

**City of Coral Gables
 Planning and Zoning Board Meeting
 Tuesday, April 24, 2012, 6:00 p.m.
 Coral Gables City Commission Chambers
 405 Biltmore Way, Coral Gables, Florida**

MEMBERS	J11	F15	M26	A24	M9	J13	J22	O12	O19	N30	APPOINTMENT
	'12	'12	'12	'12	'12	'12	'12	'12	'12	'12	
Eibi Aizenstat - Chair	C	P	P	P							City Manager Patrick Salerno
Robert Behar	C	P	P	P							Commissioner Rafael Cabrera, Jr.
Jeffrey Flanagan - Vice Chair	C	P	P	P							Commissioner Maria Anderson
Julio Grabiell	C	P	P	P							Mayor Jim Cason
Pat Keon	C	P	P	E							Planning and Zoning Board
Vince Lago	C	P	P	P							Commissioner Frank C. Quesada
Javier Salman	C	P	P	P							Vice Mayor William H. Kerdyk, Jr.

P = Present
E = Excused
C = Meeting Cancelled

City Staff and Consultants:

Eric Riel, Jr., Planning Director
 Walter Carlson, Asst. Planning Director
 Scot Bolyard, Principal Planner
 Jill Menendez, Adm. Assistant
 Craig E. Leen, City Attorney
 Patrick Salerno, City Manager
 Jane Tompkins, Development Services Director
 Eli Gutierrez, Code Enforcement Lead
 Major Edward Hudak, Police Department
 Glenn Kephart, Public Works Director
 Charlie Siemon, Esq., Special Counsel to the City

Court Reporter:

Joan Bailey

Attachments:

- A. 04.24.12 Planning and Zoning Board Meeting Verbatim Minutes
- B. 04.24.12 Attendance Sign-In Sheet
- C. Public Comments: 04 .18.2012 thru 04.24.2012
- D. Form 8B, Memorandum of Voting Conflict - Robert Behar

CITY OF CORAL GABLES
PLANNING DEPARTMENT

CITY OF CORAL GABLES
LOCAL PLANNING AGENCY (LPA)
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
CORAL GABLES
405 BILTMORE WAY, COMMISSION CHAMBERS
CORAL GABLES, FLORIDA
TUESDAY, APRIL 24, 2012, COMMENCING AT 6:07 P.M.

- 5 Board Members Present:
- 6 Eibi Aizenstat, Chairperson
- 7 Robert Behar
- 8 Jeffrey Flanagan, Vice Chairperson
- 9 Julio Grabiell
- 9 Vicente "Vince" Lago
- 9 Javier Salman
- 10
- 11 City Staff and Consultants:
- 12 Eric Riel, Jr., Planning Director
- 12 Walter Carlson, Assistant Planning Director
- 13 Craig E. Leen, City Attorney
- 13 Scot Bolyard, Planner
- 14 Jill Menendez, Administrative Assistant
- 14 Jane Tompkins, Development Director
- 15 Eli Gutierrez, Code Enforcement Lead
- 15 Major Edward Hudak, Police Department
- 16 Glenn Kephart, Public Works Director
- 16 Charles L. Siemon, Esq.
- 17 Siemon & Larsen
- 17 Special Counsel to the City.
- 18
- 19 Also Participating:
- 20 Zeke Guilford, Esq.,
- 20 Guilford & Associates
- 21 On behalf of the University of Miami.
- 21 Jeffrey S. Bass, Esq.,
- 22 Shubin & Bass
- 22 On behalf of the University of Miami.
- 23 Janet Gavarrete
- 23 University of Miami
- 24 Ricardo Herran
- 24 University of Miami
- 25

1 THEREUPON:
 2 The following proceedings were had:
 3 CHAIRMAN AIZENSTAT: If everybody is here,
 4 let's go ahead and get started, please.
 5 If you'd call the roll.
 6 MS. MENENDEZ: Robert Behar?
 7 MR. BEHAR: Here.
 8 MS. MENENDEZ: Jeff Flanagan?
 9 MR. FLANAGAN: Here.
 10 MS. MENENDEZ: Julio Grabiell?
 11 MR. GRABIEL: Here.
 12 MS. MENENDEZ: Pat Keon?
 13 Vince Lago?
 14 MR. LAGO: Here.
 15 MS. MENENDEZ: Javier Salman?
 16 Eibi Aizenstat?
 17 CHAIRMAN AIZENSTAT: Here.
 18 (Thereupon, Mr. Salman arrived.)
 19 MR. SALMAN: Here.
 20 CHAIRMAN AIZENSTAT: Let us show that
 21 Javier Salman just walked in, please, and is
 22 here.
 23 MR. SALMAN: Present and accounted for.
 24 CHAIRMAN AIZENSTAT: Do I have a motion to
 25 approve the minutes of the March 26 meeting?

- 1
- 2
- 3 Also Participating (Continued):
- 4 Mario J. Garcia-Serra, Esq.,
- 4 Greenberg Traurig
- 4 On behalf of H&H Yeung Corporation and
- 5 Gables Residential.
- 5 Erney Nieto
- 6 Behar Font & Partners
- 6 Richard Garcia
- 7 Richard Garcia Traffic Engineering Consultants
- 8
- 9 Public Speakers:
- 9 Scott A. Silver, Esq.,
- 10 On behalf of Bradley Richter.
- 10 John Forbes
- 11 John Knowles
- 11 Anne Knowles
- 12
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1 MR. BEHAR: I'll make a motion.
 2 MR. SALMAN: Second.
 3 CHAIRMAN AIZENSTAT: First and second. Any
 4 questions or comments? No?
 5 Call the roll, please.
 6 MS. MENENDEZ: Jeff Flanagan?
 7 MR. FLANAGAN: Yes.
 8 MS. MENENDEZ: Julio Grabiell?
 9 MR. GRABIEL: Yes.
 10 MS. MENENDEZ: Vince Lago?
 11 MR. LAGO: Yes.
 12 MS. MENENDEZ: Javier Salman?
 13 MR. SALMAN: Yes.
 14 MS. MENENDEZ: Robert Behar?
 15 MR. BEHAR: Yes.
 16 MS. MENENDEZ: Eibi Aizenstat?
 17 CHAIRMAN AIZENSTAT: Yes.
 18 We have three items on the agenda tonight.
 19 The first item is actually a continuation of
 20 the Planning and Zoning Board meeting which was
 21 held on March 26th, 2012. It's a presentation
 22 of potential provisions related to trucks and
 23 abandoned and junk motor vehicles, which is,
 24 more specifically: Zoning Code Article 4,
 25 "Zoning Districts," Division 4, "Prohibited

1 Uses," Section 4-411, "Parking in residential
 2 areas," and Section 4-412, "Trucks, trailers,
 3 commercial vehicles, and recreational
 4 vehicles -- Parking upon streets and public
 5 places." Also, we have Zoning Code Article 5,
 6 "Development Standards," Division 19, "Signs,"
 7 Section 5-1902.D.8., "General design standards
 8 that are applicable to all signs"; and Zoning
 9 Code Article 8, "Definitions"; and City Code
 10 Chapter 34, "Nuisances," Article III, "Lost,
 11 stolen, junked, abandoned property," Division
 12 2, "Vehicles," Section 34-78, "Abandoned or
 13 junk motor vehicles on public or private
 14 property prohibited; exceptions."

15 What we're going to go ahead and do, at the
 16 last meeting, we went ahead and closed the
 17 meeting, and this is actually just a
 18 continuation which is before us.

19 We don't have any people that are going to
 20 be speaking at this point, because we closed
 21 it. So is there any comments, conversations?

22 MR. LEEN: Do you want me to -- okay.

23 CHAIRMAN AIZENSTAT: Craig?

24 MR. LEEN: Thank you, Mr. Chair.

25 At the last meeting, the Board instructed

1 vehicles, et cetera, and it says that,
 2 "Automobiles carrying advertising signs,
 3 advertising and voted upon by the people. This
 4 exemption, however, shall cease seven days
 5 after the date of the election in which the
 6 proposition advertised was finally voted upon."

7 And that didn't make any sense, I thought,
 8 in reading it, and I looked at some of the
 9 history of this provision, and what it's
 10 supposed to say, based on the past ordinances,
 11 is, "Automobiles carrying advertising signs
 12 dealing with advertising propositions to be
 13 submitted and voted upon by the people."

