me, I would kind of like for
 12 you to come back in January, bring it all
 13 together and really take a look at it.
 14 MR. GARCIA-SERRA: Well, the reason that we
 15 did the sort of conceptual --
 16 CHAIRMAN AIZENSTAT: Since you're saying
 17 that you could have it for January.
 18 MR. GARCIA-SERRA: Right, but the reason
 19 that we did this conceptual presentation was to
 20 show you how far elaborated we have the site
 21 plan and how the site plan would look like when
 22 it would ultimately be implemented, and so to
 23 be able to enable the sort of discussion that's
 24 happening right now, do we really want that
 25 height or do we not want that height, you know,

1 is the benefit worth it or not. So I'd say
 2 from that viewpoint, we've done more than
 3 enough by showing you what the site plan would
 4 look like, in order to have this discussion
 5 here. What's left to be typed up are things
 6 like development agreement details, issues of
 7 streetscape improvements, that sort of thing,
 8 and indeed, remember it's been two and a half
 9 years we've been on this journey.
 10 CHAIRMAN AIZENSTAT: I understand, but this
 11 is a major project within the City.
 12 MR. GARCIA-SERRA: Correct.
 13 CHAIRMAN AIZENSTAT: You know, it's a key
 14 project.
 15 MS. ALBERRO MENENDEZ: And tonight's
 16 meeting has been very useful, I mean, to me.
 17 I've learned a lot, and so it hasn't been a
 18 waste. My whole -- well, I'm not going to
 19 repeat myself. You know what my position is.
 20 MR. TRIAS: Mr. Chairman, what I would take
 21 this opportunity is as a way to make
 22 recommendations that will result in
 23 modifications of the project, such as the
 24 height, if needed, if you all agree on that,
 25 and that is very valuable, because that's what

1 the applicant is really asking for, because the
2 Code requires some significant policy decisions
3 that right now are not in the Code. So that's
4 why they wanted to get this through the
5 process.

6 So, if you have any -- If the only issue is
7 the height of the restaurant, that's a fairly
8 straightforward issue to resolve. If there are
9 any other issues --

10 MS. ALBERRO MENENDEZ: We don't know if
11 there's any other issues, because we haven't
12 seen the project.

13 MR. GARCIA-SERRA: But --

14 MR. TRIAS: But --

15 MS. ALBERRO MENENDEZ: We don't know the
16 traffic impacts. We don't know -- We don't
17 know.

18 MR. GARCIA-SERRA: But you can't create a
19 Code by just referencing the site plan. You
20 have to look at this Code from your legislative
21 role and say, is this good legislation or not,
22 absent the details of a site plan, which will
23 ultimately come later and be subject to your
24 review and approval, recommendation for
25 approval, and again, what's being looked at

1 here is a recommendation from you to the City
2 Commission as to what you should do on the
3 legislation. Part of that recommendation could
4 be, "Do not act on the legislation until that
5 site plan has caught up to you, City
6 Commission, because we think that's the most
7 appropriate and responsible way to proceed."

8 MR. BELLIN: Mario, I think it's up to
9 us -- to me, it's our job to determine what we
10 want to see there, and we need to communicate
11 that to the developer so he knows what he has
12 to work with. If you want the restaurant and
13 you want the 25 feet, we make a decision now,
14 it's 190 or it's 190 plus 25, with the
15 architectural embellishment on top of that, or
16 not, but I think that we need to give him
17 direction.

18 MR. GARCIA-SERRA: That's exactly what you
19 should have in your recommendation --

20 MR. BELLIN: Okay, well --

21 MR. GARCIA-SERRA: -- whatever the majority
22 of the Board feels is appropriate.

23 CHAIRMAN AIZENSTAT: Because of the time,
24 is there a motion to extend the meeting?

25 I'm sorry, Mario, we have to --

1 MR. GRABIEL: Yeah, let's extend it another
2 half hour, no more than that, or do you want
3 to -- Do you want to do it less than that?

4 MR. FLANAGAN: Can I just make a comment?

5 MR. GRABIEL: Sure.

6 MR. FLANAGAN: I mean, I'm happy to stay,
7 but after tonight's presentation and everything
8 that's before us, the meeting has been very
9 helpful and very informative, but I know now
10 when I go back and reread and look at
11 everything, I'll look at it a little bit
12 differently, with a different set of eyes, and
13 can probably be in a better position to come up
14 with recommendations or have a little bit more
15 discussion on it, that I think would be better
16 educated, and so I'm happy to stay and keep
17 going through it. I know I would benefit from
18 some time to go back and digest it some more.

19 MR. WU: Can you clarify whether you want
20 to come back with the Code itself only, or you
21 want the project to come back together?

22 MS. ALBERRO MENENDEZ: I want them both. I
23 mean --

24 MR. WU: Well, I'm just saying from what
25 Mr. Flanagan is alluding to.

1 MR. FLANAGAN: I'm fine with the
2 legislation coming back --

3 MR. WU: Okay.

4 MR. FLANAGAN: -- by itself, but I'm also
5 fine with them coming back together. I'm happy
6 either way.

7 MR. WU: Because I think we need to give
8 the developer direction where this is heading,
9 if there's not going to be action tonight.

10 MR. GARCIA-SERRA: And as the applicant,
11 the direction that I would ask for is to
12 actually make a recommendation on the
13 legislation.

14 CHAIRMAN AIZENSTAT: Could we just have a
15 motion, then, at least for 10 minutes, so we
16 don't we don't have to get up and leave?

17 MR. GRABIEL: Move.

18 MS. ALBERRO MENENDEZ: Second.

19 CHAIRMAN AIZENSTAT: Ten minutes, a first
20 and second, just so we can -- If we need to,
21 we'll extend.

22 Call the roll, please.

23 MS. MENENDEZ: Julio Grabiell?

24 MR. GRABIEL: Yes.

25 MS. MENENDEZ: Maria Menendez?

1 MS. ALBERRO MENENDEZ: Yes.
 2 MS. MENENDEZ: Alberto Perez?
 3 MR. PEREZ: Yes.
 4 MS. MENENDEZ: Marshall Bellin?
 5 MR. BELLIN: Yes.
 6 MS. MENENDEZ: Jeff Flanagan?
 7 MR. FLANAGAN: Yes.
 8 MS. MENENDEZ: Eibi Aizenstat?
 9 CHAIRMAN AIZENSTAT: Yes.
 10 Sorry.
 11 MR. GARCIA-SERRA: What I would ask is that
 12 there be a recommendation on the legislation,
 13 so that this discussion can move forward to the
 14 City Commission, again, on the legislation, and
 15 we'll be back here with a site plan, so that
 16 the issues that you want to talk about, which I
 17 think are really more site plan related --
 18 CHAIRMAN AIZENSTAT: But that's not what
 19 they're saying, from what I'm listening to Jeff
 20 or --
 21 MR. GARCIA-SERRA: Yeah. No, I'm conscious
 22 of that.
 23 CHAIRMAN AIZENSTAT: Okay.
 24 MR. GARCIA-SERRA: That's not the same
 25 thing as what I'm suggesting right now,