14 So I'm proposing that those words be placed
 15 in. It should create no substantive change in
 16 the Code.

17 Now, the second provision that -- and this
 18 is an addition, where we're adding -- we would
 19 add an exemption or an exception to the general
 20 prohibition on commercial vehicles,
 21 recreational vehicles, trucks, et cetera. This
 22 is the exception that I received instructions
 23 on from the -- from the Board, that relates to
 24 the parking of pickup trucks in residential
 25 areas.

1 my office, and me in particular, to come up
 2 with a proposed ordinance based on the general
 3 guidelines that you gave me, and there was a
 4 series of questions back and forth, and based
 5 on the information I received, I put together a
 6 proposed ordinance that I believe is in
 7 conformance with those instructions. I'll just
 8 briefly go over it.

9 First, as to Section -4- -- pardon me,
 10 Section 4-411 of the Zoning Code, parking in
 11 residential areas, there are two subsections
 12 where amendments are proposed. The first
 13 amendment is actually not directly within the
 14 instructions you gave, but it is a scrivener's
 15 error, addressing a scrivener's error, and
 16 since -- I thought that if the Commission -- if
 17 this Board and then the Commission were to pass
 18 a new ordinance, it should correct any
 19 scrivener's errors, when it does so. So, if
 20 you see -- and there was a typo in the memo,
 21 but this is Section 4-411, 5.

22 And what it will say is -- Right now, it
 23 says automobiles -- This is an -- Pardon me.
 24 This is an exception to the general prohibition
 25 on commercial vehicles, trucks, recreational

1 What it will say, what it would say, is,
 2 "One pickup truck may be parked outside of a
 3 residence if all four of the following
 4 requirements are met: A, the vehicle is parked
 5 on private property with its front facing
 6 towards the street, in a carport or driveway,
 7 and not in the swale, sidewalk or
 8 right-of-way."

9 "B, the bed of the vehicle is fully covered
 10 with a bed cover or cab cover." And those
 11 provisions, bed cover or cab cover, would
 12 likely have to be defined, and the definition
 13 is one that's already been presented to this
 14 Board as part of the definitions -- part of the
 15 packet that was given by City Staff.

16 "C, the vehicle has no commercial markings
 17 or advertising and no commercial equipment or
 18 appendage is attached to the exterior of the
 19 vehicle."

20 And "D, the vehicle has no more than two
 21 axles and four wheels."

22 Now, from a legal perspective, what this
 23 provision does is, it allows for a pickup truck
 24 to be parked outside, so conceivably you could
 25 still have a pickup truck in the garage, also,

1 if it's enclosed. There's another exception
2 for that. But this would allow a property to
3 have one pickup truck outside, assuming all of
4 these requirements are met.

5 And I looked again at the transcript from
6 the Board meeting, the last Board meeting,
7 and as far as I recollect and what I read was
8 that the Board was interested in discussing a
9 proposal where a vehicle would -- as long as it
10 was parked backwards in, with the front facing
11 the street, it's not over the sidewalk or swale
12 or in the -- in the right-of-way in any way,
13 with the bed covered -- and there's two
14 different ways it could be covered here -- and
15 not being a commercial vehicle, like with
16 commercial markings or things like that, and
17 not being one of these trucks, pickup trucks,
18 that have three axles or six wheels or
19 something like that, that the Board was
20 interested in looking at that possible
21 exception, and that is what this tries to do.

22 Now, the other proposed amendment is to
23 Section 4-412 of the Zoning Code, and that
24 addresses trucks, trailers, commercial
25 vehicles, recreational vehicles on public

1 streets and public places.

2 What that provision would do, some language
3 would be added to the provision. What it would
4 say, as amended, would be: "Except as provided
5 for in this Division, no trucks, trailers,
6 commercial vehicles or recreational vehicles
7 shall be parked upon the streets or other
8 public places of the City between the hours of
9 7:00 p.m. on one day and 7:00 a.m. of the next
10 day," and then this language is added, "unless
11 such vehicles are lawfully parked in a metered
12 space during the hours of operation of the
13 parking meter and for which the requisite
14 parking fee has been paid."

15 Then, the prior language said, and it would
16 continue to say, "This prohibition is in
17 addition to the total prohibition covering
18 residential areas as provided in Section
19 4-411."

20 So this additional language was intended to
21 allow pickup trucks to be parked -- and really,
22 any of these vehicles, to be parked in a
23 metered space during the hours of operation of
24 the meters, which we were told by City Staff
25 was generally to midnight, and for which a

1 parking fee has been paid. And this is
2 consistent with an interpretation that I have
3 given to City Staff regarding how to interpret
4 this provision, but this exception -- this
5 language would make that exception express, and
6 in the -- and in the actual ordinance itself,
7 in the Code provision.

8 So that is a general synopsis of the
9 provisions that are being proposed. These
10 don't -- These do not address the proposed
11 amendments to junked or abandoned vehicles, and
12 that is something else for you to consider, but
13 this solely addresses the issue as to the
14 parking of pickup trucks in residential areas
15 and in the public areas of the City.

16 CHAIRMAN AIZENSTAT: Comments?
17 Javier?

18 MR. SALMAN: First of all, thank you for
19 proffering this language. I think that it
20 addresses all the concerns expressed by the
21 Board during that very long discussion, in a
22 very tight synopsis.

23 This would be, for at least me, the most I
24 would think would be allowable. I like the
25 fact that we're retaining all of the

1 restrictions, and that this is just one
2 exception that we're creating.

3 CHAIRMAN AIZENSTAT: Robert?

4 MR. BEHAR: I -- I too agree. You have
5 addressed all the comments that we had, or at
6 least I had, and I mean, I'm comfortable at
7 this point, to continue forward.

8 CHAIRMAN AIZENSTAT: Julio?

9 MR. GRABIEL: Same here.

10 CHAIRMAN AIZENSTAT: Vince?

11 MR. LAGO: One question. Do we address in
12 these two options anything in regards to
13 modification of trucks, like monster trucks,
14 for example, as we have so called them?

15 MR. LEEN: No. In an initial -- When I was
16 working on this draft, I had initially included
17 language that would prohibit modifications, but
18 when I was looking back at the language that
19 the Board stated, I noted there was a concern
20 that some vehicles are almost all modified, and
21 it might actually prevent a certain type of
22 vehicle from being parked.

23 I think that the prohibition on vehicles
24 with more than two axles and four wheels would
25 address that to some extent, but there's

1 nothing in here that would address a vehicle
 2 that has been raised or larger wheels or
 3 something like that. If the Board wished, I
 4 could include language that stated that.
 5 CHAIRMAN AIZENSTAT: Eric, let me ask you a
 6 question. Some of the properties that we have,
 7 which are the smaller lots, how would this
 8 verbiage affect those properties with a vehicle
 9 being parked in reverse, facing forward?
 10 MR. RIEL: I think it will be a challenge
 11 on some of the smaller lots, because depending
 12 on the design of the driveway, if you have a
 13 half-circular driveway, you have a driveway,
 14 basically, perpendicular, but, you know, it's
 15 kind of hard to ascertain, because Coral Gables
 16 has so many different lot sizes.
 17 CHAIRMAN AIZENSTAT: Correct.
 18 MR. BEHAR: But --
 19 MR. RIEL: Within neighborhoods, I mean, we
 20 have very small lots to larger -- rather large
 21 lots. I mean, it's --
 22 MR. BEHAR: But the question is, how many
 23 houses do not have either a carport or a
 24 garage? And those -- well, I don't expect you
 25 to answer that, but there's very few. So,

1 theoretically, you would always have either a
 2 carport or a garage that you will be backing
 3 into, whether you have a circular drive or not.
 4 I've never seen a garage that is on an angle,
 5 that is -- So you could be -- The issue of
 6 backing up into -- facing the street, I think,
 7 really applies City-wide, including the small
 8 lots.
 9 CHAIRMAN AIZENSTAT: Which I agree. I'm
 10 just -- for me, I'm a little concerned about
 11 some of these adaptations, like Vince said
 12 about some of these trucks that have these huge
 13 wheels and so forth, which we're not addressing
 14 with this. So how can we address that?
 15 MR. GRABIEL: The concern that I have with
 16 that is that Jeeps, today, I mean, everybody
 17 has a neighbor who has a Jeep that has the big
 18 wheels and has it raised, and those are
 19 allowed, so why are you -- we would be allowing
 20 those modifications on that kind of a vehicle,
 21 but not on a truck?
 22 MR. BEHAR: Yeah, but it's all --
 23 MR. GRABIEL: We'd have to have, then, the
 24 Staff going around and measuring heights.
 25 MR. BEHAR: But if I need a ladder to get