1 correct.
 2 CHAIRMAN AIZENSTAT: Because for me, if
 3 we're going to go to January, then I would like
 4 to see an example of what specifically this
 5 Form Code allows you to do within this project,
 6 and the reason I say that is because this
 7 Form-Based Code is specific to this project.
 8 So, to me, they're --
 9 MR. GARCIA-SERRA: Right, but you're not
 10 finally adopting it.
 11 CHAIRMAN AIZENSTAT: I'm sorry?
 12 MR. GARCIA-SERRA: You're not going to be
 13 the Board that's finally adopting it.
 14 CHAIRMAN AIZENSTAT: I understand.
 15 MR. LEEN: Mr. Chair --
 16 CHAIRMAN AIZENSTAT: Yes.
 17 MR. LEEN: Just, you know, as a technical
 18 matter, if you recommend it today, or if you
 19 don't recommend it today, however you do it,
 20 and it goes to -- but let's say -- You know,
 21 you have three choices. You could continue it,
 22 you could recommend it, or you could not
 23 recommend it, and in recommending it, of
 24 course, you could recommend it with
 25 modifications or not. But, you know, under our

1 Code, you always have the authority to
 2 reconsider a vote at the next meeting, so
 3 you're always allowed to look at that again, if
 4 you wanted to. We'd have to notice it
 5 appropriately.
 6 And, two, you also have the authority, when
 7 you're considering the site plan, if you think,
 8 "Look, you know, maybe we should have had a
 9 restaurant there, even though we didn't
 10 recommend the restaurant space, you know, I
 11 think we should recommend that the restaurant
 12 be there," because since you're not making the
 13 final approval, ultimately, the Commission will
 14 have to take all that together and make its
 15 decision, and I think it's already been
 16 indicated that all these will be heard at least
 17 on second reading together. I don't think they
 18 should be separated. I think, for the reasons
 19 you stated, Ms. Menendez, I think that we
 20 should have them all heard together.
 21 MS. ALBERRO MENENDEZ: I have to believe
 22 that the Commission is going to view both items
 23 together.
 24 MR. LEEN: They will.
 25 MS. ALBERRO MENENDEZ: And so if that's the

1 case, then why are we, you know, rushing to
 2 approve the legislation, if in fact we have to
 3 review the plans, and I have to believe that
 4 the Commission is not going to review the plans
 5 until we provide some recommendations of
 6 approval, denial, whatever. So, I mean, I'm
 7 ready to make a motion.
 8 MR. BELLIN: Then make it.
 9 MS. ALBERRO MENENDEZ: I make a motion to
 10 defer the legislation portion of this
 11 application to January, where we can then view
 12 the project and the legislation together.
 13 MR. LEEN: Ms. Menendez, could you move to
 14 continue it instead of move to defer?
 15 MS. ALBERRO MENENDEZ: I move to continue
 16 it to January's meeting.
 17 MR. GARCIA-SERRA: And --
 18 CHAIRMAN AIZENSTAT: Is there a second,
 19 before you have any discussion?
 20 MR. FLANAGAN: I'll second.
 21 CHAIRMAN AIZENSTAT: Mario?
 22 MR. WU: Mr. Chair?
 23 CHAIRMAN AIZENSTAT: Yes.
 24 MR. WU: Well, that's provided that the
 25 entire project is ready to be heard for action,

1 or you just want the project to be heard and
 2 not take action on the project? Because I
 3 don't know eventually if the project will be
 4 ready for action, with the development
 5 agreement and everything else.
 6 MR. GARCIA-SERRA: That's the point that I
 7 was going to make. That's an optimistic, you
 8 know, scenario.
 9 CHAIRMAN AIZENSTAT: I don't think the
 10 project will be totally ready at that point.
 11 MR. GARCIA-SERRA: It would be a challenge,
 12 but we can --
 13 MS. ALBERRO MENENDEZ: But are you ready,
 14 or -- Is it the issue that you're not ready?
 15 MR. GARCIA-SERRA: It's very hard for me to
 16 predict, you know, if we're going to be ready
 17 at that exact point in time, considering that
 18 we do need City response and input on a lot of
 19 different issues, site plan specific.
 20 MS. ALBERRO MENENDEZ: Okay, I was under
 21 the impression that you guys were ready to
 22 present. That's the impression I got from our
 23 meeting.
 24 MR. GARCIA-SERRA: I can't guarantee you.
 25 Well, I can't guarantee you that by the January

1 MR. LEEN: Yes.
 2 MR. BELLIN: I would like to approve the
 3 zoning and the land use change, and get that
 4 out of the way.
 5 With respect to the Form-Based Code, that,
 6 I think we can discuss, we can think over, but
 7 I think we need to get something out of the way
 8 and the zoning and the land use are
 9 probably what we need to do.
 10 MR. LEEN: Well, you do have a motion on
 11 the table.
 12 CHAIRMAN AIZENSTAT: I was just going to
 13 say that.
 14 MR. LEEN: You're going to have to deal
 15 with that motion. You can move to amend the
 16 motion or you could ask for a friendly
 17 amendment.
 18 MR. BELLIN: All right.
 19 MR. LEEN: You could -- So, it sounds like
 20 you would be open to continuing part of it and
 21 voting on part of it, but you either need to
 22 have a friendly amendment or need to move to
 23 amend.
 24 CHAIRMAN AIZENSTAT: Before we go there,
 25 Mario, what is it that you could be ready with

1 meeting date, we will be a hundred percent
 2 ready and that the City will agree that we're a
 3 hundred percent ready to proceed on the site
 4 plan.
 5 MR. TRIAS: For example, they have to
 6 vacate an alley. Well, that process needs to
 7 go through an additional --
 8 MS. ALBERRO MENENDEZ: The process comes to
 9 us.
 10 MR. TRIAS: Yeah, exactly, so that hasn't
 11 taken place. So, because of that, you're
 12 unable to approve the final site plan.
 13 MS. ALBERRO MENENDEZ: But that can be
 14 ready for January.
 15 MR. TRIAS: Well, that's up to the
 16 applicant, clearly.
 17 MR. GARCIA-SERRA: I don't think all of
 18 those details can be ready.
 19 MS. ALBERRO MENENDEZ: Okay, I had the
 20 impression, Mario, from our meeting, that you
 21 guys were ready.
 22 MR. GARCIA-SERRA: We developed it to a
 23 great extent, I'd say 90 percent.
 24 MS. ALBERRO MENENDEZ: Okay.
 25 MR. BELLIN: Craig, can we make a motion?

1 for January?
 2 MR. GARCIA-SERRA: You know, the site plan
 3 in itself, meaning the architectural plans and
 4 the building elevations are pretty much ready
 5 already.
 6 CHAIRMAN AIZENSTAT: Okay, so that could be
 7 ready for January?
 8 MR. GARCIA-SERRA: Yeah. The things that
 9 are still out there are our streetscape --
 10 off-site streetscape improvement plan --
 11 CHAIRMAN AIZENSTAT: Understood.
 12 MR. GARCIA-SERRA: -- which there's
 13 different positions from Planning, Public Works
 14 and the neighbors, as to, you know, what's the
 15 best thing to happen.
 16 CHAIRMAN AIZENSTAT: And the alley
 17 vacating, from what I heard you say --
 18 MR. GARCIA-SERRA: Correct.
 19 CHAIRMAN AIZENSTAT: -- you wouldn't be
 20 ready for.
 21 MR. GARCIA-SERRA: Correct. That, we need
 22 the consent of the utilities, which the
 23 utilities are notorious for how long they take,
 24 too.
 25 MR. WU: And the development agreement.

1 That is a very complex --
 2 CHAIRMAN AIZENSTAT: And development
 3 agreement.
 4 MR. GARCIA-SERRA: Yes.
 5 CHAIRMAN AIZENSTAT: Maria?
 6 MS. ALBERRO MENENDEZ: And the what
 7 agreement?
 8 CHAIRMAN AIZENSTAT: The development
 9 agreement.
 10 MR. WU: You are required to review it.
 11 So, if you expect a two-step process, that is
 12 likely.
 13 CHAIRMAN AIZENSTAT: But either way, then,
 14 they would have to come back for the alley
 15 vacating?
 16 MR. WU: Well, I just want you to
 17 anticipate, are you expecting a two-step
 18 development/site plan process, or a one-step
 19 one? Because we have things lagging behind.
 20 CHAIRMAN AIZENSTAT: I would -- just
 21 myself, I would like to get past this point,
 22 because they have been working diligently to do
 23 so. So, for me, whether it's a one-step or a
 24 two-step, if they're going to come back in
 25 January, I'd like for them to come back with as

1 much as --
 2 MR. BELLIN: Let's vote on Maria's motion.
 3 MR. WU: Well, Maria's motion is based on
 4 coming back in January, so --
 5 MS. ALBERRO MENENDEZ: Well, let me amend
 6 my motion to say that I'd like to continue it
 7 until such time that the project is ready to be
 8 presented to the Board.
 9 MR. GARCIA-SERRA: Could --
 10 CHAIRMAN AIZENSTAT: I mean, that could
 11 take some time.
 12 MR. GARCIA-SERRA: Yes, exactly.
 13 MS. ALBERRO MENENDEZ: The issue here is,
 14 it's not going to go to the Commission until
 15 all items are ready.
 16 CHAIRMAN AIZENSTAT: I understand. That's
 17 your motion. Is there --
 18 MS. ALBERRO MENENDEZ: How do you expect
 19 us --
 20 CHAIRMAN AIZENSTAT: Well, let's handle
 21 that. Is there a --
 22 MR. LEEN: I am a little concerned,
 23 legally, about a continuation like that,
 24 because you are essentially preventing the
 25 Commission from being able to hear it until

1 Staff --
 2 MS. ALBERRO MENENDEZ: That's not
 3 necessarily true. This is a recommendation.
 4 They can go against us.
 5 MR. LEEN: Well, but they can't -- under
 6 our Code, there needs to be a recommendation,
 7 either positive, negative -- If you continue
 8 it -- We need a ruling from you.
 9 MS. ALBERRO MENENDEZ: Why don't you help
 10 me, then, format my ruling so it's within the
 11 legal --
 12 MR. LEEN: If you want to continue it,
 13 continue it to the next hearing --
 14 MS. ALBERRO MENENDEZ: Uh-huh.
 15 MR. LEEN: -- and then if it's not ready,
 16 it can be continued again.
 17 MS. ALBERRO MENENDEZ: That's fine.
 18 MR. GARCIA-SERRA: But let me see if we can
 19 come to a conclusion or at least a compromise
 20 solution, let's call it, I think, that perhaps
 21 might make people happy. We want to see some
 22 forward motion and some process in a process
 23 that's been very slow. We also don't want to
 24 send a message that we are tying these changes
 25 to the Comprehensive Plan or Zoning Code to a

1 site plan, because legally you can't do that,
 2 either.
 3 I don't know if there's perhaps an ability
 4 to approve the changes we're proposing to the
 5 FLUM and the Comprehensive Plan text, or you
 6 make that recommendation, so that we have that
 7 at least communicated, which I think there
 8 hasn't been much discussion on. And then on
 9 the Form-Based Code amendments, potentially,
 10 you can make recommendations, I don't know if
 11 to us, as to where you are, as to what you
 12 think is appropriate, so that when we come
 13 back, perhaps we come back with a site plan and
 14 the Form-Based Code.
 15 MR. BELLIN: All right, Maria, let's vote
 16 on your motion.
 17 MS. ALBERRO MENENDEZ: Sure.
 18 MR. BELLIN: And then if it doesn't pass,
 19 I'll make a motion.
 20 CHAIRMAN AIZENSTAT: Well, wait, we only
 21 have a motion. We don't have a second for the
 22 motion at this point.
 23 MR. BELLIN: All right.
 24 CHAIRMAN AIZENSTAT: You're saying to --
 25 MS. ALBERRO MENENDEZ: What did I say,

1 Craig?
 2 MR. LEEN: You said to continue all matters
 3 that have been considered today to the next
 4 Planning and Zoning meeting.
 5 MR. FLANAGAN: And I will second that.
 6 CHAIRMAN AIZENSTAT: Any discussion?
 7 MR. BELLIN: I just don't understand why.
 8 They have to come back, anyway. Why not get
 9 part of it done?
 10 MS. ALBERRO MENENDEZ: My only hesitation
 11 is that I would like to see what other
 12 changes -- you know, you all brought a very
 13 significant change to this project -- what
 14 other changes may be considered as part of the
 15 legislation, before we act on the legislation.
 16 MR. BELLIN: But --
 17 MS. ALBERRO MENENDEZ: And I won't know
 18 that until I see the project.
 19 MR. BELLIN: Those changes are only going
 20 to be made with respect to the Form-Based Code.
 21 But do you object to the rezoning of the
 22 property or the land use change?
 23 CHAIRMAN AIZENSTAT: We have -- Right now,
 24 we have a motion and a second.
 25 MR. BELLIN: All right.

1 CHAIRMAN AIZENSTAT: Let's take a vote and
 2 then we'll go from there.
 3 MS. MENENDEZ: Maria Menendez?
 4 MS. ALBERRO MENENDEZ: Yes.
 5 MS. MENENDEZ: Alberto Perez?
 6 MR. PEREZ: Yes.
 7 MS. MENENDEZ: Marshall Bellin?
 8 MR. BELLIN: No.
 9 MS. MENENDEZ: Jeff Flanagan?
 10 MR. FLANAGAN: Yes.
 11 MS. MENENDEZ: Julio Grabiell?
 12 MR. GRABIEL: No.
 13 MS. MENENDEZ: Eibi Aizenstat?
 14 CHAIRMAN AIZENSTAT: Yes.
 15 MS. MENENDEZ: Four to two.
 16 MR. LEEN: Mr. Chair, even though you
 17 continued it -- You're about to run out of time
 18 again. But you continued it. You can still
 19 give them suggestions.
 20 CHAIRMAN AIZENSTAT: That's what I was --
 21 Could we extend just a little bit longer? I
 22 mean, I'd hate for them not to go with
 23 direction.
 24 MR. GARCIA-SERRA: Of course, you know
 25 there is some disappointment on our side, but