1 into my truck, then I've got a problem, you
 2 know? And that's essentially what it ends up.
 3 MR. SALMAN: I think the issue here is one
 4 of just general overall height --
 5 MR. BEHAR: Well --
 6 MR. SALMAN: -- of the vehicle, and that
 7 could be restricted pretty simply. Just say no
 8 more than --
 9 MR. LAGO: Well, that's --
 10 MR. SALMAN: -- feet high or something like
 11 that.
 12 MR. FLANAGAN: I think we're still getting
 13 the same issue with the Jeeps.
 14 MR. LAGO: It's ambiguous. It's a little
 15 bit ambiguous.
 16 MR. FLANAGAN: I mean, a lot of the
 17 Wranglers put on bigger tires, and then those
 18 vehicles are almost made to be very easily
 19 lifted even higher, and so if we get into -- I
 20 think if we get into a height analysis, we're
 21 still going to have the issue with the Jeeps,
 22 when people do start to modify.
 23 MR. SALMAN: Yeah, but they're not part of
 24 this restriction.
 25 MR. FLANAGAN: Well, you want to do a

1 height analysis just on the pickup trucks?
 2 MR. SALMAN: Yeah, a pickup no more than
 3 seven feet tall.
 4 MR. BEHAR: But --
 5 MR. SALMAN: An additional restriction, no
 6 more than seven feet tall.
 7 MR. BEHAR: Yeah, but, see, what I don't
 8 want to do is impose on the Code enforcement
 9 officers to go and having to say, "Well, this
 10 is six eleven and three quarters," and then the
 11 other one is seven -- you know, that's what
 12 we don't --
 13 MR. SALMAN: It's not that you're going to
 14 get one for seven foot one inch.
 15 MR. BEHAR: You know, so we've got to be
 16 more -- at least to help them do their job a
 17 little bit more specifically, with what -- and
 18 I don't have an answer, I mean, but I think
 19 otherwise we're going to make life very
 20 difficult for them, to be able to enforce, and
 21 then everything that comes along with that, all
 22 the other issues that come along. But you
 23 bring a very, you know, good point, that we
 24 need to somehow --
 25 And maybe, Mr. Attorney, we need to figure

1 out -- give us a solution of how we could
2 accomplish that.

3 MR. LEEN: It could be accomplished. We
4 could add language saying that -- to one of
5 these four conditions, something, unmodified or
6 not modified, and then we probably have to
7 define what modified means, in order to make
8 sure that simply painting it or something like
9 that is not considered a modification, but an
10 actual changing the height or --

11 MR. GRABIEL: By a certain percent?

12 MR. LEEN: Maybe. So it could be done that
13 way. The thing I would caution you on, and I
14 don't -- I'm not saying that we couldn't do it;
15 to me, what made our pickup truck ordinances
16 defensible was really that the bed of the
17 truck, that's what makes it different than an
18 SUV or these other different type -- or a
19 station wagon, and remember, many people would
20 try to compare the pickup truck to the SUV or
21 the station wagon or the Hummer. What made it
22 different was the bed of the truck. So,
23 because all of them have beds and we're
24 requiring them to be covered, to me, this is
25 very defensible.

1 we're trying to treat trucks similar to other
2 vehicles in that regard.

3 MR. BEHAR: I mean, I -- The more I'm
4 thinking about it, the more I'm beginning to
5 think that we're going -- we're stepping over
6 and beyond a little bit of my comfort level.
7 If we do that, then we're going to have to
8 apply it to all cars, all vehicles, not just
9 pickup trucks, because we could modify an SUV
10 and how do we regulate that? I mean, I think
11 that maybe that's one of those that we have
12 to -- to take our chances, because, you know,
13 if we're going to do all vehicles, we're going
14 to be here not for the last seven years, like
15 we've been dealing with this, for another seven
16 years, and I won't be around for that, but, you
17 know, a successor will. I don't know if -- you
18 know, something that is very simple, it's
19 enforceable, but I am afraid that we may be
20 pushing the limit here.

21 MR. LEEN: One suggestion is, if the Board
22 does want to, for example, prohibit, for lack
23 of a better term, what's been referred to as
24 maybe a monster truck or something, a really,
25 really large pickup truck with huge wheels,

1 The issue with modification, for example,
2 putting larger wheels, I do think you could
3 have an ordinance that prevents modified
4 vehicles, but I think it's harder to make the
5 distinction between an SUV and a truck there,
6 because it doesn't really relate to the bed.
7 It relates to having larger wheels on a
8 vehicle, which conceivably you could say that
9 for every vehicle, and maybe --

10 CHAIRMAN AIZENSTAT: That's true.

11 MR. LEEN: -- what the Board would want to
12 do at some point is consider whether there
13 should be some limit to modified vehicles,
14 generally, but -- similar to commercial
15 vehicles or recreational vehicles.

16 I will point out that this does prevent the
17 addition of any appendage, commercial equipment
18 or appendage, and if the Board would want, we
19 could even maybe take "appendage" and not put
20 it after "commercial equipment or appendage,"
21 but we could say "no appendage or commercial
22 equipment," which would make it clear that any
23 sort of appendage added, even if it's
24 recreational or something like that, would be
25 prohibited. The only thing is that, again,

1 that's been modified, there is language I've
2 seen in other ordinances that addresses those,
3 and the Board could simply instruct, as part of
4 its recommendation, that it's hypothetically
5 approving this language that I also add in
6 anything presented to the Commission, that it
7 not be one of these type of trucks, you know,
8 not be modified in that way, if that's your
9 concern. There is some language I've seen that
10 could be applied to pickup trucks, or not; it
11 would be up to you.

12 MR. BEHAR: No, I would recommend -- I
13 would recommend, personally, that would be --
14 incorporate something to that effect, and for
15 us, I think we dealt with it, we analyzed it.
16 We've gone back and forth for numerous times.
17 I think it's time for us to --

18 MR. GRABIEL: Move.

19 MR. BEHAR: -- move forward.

20 CHAIRMAN AIZENSTAT: Craig, is there any
21 restrictions or how are we looking at the
22 covers, the bed covers or the cab covers? Is
23 there any definition as to what can and can't
24 be used?

25 MR. LEEN: Yes. It was in the initial

1 Staff recommendation, and I was wondering,
 2 Eric, do you have those definitions?
 3 MR. RIEL: Yes. If you remember, we had
 4 actual photographs --
 5 MR. LEEN: Yes.
 6 MR. RIEL: -- that we had of the ones that
 7 were kind of permitted and prohibited. So, I
 8 mean, basically, what it meant -- what it was
 9 interpreted is no canvas materials, it had to
 10 be a hard surface material. You know, it had
 11 to be made by, obviously, a manufacturer. It
 12 just couldn't be like a tent material.
 13 MR. SALMAN: A piece of plywood.
 14 MR. RIEL: No piece of plywood, things of
 15 that. You know, it had to be a manufactured --
 16 and typically, they're done by after-market.
 17 Most of the covers are after-markets.
 18 MR. LAGO: Fixed cover, right?
 19 MR. RIEL: A fixed cover, correct.
 20 MR. SALMAN: Fixed hard cover.
 21 CHAIRMAN AIZENSTAT: So, Craig,
 22 theoretically, with the way you've drafted
 23 this, if I have a pickup truck, I have a
 24 circular driveway, and I decide to park --
 25 instead of backing it in, I just pull in, I get