1 please give us whatever positive feedback you
 2 think you can.
 3 CHAIRMAN AIZENSTAT: Is there a motion to
 4 extend?
 5 MR. LEEN: Mr. Chair, you could also -- One
 6 other thing you could consider is straw vote
 7 on the concept, if you wanted to, to give them
 8 some feedback.
 9 CHAIRMAN AIZENSTAT: Well, let's extend the
 10 time.
 11 MR. GRABIEL: I move to extend.
 12 CHAIRMAN AIZENSTAT: For how much time?
 13 MR. GRABIEL: Ten minutes.
 14 MS. ALBERRO MENENDEZ: I second it.
 15 CHAIRMAN AIZENSTAT: Call the roll, please.
 16 MS. MENENDEZ: Alberto Perez?
 17 MR. PEREZ: Yes.
 18 MS. MENENDEZ: Marshall Bellin?
 19 MR. BELLIN: Yes.
 20 MS. MENENDEZ: Jeff Flanagan?
 21 MR. FLANAGAN: Yes.
 22 MS. MENENDEZ: Julio Grabiell?
 23 MR. GRABIEL: Yes.
 24 MS. MENENDEZ: Maria Menendez?
 25 MS. ALBERRO MENENDEZ: Yes.

1 MS. MENENDEZ: Eibi Aizenstat?
 2 CHAIRMAN AIZENSTAT: Yes. So -- Yes, go
 3 ahead.
 4 MR. TRIAS: Mr. Chairman, it would be very
 5 helpful for me to be able to work with Staff --
 6 with the applicant if you tell me what other
 7 issues, in addition to the height, are you
 8 concerned about? And I'll say this, you know.
 9 You did get concept design in your packet. I
 10 mean, it's not going to change. I don't expect
 11 it to change, and it's that 11-by-17. It's
 12 folded.
 13 It's right in front of you, Ms. Menendez.
 14 MS. ALBERRO MENENDEZ: This?
 15 MR. TRIAS: Yes. That's the project, so --
 16 MS. ALBERRO MENENDEZ: Uh-huh.
 17 MR. TRIAS: If you have any thoughts or
 18 any critique -- and you don't have to do it
 19 right now, but if you can do it later, at any
 20 point, please do, because --
 21 CHAIRMAN AIZENSTAT: Just from what I'm
 22 listening, you've got Julio that is saying that
 23 he really is adamant about the height. You've
 24 got Marshall that's saying that he would love
 25 to have the restaurant there, so --

1 MR. TRIAS: So that really isn't
 2 compatible.
 3 CHAIRMAN AIZENSTAT: So you've got the two
 4 architects on each end.
 5 MR. TRIAS: So that's one issue. You
 6 mentioned traffic and so on; that's a second
 7 issue. Is there an additional issue that we
 8 can do some work with the applicant to make
 9 sure that when they come back, it's just --
 10 MR. GRABIEL: I think the neighborhood
 11 surrounding the site --
 12 MR. TRIAS: The neighborhood.
 13 MR. GRABIEL: -- is very important, that we
 14 need to protect it, and I would like to see a
 15 program where not only do they benefit from the
 16 additional landscaping and the road work, but
 17 what happens to the neighborhood while the
 18 building is under construction, and make sure
 19 that the truck traffic and things like that do
 20 not overrun the neighborhood.
 21 So I think it would be important for the
 22 developer to look at the neighborhood in that
 23 aspect and see how they can protect the
 24 residents from the construction process, which
 25 can be very messy.

1 with an enclosed usable space, there's no
 2 reason why other buildings could not come --
 3 MR. BELLIN: But there is, Julio.
 4 MR. PEREZ: If we're restricting the use of
 5 what that added height could be -- I mean,
 6 we're not sitting here and saying you could get
 7 an additional 25 feet for additional
 8 residential or additional office space. If, in
 9 fact, we sit here -- and Mr. Attorney, I'm not
 10 sure if we can do this or not, but if we sit
 11 here and say you get the added space for the
 12 sole use of the the public, i.e., a restaurant,
 13 would that address your concern somewhat?
 14 MR. GRABIEL: No. I think -- My opinion is
 15 that we should keep the usable habitable
 16 air-conditioned space below 190. Anything
 17 above that can be any architectural element
 18 that needs to be put together to create the
 19 right design for the building.
 20 MR. BELLIN: Julio, in this particular --
 21 MS. ALBERRO MENENDEZ: Let me ask you
 22 something. On the issue of precedents, though,
 23 do we really establish a precedent if, in fact,
 24 we look at this on a case-by-case basis? This
 25 is a PAD --

1 MR. TRIAS: Absolutely. Okay?
 2 CHAIRMAN AIZENSTAT: Anybody else?
 3 MR. GARCIA-SERRA: I don't want to prolong
 4 it too long, but the issue of height is
 5 important. We know where two members stand.
 6 MR. PEREZ: Julio, on the topic of height,
 7 I mean, if we have the right to restrict the
 8 use -- So is your issue just overall height, or
 9 if we sit here and limit and say the only way
 10 they can utilize that additional height is if,
 11 in fact, we just allow them or give a further
 12 recommendation, to solely use a restaurant?
 13 MR. GRABIEL: No, my concern is not the
 14 overall height of the building. It could be as
 15 tall as there needs to be an architectural
 16 design. My concern is the basic datum that we
 17 have in Downtown Coral Gables, and let's
 18 consider this part of Downtown Coral Gables,
 19 that all buildings are 190, and then above that
 20 you have all the architectural decorative
 21 elements, and that's it. So air-conditioned
 22 usable space above the 190, I think we enter
 23 and we open a bag that it could be very
 24 difficult to contain, because there are going
 25 to be other -- If this is approved above 190

1 MR. LEEN: Yes.
 2 MS. ALBERRO MENENDEZ: -- and basically,
 3 we're really looking at this one project. Do
 4 we really set a precedent if we approve this?
 5 MR. LEEN: In my opinion, there's two
 6 different types of precedents. This particular
 7 Code provision is very targeted to a
 8 geographical area, and so -- and this is the
 9 only one that's going to allow that to occur,
 10 and in fact, it's only going to be for the
 11 signature building, at least under the Code,
 12 because the signature terminated vista building
 13 height bonus, two floors max above 190/6 -- 190
 14 feet, six inches -- that's the only building it
 15 can be applied to.
 16 I think what you're talking about is the
 17 broader type of precedent, where you may have
 18 applicants who will come and they will ask the
 19 Commission to allow it to go above 190/6 in
 20 other areas. They will have to ask for a
 21 legislative change, though, in order to achieve
 22 that, and the Commission will have to consider
 23 that. That's reviewed under, you know,
 24 essentially a fairly debatable arbitrary and
 25 capricious type standard. So, generally, the

1 Commission will be deferred to in those sort of
2 decisions. So it doesn't set a legal -- Unless
3 the Commission were acting completely
4 arbitrarily, which this Commission I've never
5 seen do, but unless the Commission was doing
6 that, they would -- it would be upheld. So it
7 doesn't set a legal precedent in the sense that
8 the court could compel the City to allow over
9 190 feet, six inches, in other cases.