1 a ticket?
 2 MR. LEEN: So you just pull in forward?
 3 CHAIRMAN AIZENSTAT: I just pull in
 4 forward.
 5 MR. LEEN: Yes. Yes, I believe you would.
 6 The operative language there is facing towards
 7 the street, and my interpretation of that would
 8 be, assume you have a semicircular driveway.
 9 As long as the front is facing towards the
 10 street -- It doesn't have to be perpendicular,
 11 but it can't be with the back facing towards
 12 the street. There is a point -- unless -- I
 13 guess if you parked it perfectly even, in the
 14 middle of the semicircle, even then it wouldn't
 15 be facing towards the street.
 16 CHAIRMAN AIZENSTAT: Yeah, that's why I'm
 17 asking.
 18 MR. LEEN: So -- but anywhere over here, I
 19 think as a matter of enforcement, if it's
 20 facing even a little towards the street, on a
 21 semicircle driveway, we couldn't enforce the
 22 ordinance, to make sure that we didn't have any
 23 challenge.
 24 MR. LAGO: I have another question for you.
 25 From what I remember last time, when we sat

1 here for about fours or so -- there was two
 2 individuals, two residents, that I think spoke
 3 and they stated that they had duallies. In
 4 their case, as I analyze 8d, the outcome of the
 5 scenario would be that they would be,
 6 obviously, in violation --
 7 MR. LEEN: Yes.
 8 MR. LAGO: -- of the ordinance.
 9 MR. LEEN: Yes. Their only option would be
 10 to park in a garage, enclosed garage.
 11 MR. LAGO: Which we know that is not an
 12 option.
 13 CHAIRMAN AIZENSTAT: Because of the width.
 14 But remember, the -- I think when we spoke
 15 about duallies, the idea was that duallies were
 16 used more for work and to carry a pay load, as
 17 opposed to a recreational vehicle, even
 18 though -- I mean, you're going to get arguments
 19 on both sides, but if I remember, that was the
 20 discussion that we had.
 21 MR. RIEL: Mr. Chair, I did find -- Since
 22 we had so many materials, I had a hard time
 23 finding it. Anyhow, truck bed cover means a
 24 cover that completely encloses all open body
 25 areas, open truck beds, open load areas or open

1 compartments of the truck.
 2 And then a truck cab cover is a
 3 manufactured cover that conceals the entire
 4 pickup truck cabin, open bed, open rear load
 5 area, compartment, subject to all of the
 6 following. The cover shall be consistent with
 7 the height and width of the passenger cab of
 8 the vehicle, exterior appearance as a passenger
 9 vehicle, exterior surface shall match materials
 10 and color, shall not be constructed of canvas
 11 or similar pliable materials, and then it
 12 references the photographs.
 13 CHAIRMAN AIZENSTAT: Okay. Any other
 14 comments?
 15 MR. LAGO: I have a comment. You know, I'm
 16 pretty new to the Board, I've only been here
 17 almost close to a year, and I was really
 18 impressed by the amount of constituents that
 19 turned out for the last two Planning and Zoning
 20 Board meetings in regards to this issue. You
 21 know, we had emotional residents on both sides
 22 in regards to the issue, and I respect that. I
 23 think that's what makes Coral Gables what Coral
 24 Gables is.
 25 I've given it much thought in regards to

1 how we should maybe proceed in regards to this
2 ordinance, and I was thinking that -- I don't
3 know what my fellow Board members think, and I
4 think that maybe an option that we can see in
5 front of us, is that we still have an issue
6 with modification, which we haven't addressed,
7 and there's no way to possibly encompass
8 everything and make the truck owners a hundred
9 percent happy.

10 We have an election coming up in November,
11 and I think that may be an option, that we
12 could maybe do a referendum and let the
13 residents of the City of Coral Gables speak. I
14 don't know if that's something that maybe would
15 be an option that the Planning and Zoning Board
16 would entertain.

17 CHAIRMAN AIZENSTAT: How does that work?

18 MR. LEEN: Well, the instructions of the
19 Commission were to propose an ordinance. Of
20 course, the Planning and Zoning -- You have
21 discretion, so I would say that anything that
22 you send to them, in the end, you should
23 probably -- I would recommend that you either
24 vote yes or no on that proposed ordinance,
25 whether to change it or not. If you're

1 suggesting that they also do a referendum, I
2 think you can make that part of your motion,
3 and that would be a suggestion made to them,
4 and I would inform them of that at the next
5 meeting.

6 MR. BEHAR: I -- I don't feel comfortable
7 requesting for a referendum or making the
8 recommendation. If the Commission chooses to
9 do that, well, that's why we elected them;
10 those are the elected officials.

11 CHAIRMAN AIZENSTAT: I agree.

12 MR. BEHAR: Okay? But we are just here
13 giving the recommendation, based on the fact
14 that we've got to provide what's sent through
15 our Commission for an ordinance, and that, to
16 me, I see as what our job was sent to be done,
17 and that's what we're doing. That's my
18 personal opinion.

19 CHAIRMAN AIZENSTAT: I agree with you. I
20 agree.

21 MR. GRABIEL: I also agree.

22 CHAIRMAN AIZENSTAT: Any other questions,
23 comments?

24 Javier?

25 MR. SALMAN: First of all, I also agree. I

1 think that that's the purview of this Board, is
2 one to make recommendation, based on
3 instruction or by application of the public to
4 the Board and -- to the full Commission, and
5 let them decide as to whether or not a
6 referendum would be appropriate.

7 And certainly they have access to these
8 minutes, and by definition, your opinion will
9 be heard.

10 Now, I'm prepared to move that we accept
11 the recommendation of Staff at this time, with
12 the addition of language regarding
13 substantially modified vehicles as to be
14 defined by the Staff.

15 MR. BEHAR: Are you prepared or you're
16 making that motion?

17 MR. SALMAN: I'm making that motion.

18 MR. BEHAR: I'll second it.

19 MR. LEEN: May I make one clarification?

20 CHAIRMAN AIZENSTAT: We have a first and
21 second.

22 MR. LEEN: With your --

23 CHAIRMAN AIZENSTAT: Go ahead, please.

24 MR. LEEN: The -- I just want it to be
25 clear that Staff has not made a recommendation.

1 It is -- It has been prepared by Staff, and I
2 have done that based on your instructions, but
3 Staff has the -- all those other materials,
4 too. So what I suggest is -- and this is
5 certainly within those materials, what's been
6 proposed, but what I would suggest is to -- is
7 to vote on this, as you've done by motion, but
8 also to potentially, if any of you agree, maybe
9 include in your recommendation that all the
10 other stuff be sent to the Commission, too, so
11 they can at least look at it, with your vote as
12 to whatever you do. That would be my
13 suggestion.

14 CHAIRMAN AIZENSTAT: That makes sense.
15 Javier?

16 MR. SALMAN: Not a problem. I include that
17 as part of my amended motion --

18 MR. LEEN: Thank you.

19 MR. SALMAN: -- that we accept the language
20 provided by our City Attorney, based on the
21 recommendations and deliberations made to date,
22 to include, also, all the Staff reports and
23 exhibits, and with the addition that language
24 for heavily modified vehicles, that will be
25 defensible in court --

1 MR. LEEN: Yes.
 2 MR. SALMAN: -- be included as one of the
 3 restrictions being imposed upon that one
 4 exception that we're granting to the overall
 5 restriction.
 6 MR. LEEN: I will do so.
 7 MR. FLANAGAN: But just to be clear, the
 8 modification applies to trucks only?
 9 MR. SALMAN: To pickup trucks only.
 10 CHAIRMAN AIZENSTAT: There's a first --
 11 MR. BEHAR: I accept the --
 12 CHAIRMAN AIZENSTAT: -- a second.
 13 MR. SALMAN: Would you accept the --
 14 MR. BEHAR: Yes.
 15 MR. SALMAN: -- amendment?
 16 CHAIRMAN AIZENSTAT: Second. Any other
 17 comments of the Board?
 18 MR. FLANAGAN: Without seeing the language,
 19 I have a hard time with that. I don't want to
 20 keep us here. I want to move on.
 21 MR. SALMAN: I share Vince's concern that,
 22 you know, we're going to get into -- This is,
 23 by definition, a very slippery slope. We
 24 either allow it or we don't, and if we allow it
 25 with the restrictions that we're imposing,

1 putting in one more restriction that is
 2 defensible in court, I'm sure that our
 3 attorney is more than capable of establishing
 4 that definition.
 5 CHAIRMAN AIZENSTAT: Robert?
 6 MR. LEEN: If the Board would like, I could
 7 amend it right now. I could just add the
 8 language, and tell you what I would put.
 9 MR. SALMAN: Take a shot.
 10 MR. LEEN: Okay.
 11 I would put 8d, it would say, "The vehicle
 12 is unmodified and has no more than two axles
 13 and four wheels," and then we would probably
 14 have to define that. The definition is
 15 probably what you're more interested in, but do
 16 we have a definition of modified?
 17 CHAIRMAN AIZENSTAT: Now, there are some
 18 pickup trucks that come with bigger wheels,
 19 from the factory itself.
 20 MR. FLANAGAN: Right.
 21 CHAIRMAN AIZENSTAT: (Inaudible).
 22 MR. FLANAGAN: So you're saying --
 23 basically, you're saying factory standard or
 24 factory --
 25 MR. SALMAN: Available?

1 MR. FLANAGAN: What do they call that,
 2 original --
 3 MR. LAGO: The issue is that you can
 4 order --
 5 MR. FLANAGAN: Yeah.
 6 MR. LAGO: You can order, from the
 7 manufacturer, a truck already modified.
 8 MR. FLANAGAN: I don't think so.
 9 MR. BEHAR: I don't think so. I think that
 10 the trucks have -- The original warranty only
 11 has to a certain size of tires and all. You
 12 cannot go beyond that, because that's an
 13 after-market --
 14 MR. LAGO: You void the warranty?
 15 MR. BEHAR: And you void -- yes.
 16 MR. LAGO: So what -- I mean, so basically,
 17 what you're saying is that a modification
 18 occurs either at a customized shop or at the
 19 vendor, at the retail vendor, and it doesn't
 20 come from the actual manufacturer?
 21 MR. BEHAR: Correct.
 22 MR. RIEL: The definition that we had
 23 included in the March 26 packet for modified
 24 vehicle is fairly comprehensive. "Modified
 25 vehicle means a vehicle that has been altered

1 from its original standardized factory-built
 2 form, including but not limited to the
 3 following characteristics of the vehicle:
 4 Body, chassis, exterior modifications, chassis
 5 elevation, inclusion of exterior appendages,
 6 larger than standard tires, including height
 7 and width, air intake systems, bull bars,
 8 external exhaust systems, grill bars, light
 9 bars, lowered and raised suspension, winches.
 10 Trailer hitches, bike racks, and manufacturer-
 11 installed rooftop racks are not considered
 12 modifications."
 13 MR. BEHAR: It seems pretty detailed to me.
 14 MR. SALMAN: That's pretty clear.
 15 MR. RIEL: That's what I said.
 16 MR. SALMAN: Is that defensible?
 17 MR. LEEN: Yes, I believe it's defensible,
 18 but as I said, the closer -- you know, I think
 19 everything is defensible, because the Third
 20 District decision is very comprehensive. It
 21 does allow us to -- it does allow this Board to
 22 recommend and the Commission to decide that,
 23 based on aesthetics, that there can be
 24 regulations related to pickup trucks. This is
 25 a regulation related to pickup trucks. It is

1 related to aesthetics. So I think it could be
2 defended.

3 You know, some are stronger than others,
4 but I think it could be defended, and it's tied
5 to the two axles, four wheels, unmodified.
6 It's basically saying that, look, we will
7 allow -- based on what the public has said,
8 that the Board and the Commission would allow
9 one pickup truck, but really, it's just going
10 to be one personal use pickup truck. It's not
11 going to be modified in some way. And I think
12 that that's a reasonable exception, so I think
13 we could defend it.

14 I would suggest -- So the definition is,
15 it's modified vehicle. I would -- We would --
16 I think it works better in the exception to say
17 the vehicle is unmodified and has no more
18 than -- I guess we could say is not modified,
19 although I don't like to use "not" and then
20 "and has no." I don't like to have multiple
21 negatives. Sometimes that can create an
22 ambiguity. So I would suggest that, based on
23 what's been moved, that I put, "The vehicle is
24 unmodified and has no more than two axles or
25 four wheels," and then we'll work with the

1 label of that definition, to make sure that it
2 applies to unmodified.

3 CHAIRMAN AIZENSTAT: Are you okay with
4 that, Jeff?

5 MR. FLANAGAN: Not really, because I think
6 we worked so hard to create something very
7 concise and enforceable, that we've got a very
8 bright line for Code Enforcement purposes, and
9 I don't think that does it. I think that
10 leaves a lot up to interpretation. But I
11 support what we have on paper. If the motion
12 is passed and seconded and was for it, I'll
13 support it, just so we can move on, and
14 everybody can move on. I just would put in,
15 for the record, that I disagree with the
16 modification language. Something may be
17 needed; I just don't think we've got the
18 language. I think it's too vague, at this
19 point, and so I'm not comfortable with that.

20 CHAIRMAN AIZENSTAT: So can we go ahead and
21 do a motion with some kind of --

22 MR. SALMAN: We have a motion on the floor.

23 CHAIRMAN AIZENSTAT: I'm sorry?

24 MR. LEEN: I believe there's a motion to
25 approve it. Was it as written or with the word

1 unmodified?

2 MR. SALMAN: I have to accept the word
3 unmodified.

4 MR. LEEN: So you -- right now the motion
5 is to accept this language as it's written, not
6 with the --

7 MR. SALMAN: As it's written.

8 MR. LEEN: There would have to be a motion
9 to -- and that's been seconded. There would
10 have to be a motion to amend.

11 MR. SALMAN: With language dealing with
12 modification.

13 MR. LEEN: I understand.

14 MR. SALMAN: You proffered adding the word
15 unmodified.

16 MR. LEEN: But you haven't accepted it.

17 MR. SALMAN: Which I have not accepted yet.

18 MR. LEEN: I understand. You're correct.
19 So --

20 MR. SALMAN: And Jeff's problem is the
21 definition of modified.

22 Is that what I understand?

23 MR. FLANAGAN: Yes.

24 MR. SALMAN: Okay. I'll accept the word
25 unmodified, inclusion in Section d, where it

1 should read, the vehicle is unmodified and has
2 no more --

3 MR. LEEN: Okay.

4 MR. SALMAN: So that's clear.

5 CHAIRMAN AIZENSTAT: Robert, will you
6 second --

7 MR. SALMAN: Can we come back with a
8 definition of modified later?

9 MR. LEEN: At a subsequent meeting?

10 MR. SALMAN: Yeah.

11 MR. LEEN: No.

12 CHAIRMAN AIZENSTAT: I don't think --

13 MR. SALMAN: No? What do you want -- Does
14 it have to be resolved now?

15 MR. LEEN: I think the hope was that it
16 would be resolved now, because I think the
17 Commission is --

18 MR. SALMAN: You have a Staff definition of
19 modification that's pretty -- pretty clear.

20 MR. LEEN: Oh, if -- But you're not
21 accepting Staff's definition, are you?

22 MR. SALMAN: So far, I've only got "is
23 unmodified."

24 MR. LEEN: Well, probably --

25 MR. SALMAN: We have to add, "in accordance

1 with modification language created by Staff."
 2 MR. LEEN: No, you don't have to add that.
 3 Probably what would happen is, if you add this
 4 language, when it's presented to the
 5 Commission, we'll present the modification
 6 language as what defines this term, and it will
 7 be -- that will have to be worked out, but --
 8 unless you're telling us not to recommend the
 9 modification language.
 10 MR. SALMAN: No.
 11 MR. LEEN: Okay.
 12 MR. SALMAN: I'm just saying that --
 13 MR. LEEN: I understand.
 14 MR. SALMAN: -- I'm accepting that
 15 language --
 16 MR. LEEN: Okay.
 17 MR. SALMAN: -- as part of this
 18 modification term.
 19 MR. LEEN: Understood.
 20 So, Mr. Chair, there's been a -- Then, yes,
 21 you could debate and vote on it.
 22 MR. BEHAR: Yes.
 23 CHAIRMAN AIZENSTAT: The second?
 24 MR. BEHAR: Yes.
 25 CHAIRMAN AIZENSTAT: Any other discussion?