10 MS. TREVARTHEN: And if I could just add to
11 that, that's a hundred percent correct. Anyone
12 who wanted to be setting a precedent in doing
13 something else, they'd have to file a Comp Plan
14 amendment. They'd have to be a Mediterranean
15 Village. They'd have to be in this area. I
16 mean, they'd have to bring in brand new
17 concepts to your Comp Plan. So it's not quite
18 the same as saying somebody else could just ask
19 for it. It's not just a legislative change.
20 It's your Comp Plan changing.

21 MR. LEEN: But I will say -- I did say this
22 to the Vice-Mayor, when he asked. I mean, you
23 will have people that may ask you for it
24 because it's being done here. It's true, you
25 may have people that ask, but Susan's correct.

1 It would require significant changes. It's not
2 as-of-right, obviously. In fact, it's not
3 allowed. So you would have to actually change
4 the Comp Plan and the Code and then consider
5 it.

6 MR. BELLIN: And that's not going to
7 happen.

8 MS. ALBERRO MENENDEZ: A straw vote or
9 something.

10 MR. TRIAS: Mr. Chairman, I think I
11 understand Mr. Grabiell's argument, which is
12 aesthetic, and it deals with the overall city
13 design, and in some cities, that does exist as
14 a maximum height, and that's why they have some
15 consistency. On the other hand, you have a
16 different opinion in terms of providing some
17 towers, so I mean, clearly, those are two very
18 valid views, and at some point, we need to make
19 a decision.

20 MR. BELLIN: Ramon, I think Julio's point
21 is, he doesn't want to see this happen
22 throughout the City, and it can't happen
23 anywhere but that building.

24 MR. TRIAS: Right.

25 MR. BELLIN: The Code prohibits it.

1 MR. TRIAS: And that's a fact, yes.

2 MR. BELLIN: So it's not even an issue. It
3 can't happen.

4 MR. TRIAS: That's true.

5 MS. ALBERRO MENENDEZ: So --

6 MR. TRIAS: Any other --

7 CHAIRMAN AIZENSTAT: Mario, would you like
8 to get a straw vote so you get a direction as
9 to that 25 feet for the restaurant?

10 MR. GARCIA-SERRA: That, and perhaps
11 something else, also.

12 CHAIRMAN AIZENSTAT: To give you some
13 direction.

14 MR. GARCIA-SERRA: Because, unfortunately,
15 you know, we have a situation here where my
16 client was hoping to at least make some
17 progress tonight, which hasn't been achieved,
18 but if at the very least there could be some
19 sort of motion, which is just purely a motion
20 of the Board, sort of encouraging us to move
21 forward in the process, as far as what your
22 support is for the idea -- You have to
23 understand, a lot has been invested in this
24 already. We are now faced with a situation
25 where we're not sure when this might have a

1 finish line.

2 MS. ALBERRO MENENDEZ: Mario, this is the
3 second time we see this.

4 MR. GARCIA-SERRA: Correct.

5 MS. ALBERRO MENENDEZ: I mean --

6 MR. GARCIA-SERRA: You're right. It's been
7 two and a half years of other City boards,
8 also.

9 MS. ALBERRO MENENDEZ: I know, and I'm
10 sorry you've gone through two and a half years,
11 but this is the second time that some of us
12 have seen it.

13 MR. GARCIA-SERRA: Understood.

14 MR. BELLIN: Maria, do you have an
15 objection to the zoning or an objection to the
16 master plan? And the two really are
17 independent of each other. The land use and
18 the zoning change is one issue, and the --

19 MS. ALBERRO MENENDEZ: I think we've
20 already voted. I think the straw on the issue
21 of the restaurant is probably some direction
22 they need.

23 CHAIRMAN AIZENSTAT: Let's go ahead and do
24 the straw vote at this time. We'll go ahead
25 and -- Let's take a poll, a straw vote of each

1 individual Board member, as to whether --
 2 MR. PEREZ: Can we just be clear on what
 3 we're voting on?
 4 CHAIRMAN AIZENSTAT: As to whether we'd
 5 like to see an additional 25 feet of usable
 6 space --
 7 MS. ALBERRO MENENDEZ: Of the way they
 8 proposed it for a restaurant.
 9 CHAIRMAN AIZENSTAT: -- for a restaurant,
 10 meaning the way they proposed it, for when they
 11 bring it back, or we would like to see that 190
 12 as a cap, period, to where the developer --
 13 MR. LEEN: Mr. Chair -- oh, I'm sorry. I
 14 don't mean to interrupt. I just meant, you
 15 know, one thing you may want to do even before
 16 that is vote, you know, a straw ballot on the
 17 Mediterranean Village concept, and then
 18 specifically the, you know, do you support
 19 that? What is your thinking about that?
 20 CHAIRMAN AIZENSTAT: What's the reasoning
 21 behind doing it that way?
 22 MR. LEEN: Well, because the only way that
 23 this is allowed is because of the Mediterranean
 24 Village concept.
 25 MS. ALBERRO MENENDEZ: But we're simply

1 giving them direction. We're not --
 2 MR. LEEN: Oh, so you're just saying if the
 3 Mediterranean Village concept is approved --
 4 CHAIRMAN AIZENSTAT: No, this is just a
 5 direction.
 6 MR. LEEN: -- you're voting this way, okay.
 7 CHAIRMAN AIZENSTAT: This is basically a
 8 directive --
 9 MS. ALBERRO MENENDEZ: This is just to
 10 settle between our two architects.
 11 CHAIRMAN AIZENSTAT: This is basically to
 12 give the developer or the applicant direction
 13 as to how the Board feels, based on that
 14 additional 25 feet of that restaurant, because
 15 from what we've heard tonight, if we have to
 16 cut back that 25 feet to go to 190, the
 17 restaurant is gone. So --
 18 MR. LEEN: I understand.
 19 CHAIRMAN AIZENSTAT: Okay? Is everybody
 20 clear on that?
 21 MR. FLANAGAN: I'm clear, but we keep
 22 talking about a restaurant, and that may be
 23 what's proposed right now, but the Comp Plan
 24 change talks about top-floor dining,
 25 entertainment or other similar destination use.