1 MR. BEHAR: No.
 2 CHAIRMAN AIZENSTAT: At this point, I will
 3 not open it back up to the public. We have a
 4 motion and a second. Let's go ahead, please,
 5 and call the roll.
 6 MS. MENENDEZ: Jeff Flanagan?
 7 MR. FLANAGAN: With my previous comment
 8 that as presented by the Staff, I approve -- I
 9 disagree with the modification of the proposed
 10 language, adding the "unmodified," but putting
 11 that on the record, and so that we can move on,
 12 and agreeing on the larger principle with the
 13 change, I vote yes.
 14 MS. MENENDEZ: Julio Grabiell?
 15 MR. GRABIEL: Yes.
 16 MS. MENENDEZ: Vince Lago?
 17 MR. LAGO: No.
 18 MS. MENENDEZ: Javier Salman?
 19 MR. SALMAN: Yes.
 20 MS. MENENDEZ: Robert Behar?
 21 MR. BEHAR: Yes.
 22 MS. MENENDEZ: Eibi Aizenstat?
 23 CHAIRMAN AIZENSTAT: Yes.
 24 MR. LEEN: Mr. Chair?
 25 CHAIRMAN AIZENSTAT: Yes.

1 Call the roll, please.
 2 MR. JAMES HARTNETT: Mr. Chairman, before
 3 you take a vote --
 4 CHAIRMAN AIZENSTAT: No --
 5 MR. JAMES HARTNETT: It's a public hearing.
 6 CHAIRMAN AIZENSTAT: If I may, we have
 7 to -- The public hearing is closed at this
 8 point, and out of all respect, if I open it up
 9 to you, I really have to open it up to
 10 everybody else, and I don't think that would be
 11 fair. Let us take a vote, and then if you have
 12 any comments --
 13 MR. JAMES HARTNETT: So what good would the
 14 public opinion do at that point?
 15 CHAIRMAN AIZENSTAT: We already had the
 16 public input at the last meeting.
 17 MR. JAMES HARTNETT: But you have a new
 18 motion, too. You have a new piece of
 19 information, of which the public is not having
 20 an opportunity to voice their concerns.
 21 CHAIRMAN AIZENSTAT: Out of the public
 22 that's here, are there other people that want
 23 to speak?
 24 That means that we would go ahead and open
 25 it up.

1 MR. LEEN: Will there be any action as to
 2 the abandoned vehicles or junked vehicles?
 3 CHAIRMAN AIZENSTAT: Is there a motion?
 4 Because we do have three parts on this.
 5 MR. LEEN: Oh. Mr. Chair, what are you
 6 looking at?
 7 CHAIRMAN AIZENSTAT: We've gone ahead -- We
 8 have the signs.
 9 Is there a motion on -- Well, actually, the
 10 last item that we have for Number 5 is lost,
 11 stolen, junked and abandoned property.
 12 Craig, how do you suggest we handle that?
 13 MR. LEEN: Well, Mr. Chair, my opinion is
 14 that your -- what you just resolved, resolves
 15 the first three issues, everything related to
 16 the truck restrictions and the definitions.
 17 So the remaining one is nuisances, lost,
 18 stolen, junked, abandoned property.
 19 Eric, what was the -- What was the
 20 proposal? I understand it wasn't a
 21 recommendation, but what was the proposal or
 22 opportunity presented?
 23 MR. RIEL: Well, the latest proposal,
 24 which I'll specifically refer back to the March
 25 26 meeting -- and give me a minute here to go

1 back to the document. What I'm referring to is
2 the document dated March 26, 2012, the draft
3 which was presented or discussed at the March
4 26 Planning and Zoning Board public hearing.
5 Basically, the changes that were proposed were
6 essentially clarification of the provisions,
7 because they hadn't been updated in some time,
8 but the clear change is the fact that
9 presently, you can have an abandoned or junked
10 vehicle as long as you cover it. Staff
11 suggested revisions, basically, to say that you
12 can't have an abandoned or junked vehicle at
13 all. You can, obviously, if you put it in a
14 structure, because then it's not exterior, but
15 that's basically what Staff's suggestion was at
16 that meeting.

17 CHAIRMAN AIZENSTAT: That means that if you
18 have a vehicle, it has to have a proper tag and
19 registration? Is that how you define if it's
20 abandoned?

21 MR. RIEL: There's a number of -- There's a
22 definition for junked motor vehicle, inoperable
23 motor vehicle, incapable of being propelled or
24 driven, substantial portion of the parts
25 missing, unlicensed motor vehicle. Wrecked

1 vehicle is a motor or other vehicle which has
2 property damage.

3 So there are definitions. Again, this is
4 the City Code provision, so what the Board
5 would be recommending is just suggested
6 changes, because your authority lays only with
7 the Zoning Code.

8 CHAIRMAN AIZENSTAT: Correct.
9 Is there a motion? Any comments?
10 Javier?

11 MR. SALMAN: Do we need a motion if it's an
12 issue that is not a part of the Zoning Code?

13 MR. RIEL: I mean, it's up to the City
14 Attorney, but I don't know --

15 MR. SALMAN: Is it a motion in support?

16 MR. RIEL: In support of the changes --

17 CHAIRMAN AIZENSTAT: Right, you're
18 wanting --

19 MR. RIEL: -- proposed by Staff.

20 CHAIRMAN AIZENSTAT: What is it that you're
21 looking for from us?

22 MR. LEEN: I'm just -- Let me -- I think
23 that this is relevant to the Zoning Code
24 amendment that you proposed, so I do think that
25 it would be in order for you to give a

1 recommendation, because they relate. I don't
2 think that the Code requires it, but I think it
3 would be useful to the Commission, so -- and it
4 was something that was -- that was referred.
5 It's part of what was referred.

6 So, right now -- Just give me one moment,
7 please. I would say Section 34-78 of the
8 Code -- and I will read it, in case you don't
9 have it -- says, "It shall be unlawful for any
10 person to park, store or leave any motor or
11 other vehicle maintained on cement blocks with
12 flat tires, partially dismantled, not properly
13 registered or insured, or in a wrecked, junked,
14 dilapidated or abandoned condition, on public
15 or private property in the City," and then
16 there's three exceptions. The first is,
17 "unless it is in connection with a purpose or
18 business enterprise lawfully situated and
19 licensed." I would suggest that you not
20 address that one.

21 The other two, though, are, "or if the
22 vehicle is kept on private property, the
23 vehicle shall be kept under a form-fitting car
24 cover with clips or drawstrings." That would
25 definitely be something you could make a

1 recommendation on.

2 And 3, a maximum of two vehicles -- this
3 relates to 2, Subsection 2 -- 3 says, "A
4 maximum of two vehicles shall be allowed under
5 car covers on or within the property lines on
6 any private property within the City and must
7 be parked on an approved parking surface, as
8 provided in the City Zoning Code.

9 One thing you could do, based on just prior
10 discussions that this Board has had, is, you
11 could remove 2 and 3. You could rescind those.

12 CHAIRMAN AIZENSTAT: Right.

13 MR. LEEN: You could recommend that. Or,
14 you could recommend that they remain.

15 CHAIRMAN AIZENSTAT: Or you could recommend
16 what?

17 MR. LEEN: That they remain there, if the
18 Board wants to recommend to maintain those
19 vehicles, to allow those vehicles under covers,
20 up to two.

21 CHAIRMAN AIZENSTAT: Julio?

22 MR. GRABIEL: I have a question. Has this
23 been a problem? I mean, I don't remember
24 driving around Coral Gables and seeing any
25 abandoned vehicles, not that there aren't

1 probably some, somewhere, but --
 2 CHAIRMAN AIZENSTAT: I think that would be
 3 more of a question for Code Enforcement.
 4 Has there been an issue within the City
 5 with abandoned vehicles?
 6 Please --
 7 MR. GUTIERREZ: For the record, Eli
 8 Gutierrez, Code Enforcement. I'm sorry?
 9 CHAIRMAN AIZENSTAT: Has there been an
 10 issue within the City of Coral Gables with
 11 abandoned vehicles?
 12 MR. GUTIERREZ: It's random. It's not a
 13 big problem in the City, no. It happens
 14 once -- once a month, maybe. It's not a big
 15 problem in the City at this point, no.
 16 MR. GRABIEL: Are those abandoned vehicles
 17 that people leave on the right-of-way or --
 18 MR. GUTIERREZ: I wouldn't say abandoned
 19 vehicles. The abandoned vehicles that we do
 20 encounter, where the tag is expired, on a
 21 right-of-way, the Police Department -- we tag
 22 it and it gets towed.
 23 MR. SALMAN: How about on private property?
 24 MR. GUTIERREZ: As well.
 25 MR. GRABIEL: How about vehicles that are

1 disabled and in junked --
 2 MR. GUTIERREZ: To be honest with you, I
 3 don't -- We don't see that here. It's rare. I
 4 couldn't recall the last time we did a vehicle
 5 that was in that bad shape in the City, with my
 6 office out there.
 7 CHAIRMAN AIZENSTAT: So you don't see two
 8 vehicles that are covered or so forth, that are
 9 abandoned vehicles on a property?
 10 MR. GUTIERREZ: Well, if they're covered,
 11 it's pretty hard to determine what shape
 12 they're in.
 13 CHAIRMAN AIZENSTAT: But you look that
 14 they're covered properly?
 15 MR. GUTIERREZ: Of course, yes.
 16 MR. LAGO: So you don't receive many phone
 17 calls from residents in regards to the issue --
 18 MR. GUTIERREZ: No, that's not one of my
 19 Top Ten, I would say, if I had to give you a
 20 number.
 21 MR. BEHAR: Top Ten.
 22 MR. GUTIERREZ: No, I'm being honest --
 23 MR. GRABIEL: I don't want to know what
 24 the Top Ten are.
 25 MR. GUTIERREZ: -- it's not a huge problem

1 in the City, no. It's not.
 2 CHAIRMAN AIZENSTAT: So is there a
 3 recommendation?
 4 MR. SALMAN: To move this on, I'll
 5 recommend that we accept the language as it is
 6 right now, in its restrictive form.
 7 CHAIRMAN AIZENSTAT: Just leave it as it
 8 is?
 9 MR. SALMAN: Just as is.
 10 MR. BEHAR: Second.
 11 MR. SALMAN: Thank you.
 12 CHAIRMAN AIZENSTAT: There's a first and
 13 second. Any comments? No?
 14 Call the roll, please.
 15 MS. MENENDEZ: Julio Grabiell?
 16 MR. GRABIEL: Yes.
 17 MS. MENENDEZ: Vince Lago?
 18 MR. LAGO: Yes.
 19 MS. MENENDEZ: Javier Salman?
 20 MR. SALMAN: Yes.
 21 MS. MENENDEZ: Robert Behar?
 22 MR. BEHAR: Yes.
 23 MS. MENENDEZ: Jeff Flanagan?
 24 MR. FLANAGAN: Yes.
 25 MS. MENENDEZ: Eibi Aizenstat?

1 CHAIRMAN AIZENSTAT: Yes.
 2 Okay. Now we move on to the next item --
 3 MR. GRABIEL: Moving right along.
 4 CHAIRMAN AIZENSTAT: -- which is an
 5 ordinance of the City Commission of Coral
 6 Gables, Florida, requesting amendments to the
 7 University of Miami -- University Campus
 8 District Master Plan, pursuant to Zoning Code
 9 Section 4-202, to permit two additional
 10 buildings within the Campus Transitional Area
 11 along San Amaro Drive, with no increase in
 12 total building square footage to the campus, in
 13 order to preserve three existing historically
 14 significant buildings, providing for the
 15 following specific amendments in the vicinity
 16 of the Frost School of Music, on the Coral
 17 Gables, Florida Campus.
 18 A, retention of the building rehearsal
 19 center, Arnold Volpe Music Building and Bertha
 20 Foster Memorial Music Building, which were
 21 previously scheduled for demolition.
 22 B, deletion of Phase 1 of the Center of
 23 Music Learning and Leadership.
 24 C, reduction in square footage of Phase 2
 25 of the Center of Music Learning and Leadership,

1 renamed the Classroom/Recital Hall Building by
2 6,143 SF from -- square footage, from 35,000
3 square feet to 28,857 square feet.

4 And D, 46,110 square feet addition to the
5 Bertha Foster Memorial Music Building,
6 providing for severability, repealer,
7 codification and an effective date. The legal
8 description is on file with the City.

9 Do we have a presentation?

10 MR. GUILFORD: Good evening, Mr. Chairman,
11 Members of the Board. For the record, my name
12 is Zeke Guilford, with offices at 2222 Ponce de
13 Leon Boulevard. I'm here with my colleague,
14 Jeff Bass, and it gives us great pleasure this
15 evening to be representing the University of
16 Miami.

17 Some of the people from the UM that are
18 here with me is Janet Gavarrete and Ricardo
19 Herran.

20 What we're requesting today is a change in
21 the approved University of Miami Campus Master
22 Plan, pursuant to Article 4-202 of the Coral
23 Gables Zoning Code. And I want to make it
24 perfectly clear that these changes are being
25 requested, actually, by a decision of the City

1 Foster Building.

2 The other amendment that we are requesting
3 is the Albert Pick Building, which is this one
4 here, which is also historically significant.
5 Now, we may actually pick up that building and
6 move it, depending on -- depending on how the
7 buildings lay out, and obviously, pedestrian
8 circulation, et cetera, and what we're
9 requesting under this amendment is providing us
10 the right to move that building anywhere within
11 that box.

12 So, Mr. Chairman and Members of the Board,
13 those are our changes, in a nutshell. We did,
14 in fact, hold a neighborhood meeting a few
15 weeks ago. Staff is recommending approval of
16 this application with no conditions, and if you
17 have any questions, we're more than happy to
18 answer them at this time.

19 CHAIRMAN AIZENSTAT: Okay, thank you.

20 MR. CARLSON: Thank you, Zeke.

21 I would just like to confirm that the City
22 Staff is recommending approval of this
23 amendment. The University is requesting this
24 amendment to the Campus Master Plan to preserve
25 three buildings that the City has determined to

1 of Coral Gables Historical Resources
2 Department, and that they have determined that
3 there are four buildings that have, in fact,
4 historic significance, so that is what has
5 precipitated the change in the plan.

6 And what I'd like to do, at this point, is
7 just kind of walk you through these pretty
8 quickly.

9 What we're talking about is this area right
10 here of the campus. You have San Amaro, you
11 have the Law School, you have the Ring Theater,
12 and you have the Music School buildings, the
13 way it appears today.

14 What is actually approved in the Campus
15 Master Plan is two buildings, a Phase 1 and a
16 Phase 2, in that area, with the remaining
17 buildings to be -- most of the remaining
18 buildings to be demolished.

19 Now, what has happened is that, by historic
20 significance, these buildings here, one, two,
21 three and four, have been determined to be
22 historically significant. So what we're doing
23 is, we now have to keep those buildings that
24 cannot be demolished. We're adding a Phase 2
25 here, and we're adding wings to the Bertha

1 be historically significant. The amount of
2 permitted benchmark development won't change.
3 They're just adding two additional buildings to
4 the transitional area.

5 Since the historical buildings are located
6 in the transition area, the amendment needs to
7 come through the public hearing process, and
8 that's why it's here before you today.

9 Staff, in its Staff Report, has outlined
10 the proposed amendment satisfies the applicable
11 provision and standards in both the Zoning Code
12 and Comprehensive Plan, and I just want to note
13 that the Department did not receive any
14 public -- written public comments regarding
15 this application.

16 Thank you.

17 MR. SALMAN: Just a quick synopsis.
18 They're currently allowed to build another
19 building, which they're going to be foregoing
20 in order to save these buildings and add to
21 them --

22 MR. CARLSON: That's correct.

23 MR. SALMAN: -- in an equivalent amount.

24 MR. CARLSON: They are not --

25 MR. SALMAN: This is not a net increase in

1 the square footage that's already approved.
 2 MR. CARLSON: That's correct.
 3 MR. SALMAN: This is just a reconfiguration
 4 of that, within that transitional area. That's
 5 why we're here, because we're dealing with
 6 historic buildings, as determined by the
 7 Resource -- Resources of the City Staff.
 8 MR. CARLSON: That's absolutely correct.
 9 MR. BEHAR: I have a question -- not to
 10 you, Mr. Carlson.
 11 Zeke, have those buildings been designed
 12 yet, or is this just a place holder?
 13 MR. GUILFORD: No, this is nothing more
 14 than a place holder.
 15 MR. BEHAR: Okay.
 16 MR. GRABIEL: I have a question. The
 17 Building 508, the Bertha Foster Memorial Music
 18 Building, is that remaining and being
 19 expanded --
 20 MR. GUILFORD: Yes.
 21 MR. GRABIEL: -- or is it all a brand-new
 22 building?
 23 MR. GUILFORD: No, it's actually -- It is
 24 actually remaining, which is the green portion,
 25 right here.