1 CHAIRMAN AIZENSTAT: Well, at that point,
 2 if it comes back and they're telling us it's a
 3 restaurant, they'd have to proffer somehow that
 4 it's going to be a restaurant open to the
 5 public, and not a nightclub.
 6 MR. BELLIN: Is that the only use that you
 7 think is appropriate, or is it public use?
 8 CHAIRMAN AIZENSTAT: Well, we're talking
 9 right now about a restaurant, from what I've
 10 heard. I would like to --
 11 MR. BELLIN: But I think the way it was
 12 stated was a public use. So a restaurant is
 13 public, you know, a dance hall is public.
 14 CHAIRMAN AIZENSTAT: Well, to me, let's
 15 take it based upon the way it's presented to
 16 us --
 17 MR. BELLIN: Okay.
 18 CHAIRMAN AIZENSTAT: -- as a restaurant.
 19 MS. ALBERRO MENENDEZ: Is that what --
 20 CHAIRMAN AIZENSTAT: If they want --
 21 MR. GARCIA-SERRA: It's exactly what's
 22 proposed right now.
 23 CHAIRMAN AIZENSTAT: It's not -- We're not
 24 telling them we're allowing them to do a
 25 restaurant there or we're allowing them to go

1 to 25 feet, but they're getting an idea of what
 2 we're looking at --
 3 MR. BELLIN: Okay.
 4 CHAIRMAN AIZENSTAT: -- so we give them
 5 some kind of direction. If they want to come
 6 back in January and say, "Well, you know what?
 7 We want to maybe do a nightclub here," that's
 8 their prerogative. That's their prerogative.
 9 I'm not saying they're going to do that.
 10 MR. BELLIN: Okay.
 11 MR. LEEN: Well, but, Mr. Chair, for
 12 example, if you tell them a restaurant, they
 13 might come back with a Comp Plan that only
 14 allows a restaurant. I mean, that's also
 15 possible, so you could direct them as to what
 16 you're asking.
 17 CHAIRMAN AIZENSTAT: That's what we're
 18 doing right now. I'm looking at it and I'd
 19 like to take a straw poll for a restaurant,
 20 specifically.
 21 MR. GARCIA-SERRA: On that issue, and I
 22 would want you to entertain one more thing
 23 after that, but if you want to proceed with
 24 that first. I know it's getting late, but it's
 25 just going to be a simple question.

1 CHAIRMAN AIZENSTAT: A five-minute motion
 2 to extend?
 3 MS. ALBERRO MENENDEZ: Sure.
 4 MR. FLANAGAN: No, we will be done --
 5 CHAIRMAN AIZENSTAT: Ten minutes of right
 6 now.
 7 MR. FLANAGAN: -- in 60 seconds.
 8 MS. ALBERRO MENENDEZ: No, that clock is --
 9 CHAIRMAN AIZENSTAT: Okay, the clock's
 10 wrong.
 11 MS. MENENDEZ Alberto Perez?
 12 MR. PEREZ: Yes.
 13 MS. MENENDEZ: Marshall Bellin?
 14 MR. BELLIN: Yes.
 15 MS. MENENDEZ: Jeff Flanagan?
 16 MR. FLANAGAN: No.
 17 MS. MENENDEZ: Julio Grabiell?
 18 MR. GRABIEL: No.
 19 MS. MENENDEZ: Maria Menendez?
 20 MS. ALBERRO MENENDEZ: Yes.
 21 MS. MENENDEZ: Eibi Aizenstat?
 22 CHAIRMAN AIZENSTAT: Yes.
 23 MR. GARCIA-SERRA: Okay, so that is a four
 24 vote majority for having the public --
 25 CHAIRMAN AIZENSTAT: We gave you a

1 direction as to what we're looking at.
 2 MR. GARCIA-SERRA: I know, direction,
 3 direction. One more thing of direction, and
 4 then we're gone for the night, if you could,
 5 please. I know it's been a long night.
 6 CHAIRMAN AIZENSTAT: I'd have to have
 7 somebody make a motion for five more minutes.
 8 MS. ALBERRO MENENDEZ: I move.
 9 MR. LEEN: Mr. Chair, why not move to
 10 10:00? I mean, you can always stop it before
 11 10:00. You don't have to go to 10:00. You can
 12 adjourn at any time.
 13 MS. ALBERRO MENENDEZ: I'll make a motion
 14 to extend it to ten o'clock.
 15 CHAIRMAN AIZENSTAT: Second?
 16 MR. FLANAGAN: Second.
 17 CHAIRMAN AIZENSTAT: Call the roll, please.
 18 MS. MENENDEZ: Marshall Bellin?
 19 MR. BELLIN: Yes.
 20 MS. MENENDEZ: Jeff Flanagan?
 21 MR. FLANAGAN: Yes.
 22 MS. MENENDEZ: Julio Grabiell?
 23 MR. GRABIEL: Yes.
 24 MS. MENENDEZ: Maria Menendez?
 25 MS. ALBERRO MENENDEZ: Yes.

1 MS. MENENDEZ: Alberto Perez?
 2 MR. PEREZ: Yes.
 3 MS. MENENDEZ: Eibi Aizenstat?
 4 CHAIRMAN AIZENSTAT: Yes. And I'm sorry,
 5 everybody, but our Code requires us to do this.
 6 MR. GARCIA-SERRA: Quite all right.
 7 A final request. As we discussed before,
 8 you want the site plan to come back at the same
 9 time as the other request. We also, I think,
 10 all agree legally, the Comp -- the changes to
 11 the Comp Plan and the Zoning Code can't be
 12 conditioned upon that site plan. Because of
 13 this issue, if you could entertain a similar
 14 sort of straw vote as to the consideration as
 15 to those other two issues, would you be -- are
 16 you inclined or are you not inclined to support
 17 the amendments to the Comprehensive Plan, at
 18 least the Comprehensive Plan, which are smaller
 19 in scope than the Zoning Code, so as to have
 20 some further direction, an assurance that when
 21 we come back, it's not going to be for naught.
 22 CHAIRMAN AIZENSTAT: To your question,
 23 speaking for myself, at this time, I would not
 24 be able to give you that direction. I don't
 25 know how the rest of the Board feels. Marshall

1 would want to.
 2 MR. BELLIN: Yeah, I certainly believe --
 3 CHAIRMAN AIZENSTAT: I have questions,
 4 also, on it.
 5 MR. FLANAGAN: May I ask --
 6 MR. GARCIA-SERRA: Yeah.
 7 MR. FLANAGAN: -- since we have a couple
 8 minutes, why does a top floor containing an
 9 activated rooftop -- What happens on that
 10 rooftop that gives it the exception from the
 11 height limitation?
 12 MR. GARCIA-SERRA: That is sort of a term
 13 of art, but what it comes down to, basically,
 14 an activated rooftop is like a park area,
 15 essentially, a rooftop level that can be used
 16 for recreation.
 17 MR. FLANAGAN: But under the text change to
 18 the master plan, it says that the height
 19 limitation would not apply to an area
 20 containing an activated rooftop.
 21 MR. GARCIA-SERRA: Correct, and the idea is
 22 a rooftop park.
 23 MR. FLANAGAN: But why does that need an
 24 exception from the height?
 25 MR. GARCIA-SERRA: Because in order to

1 provide that rooftop park in the Commercial
 2 Medium designation, we're going above the 97
 3 feet that are permitted.
 4 MR. FLANAGAN: Okay, I'm sorry, I'm just
 5 not getting it. Is it because the trees are
 6 there or the park benches are three feet higher
 7 than --
 8 MR. GARCIA-SERRA: No, there's usable
 9 space --
 10 MS. TREVARTHEN: The building underneath
 11 that park on the east side is taller than the
 12 Mid-Rise would allow. That's why we're
 13 changing Mid-Rise.
 14 MR. FLANAGAN: So it's not a function of --
 15 It's not a function of needing the exception
 16 for the activities that go on, on the rooftop.
 17 It's a question of --
 18 MS. TREVARTHEN: It's a question of, you
 19 get the height if you give us the activated
 20 rooftop.
 21 MR. FLANAGAN: So that building has greater
 22 height, and in exchange, you get some trees and
 23 some space on top?
 24 MS. TREVARTHEN: Exactly.
 25 MR. GARCIA-SERRA: Similar to the

1 project, because they have a number of nice
 2 residential uses they're placing in close
 3 proximity and their future residents would be
 4 affected by that noise.
 5 CHAIRMAN AIZENSTAT: Okay.
 6 MR. BELLIN: Mario, to be clear, and I
 7 don't know why the zoning and the land use
 8 change is an issue, but if for some reason this
 9 Board did not approve a land use change, the
 10 project goes away. It can't be built.
 11 MR. GARCIA-SERRA: As proposed right now,
 12 correct, absolutely.
 13 MR. BELLIN: So --
 14 MS. TREVARTHEN: And the answer to that is,
 15 the heights are something that we could work
 16 with, but the change to remove the FAR and have
 17 the Form-Based Code, that's the essence of
 18 everything that's in front of you.
 19 MR. BELLIN: Yeah, but we still have to
 20 change the zoning and the land use, in order
 21 for this project to move ahead. Without that,
 22 we have the underlying zoning --
 23 MS. TREVARTHEN: We need to create the
 24 zoning text and then we need land use map
 25 changes, and then we need these land use text

1 discussion we were having on Commercial High.
 2 We go higher because we're providing a public
 3 use area.
 4 CHAIRMAN AIZENSTAT: And then another
 5 question I have, noise. Through my experience,
 6 noise carries through rooftops and taller
 7 buildings and what activities are governed
 8 within that rooftop. Does the Code address
 9 those type of issues, since we're having --
 10 MS. TREVARTHEN: Our Zoning Code has noise
 11 limitations that would apply as they do
 12 anywhere, but more generally, there were some
 13 discussions and questions earlier tonight about
 14 operational concerns, and --
 15 CHAIRMAN AIZENSTAT: Right.
 16 MS. TREVARTHEN: -- I want to make sure
 17 that everybody understands that those are
 18 things that are going to be in the development
 19 agreement, that all of the things that we're
 20 talking about are backed up by the commitments
 21 that are in the development agreement. So,
 22 whether it's the minimum operating hours or the
 23 security of these park areas, how they're
 24 handled, and certainly noise would be a
 25 consideration -- not just for us, but for the

1 changes we're talking about.
 2 MR. BELLIN: And without that approval, the
 3 project goes away.
 4 MR. LEEN: I would like to, you know,
 5 provide my own opinion on this. Yes, you need
 6 to do the Comp Plan change because of the FAR
 7 limit. I do think you could do this under the
 8 current PAD provision, with the exceptions that
 9 allow for best interest. It's not preferable,
 10 and in fact, I think Susan would probably
 11 advise against it, because there's so many of
 12 them. This is a much preferable legal
 13 solution. I'm not saying from a policy
 14 standpoint, but from a legal standpoint, this
 15 provides a mechanism where there's a lot of
 16 standards for you to apply. But technically, I
 17 do believe -- I mean, my opinion would be, as
 18 City Attorney, interpreting the PAD provision,
 19 you could do this under the PAD provision, but
 20 you would have to amend the Comp Plan to allow
 21 for the FAR that they're requesting.
 22 MR. BELLIN: And the height.
 23 MR. LEEN: And the height.
 24 MR. FLANAGAN: Back to my question about an
 25 activated rooftop building. What would be the

1 maximum height allowed for that building?
 2 MS. TREVARTHEN: That's in the standards,
 3 which I didn't bring over.
 4 MR. FLANAGAN: It's a down-- I'm thinking
 5 it fronts on Malaga.
 6 MR. GRABIEL: Malaga and Galiano.
 7 MR. FLANAGAN: So I think that makes it a
 8 downtown street, and based on the street type
 9 standards, a downtown street, the building
 10 height is 190/6, max, or as provided in the
 11 Comp Plan with no further restrictions.
 12 MS. TREVARTHEN: That would not be the one
 13 we're talking about. The one we're talking
 14 about is on the east side of the property.
 15 Now, I should be careful to say this. We
 16 keep going back and forth. The language in the
 17 Comp Plan text says any activated rooftop,
 18 you're right. My answer I'm giving you is what
 19 this applicant has actually proposed to do for
 20 that activated rooftop, which is the project.
 21 MR. FLANAGAN: So that's on Galiano?
 22 MS. TREVARTHEN: On the east side, yes, and
 23 I'm having trouble finding it, because it's
 24 just getting late. I apologize. Do you all
 25 remember where we have that?

1 MR. FLANAGAN: Because those are three
 2 floors, max, or as provided in the Comp Plan,
 3 so we still have no height limitation.
 4 MS. TREVARTHEN: Do you have the rooftop
 5 park? I'm trying to find where that's called
 6 out.
 7 MR. BELLIN: It will take two minutes.
 8 MS. TREVARTHEN: Maybe the best answer is,
 9 if you would like for it to be called out, we
 10 can call it out, and if it's here, we'll show
 11 you next time; if not, we'll answer it. That
 12 would help with your time constraint.
 13 MR. FLANAGAN: Thank you.
 14 CHAIRMAN AIZENSTAT: Any other comments?
 15 Are we all set?
 16 MR. GARCIA-SERRA: No other motions or
 17 anything? Perhaps any other straw votes?
 18 Okay. Well, thank you for your consideration.
 19 CHAIRMAN AIZENSTAT: Thank you.
 20 MR. LEEN: The matter will be continued to
 21 the next Planning and Zoning Board meeting.
 22 CHAIRMAN AIZENSTAT: Yes.
 23 MR. LEEN: For those in the audience. Do
 24 we have a date for that, a date and time?
 25 MS. MENENDEZ: January 14th.

1 MR. LEEN: January 14th, 6:00 p.m.
 2 CHAIRMAN AIZENSTAT: January 14th, correct?
 3 MR. LEEN: January 14th at 6:00 p.m.
 4 MR. FLANAGAN: Move to adjourn? Oh, I'm
 5 sorry.
 6 MS. ALBERRO MENENDEZ: We'll pick our
 7 Chairman next time.
 8 CHAIRMAN AIZENSTAT: I'm sorry?
 9 MS. ALBERRO MENENDEZ: We'll pick -- You'll
 10 be elected next time.
 11 CHAIRMAN AIZENSTAT: Let's go ahead, motion
 12 to adjourn?
 13 MR. FLANAGAN: I did.
 14 MS. ALBERRO MENENDEZ: Yeah.
 15 CHAIRMAN AIZENSTAT: So moved.
 16 (Thereupon, the meeting was adjourned at
 17 9:59 p.m.)
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 25

1 CERTIFICATE
 2
 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
 6
 7 I, JOAN L. BAILEY, Registered Diplomate
 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 hereby certify that all public speakers were
 15 duly sworn by me.
 16
 17 DATED this 16th day of December, 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.

CORAL GABLES



CHAMBER OF COMMERCE
Developing Business • Building Communities

***Statement from the Coral Gables Chamber of Commerce
Wednesday, December 10, 2014
AGAVE's Mediterranean Village Project***

The Coral Gables Chamber of Commerce understands the importance of a project of this magnitude and has every confidence that the developers will work closely and partner with our business community to ensure a positive impact that will leave a lasting imprint on The City Beautiful for years to come.

We recently convened an ad hoc working group to study the impact of the AGAVE Project, how it might impact the business community and how it will best integrate into our neighborhood with the most positive impact.

The group is comprised of stakeholders and members of the Chamber, Business Improvement District, University of Miami, among others. The Chamber will continue to host these meetings over the next few months as we gain further understanding of the various components of the project, before we ultimately update our Board of Directors.



December 9, 2014

Hon. James Cason, Mayor
Hon. Bill Kerdyk, Vice-Mayor
Hon. Pat Keon, Commissioner
Hon. Frank Quesada, Commissioner
Hon. Vince Lago, Commissioner
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134

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Susi Davis
Richard Leslie
Tom Snook
Dorothy Thomson

Re: Mediterranean Village Form-Based Code Overlay District
[2800-3000 block of Ponce de Leon Blvd., east side (Sevilla to Malaga)]

Dear Mayor, Vice-Mayor and Commissioners:

The Board of the Gables Good Government Committee has become aware of the City's consideration of changing the zoning code to allow taller height and greater density in the construction of the project known as the "Mediterranean Village".

Unlike in the period between 2001 and 2008, when the City went through a major zoning code rewrite with much public input, the current proposals are virtually unknown to most of our citizens. In the previous era of zoning changes, the Commission held a city-wide charrette led by the University of Miami's School of Architecture. That exercise which covered several months incorporated input from lawyers, architects, historic preservationists, city planners, residents – and, yes, even children. It was an amazing display of democracy at its finest and the final report laid a firm foundation for the commercial district's development in the 21st Century. A foundation that was based on the vision of maintaining a "City Beautiful", discouraging rampant development that would eventually erode our "hometown" environment, and which would foster sustainable economic growth for the small businesses of Miracle Mile and the surrounding area.

The results of the charrette were fed into the Commission's efforts to rewrite and modernize the entire zoning code. This was a several year project which tackled the height and density of the downtown commercial district [building on the earlier creation of the "Mediterranean Ordinance", which gave well-deserved height/density bonuses to good Coral Gables architecture], as well as

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1825 Ponce de Leon Boulevard, Box #448, Coral Gables, FL 33134 305 975 8158 gggnews@hotmail.com

placing safeguards on the intrusion of commercial pressures on the community's residential neighborhoods. That re-write of the zoning code led to such innovative legislation such as the "Art in Public Places" legislation and the creation of the "Town House/Row House" zone south of City Hall.

All of this effort took time due to the zealous commitment to include the citizens of Coral Gables at every step along the way, including televised public hearings (held not only at City Hall but also at the Youth Center and at the Biltmore). Notices were mailed city-wide, and no stone was left unturned to encourage input.

In comparison, the proposed Mediterranean Village Form-Based Code Overlay seemingly includes sweeping changes to the existing height and density limitations, which would alter the character of the City (especially the Crafts District), and bring extreme pressure to an already challenged road system. Specific proposals that would seem to allow "mythical" public space atop tall buildings, and would reduce parking space requirements need to be fully vetted in public forums. These changes are such that citizens (not just paid experts) need to know and understand the possible impact to their quality of life.

For these reasons, the Gables Good Government Committee urges that the approval process be slowed from its current "express" pace, and that the City fully circulate the proposals with easily available avenues that are well advertised through ENews and other widely read sources for public input, giving opportunity for all residents in Coral Gables to provide comment, not just those receiving notices in the immediate project area.

Respectfully and earnestly requested,

The Board of the Gables Good Government Committee, Inc.

McLaughlin, Megan

From: Trias, Ramon
Sent: Wednesday, December 10, 2014 3:05 PM
To: McLaughlin, Megan
Subject: FW: Mediterranean Village at Ponce Circle

Please distribute tonight.

From: Michael Lavin [<mailto:michaellavin@hotmail.com>]
Sent: Wednesday, December 10, 2014 3:05 PM
To: Trias, Ramon
Cc: alex.adams.gr@hotmail.com
Subject: Mediterranean Village at Ponce Circle

The general opinion of homeowners at 100 Block Santander and at Galiano Court favors your proposed Mediterranean Village design at Ponce Circle. It's a beautiful project, and we are grateful for Mr. Adams professional dedication, thoughtfulness and time.

Michael G. Lavin
103 Santander Ave

Arjan Honderd
3100 Galiano

My name is Orlando Capote. Lucia Capote and I are property owners of and have resided at 2915 Coconut Grove Drive since 1989. The following are our comments to the changes proposed by the applicant to the City's Comprehensive Plan and Zoning Code. It is our understanding that the proposed changes will be considered by the City's Planning and Zoning Board on December 10, 2014. As such we respectfully request that our comments be incorporated as part of the formal record for the December 10, 2014 Public Hearing.

We object to any Comprehensive Plan and Code language changes that will allow structures higher than 36 feet, and/or non-residential structures of any size, to surround and be across our property. Such structures will block sunlight, impede air flow and create uninhabitable conditions. Our property is zoned single family residential. The current Code does not allow any structures higher than 36 feet and non-residential use to surround and be across properties zoned single family residential. This requirement ensures a single family residential quality of life with open, unrestricted air space around our property for air flow and sunlight to reach all parts of our home and property. In our humid and hot climate, sunlight and airflow are required to maintain healthy living conditions.

We object to any Comprehensive Plan and Code language changes that will allow a change to the current use of, and access to, our property. We object to any language change that allows the development to remove the direct alley connection from the back of our property on Block 23 to Galiano Street. This open direct alley to the back of our property is the only open source of direct fresh ground level air flow to the back of our property. This alley gives us, emergency and police vehicles a short, direct linear and safe access from the back of our property to Galiano Street.

We object to any Comprehensive Plan and Code language changes that remove public streets and alleys, which serve a public purpose, and turn them over to a private development for private use. The alleys in Block 20, 21, 22, 23 and 30 were set in place by the original City design. These alleys are aligned with corresponding alleys on the surrounding blocks. The alleys are used regularly by service and maintenance vehicles. The alleys also provide alternate access routes during emergencies and street closures.

We object to any Comprehensive Plan Code language changes that would allow increased densities above those allowed by the original Zoning Code. The increase in the density of the proposed development will increase vehicular traffic into the tens of thousands of vehicle trips per day. This will impact city traffic for miles around the development.

We object to the Form Based Code proposed by the applicant. Form Based Codes are less restrictive than the City's conventional Zoning Code. When projects are not allowed under local zoning laws, new urbanists seek other approval techniques, such as Form Based Codes, which result in a more dense development. A Form Based Code may not ensure compatibility with the surrounding single family residential community. If the City Beautiful truly intends to stay Beautiful, then the City must make certain that the City maintains the current Conventional Zoning Code.