1 MR. GRABIEL: Uh-huh.
 2 MR. GUILFORD: And then two wings are being
 3 added to that building.
 4 MR. GRABIEL: I have another question. I
 5 guess this is for you, Eric. I wasn't here
 6 when the Master Plan was approved. There's
 7 three zones, the green zone and then the
 8 transition zone and then the campus itself.
 9 These buildings are well within that transition
 10 zone? Is that within the Master Plan
 11 parameters?
 12 MR. RIEL: Yes. I mean, the zones were
 13 created as a part of the Master Plan process.
 14 MR. GRABIEL: Uh-huh.
 15 MR. RIEL: And there's specific provisions
 16 that deal with each of the zones, in terms of
 17 what needs to come through a public hearing
 18 review and what doesn't.
 19 MR. GRABIEL: Uh-huh.
 20 MR. RIEL: This application apparently,
 21 what it is, is there's buildings that are kind
 22 of straddling two zones, so although Staff
 23 feels it's a minor modification, it still has
 24 to come through the public hearing process,
 25 so --

1 MR. GRABIEL: Well, I actually think that
 2 this new site plan is better than the previous
 3 one, because it creates a wall towards the
 4 residential area and it keeps the student
 5 activity within a quadrangle, so I think it
 6 actually improves the campus and that area of
 7 the campus, also.
 8 MR. SALMAN: Not only that, but the fact
 9 that they're limiting themselves to square
 10 footage that was originally approved forces
 11 them to match the building in height, which is
 12 pretty low, and the intent of that transitional
 13 area with regards to visual impact to the
 14 surrounding neighborhood, so I find it to be in
 15 line with what the intent of the transitional
 16 area is.
 17 MR. BEHAR: If there's no more comments
 18 from the Board, I will make a motion to
 19 approve.
 20 MR. GRABIEL: I second it.
 21 CHAIRMAN AIZENSTAT: We have a motion and a
 22 second. Any other comments?
 23 MR. LAGO: No.
 24 CHAIRMAN AIZENSTAT: No? Call the roll,
 25 please.

1 MR. RIEL: Just for a matter of the record,
 2 we had no one sign up to speak.
 3 CHAIRMAN AIZENSTAT: Yeah, nobody signed
 4 up.
 5 MS. MENENDEZ: Vince Lago?
 6 MR. LAGO: Yes.
 7 MS. MENENDEZ: Javier Salman?
 8 MR. SALMAN: Seeing as it's in front of
 9 your house, yes.
 10 MS. MENENDEZ: Robert Behar?
 11 MR. BEHAR: Yes.
 12 MS. MENENDEZ: Jeff Flanagan?
 13 MR. FLANAGAN: Yes.
 14 MS. MENENDEZ: Julio Grabiell?
 15 MR. GRABIEL: Yes.
 16 MS. MENENDEZ: Eibi Aizenstat?
 17 CHAIRMAN AIZENSTAT: Yes.
 18 MR. GUILFORD: Thank you very much.
 19 CHAIRMAN AIZENSTAT: Thank you.
 20 MR. BEHAR: Mr. Chairman, I -- at this
 21 time, I'm going to have recuse myself. The
 22 next item coming up, I'm involved with, so
 23 therefore, I request to be allowed to recuse
 24 myself.
 25 CHAIRMAN AIZENSTAT: Thank you.

1 MR. BEHAR: Thank you.
 2 (Thereupon, Mr. Behar left the meeting.)
 3 CHAIRMAN AIZENSTAT: The next item on the
 4 agenda is a Resolution of the City Commission
 5 of Coral Gables, Florida, requesting mixed-use
 6 site plan review pursuant to Zoning Code
 7 Article 4, Division 2, Section 4-201, Mixed-Use
 8 District, for the construction of a mixed-use
 9 project referred to as 4535 Gables Ponce II,
 10 and an overhead pedestrian walkway encroachment
 11 over an existing alley on the property legally
 12 described as Lots 25-30 and 55-60, and vacated
 13 portion of alley, Block 17, Industrial Section,
 14 whose address is also known as 4535 Ponce de
 15 Leon Boulevard, and 298 through 300 Granello
 16 Avenue, Coral Gables, Florida, including
 17 required conditions; providing for an effective
 18 date. The legal description is on file with
 19 the City of Coral Gables.
 20 MR. GARCIA-SERRA: Good evening, Mr. Chair,
 21 Members of the Board. My name is Mario
 22 Garcia-Serra, with offices at 333 Southeast
 23 Second Avenue, representing H & H Yeung
 24 Corporation, the owner of the property located
 25 at 4535 Ponce and 300 Granello, as well as

1 Phase 2, if we can put up the (inaudible),
 2 there's the ground floor plan, which is more
 3 focused in, an aerial photograph showing Phase
 4 1, and Phase 2 here in this area.
 5 Phase 2 consists of one ten-story
 6 building -- if you can, put up the
 7 elevation showing it -- There. One ten-story
 8 building with 119 residential units, which will
 9 be rented out as high-end rental apartments,
 10 along with office space on the first and second
 11 floors. The parking for the residential units
 12 will be provided for in the Phase 1 parking
 13 garage, which in total will have 916 parking
 14 spaces, and will be connected to Phase 2 by an
 15 overhead bridge that bridges the (inaudible)
 16 being indicated here, an overhead bridge for
 17 pedestrians at the five-story level. So you
 18 would park, in Phase 1, if you're a resident,
 19 and then cross the pedestrian bridge to Phase
 20 2, to go to your residence.
 21 The offices will have parking accessible
 22 off the alley for the two floors of office
 23 space that's there.
 24 Extensive landscape and streetscape
 25 improvements, consistent with those being done

1 Gables Residential, which is the contract
 2 purchaser and proposed developer of this
 3 property.
 4 I'm accompanied tonight by Fabio Rodriguez,
 5 who's the vice-president for development of
 6 Gables Residential, Erney Nieto, who's with the
 7 project architect, and Richard Garcia, our
 8 traffic engineer, is right here behind me.
 9 The project before you for consideration
 10 today is Phase 2 of the Gables Ponce project.
 11 Many of you have, I'm sure, already seen Phase
 12 1 of the Gables Ponce project, which is going
 13 up here at the intersection of LeJeune and
 14 Ponce, indicated here (inaudible).
 15 Tonight, what we are discussing is the
 16 proposed Phase 2, which is proposed for the
 17 site immediately to the northeast of Phase 1,
 18 on this side right here, which has frontage
 19 both on Ponce and on Granello Avenue.
 20 The only request which we have before you
 21 tonight is a request for site plan review and
 22 approval. We are not requiring -- I mean,
 23 we're not requesting any sort of rezoning, nor
 24 are we requesting any sort of variance or any
 25 other type of zoning approval.

1 for the Phase 1 project, are also proposed for
 2 Phase 2 -- and if you could put that back up,
 3 to sort of give an idea. This project has been
 4 reviewed and approved by the Development Review
 5 Committee and the Board of Architects. The
 6 Planning Department is recommending approval of
 7 the application, along with certain conditions.
 8 We are, of course, in agreement with the
 9 overall recommendation for approval. However,
 10 with the conditions, we do have some request
 11 for modifications, corrections, and deletions.
 12 In particular, Condition Number 7 references
 13 the previous resolution approval of Phase 1 as
 14 2008-25. In reality, that resolution number --
 15 the appropriate number that should go there is
 16 2008-58. That is sort of just a minor typo
 17 sort of issue.
 18 As I go on with the other conditions, there
 19 are some more significant differences that we
 20 have with Staff. In particular, Conditions
 21 Number 7a and b require various public realm
 22 and roadway improvements, including on the
 23 north side of Granello. That would be -- if
 24 you can point our there, Erney -- the north
 25 side of Granello is on the opposite side of

1 Granello from where the project is.
 2 Since we have acquired -- Gables
 3 Residential has acquired that site to the
 4 north, which was formerly known as the DYL
 5 site, and is now going to be the site of the
 6 proposed Phase 3, we are requesting that those
 7 improvements on the north side of Granello be
 8 deferred for when we come in and do Phase 3,
 9 the reason for that being, we do not know right
 10 now what the exact design of Phase 3 is going
 11 to be. In the event that when we do develop,
 12 we would not want to be tearing up any sort of
 13 improvements that we put in now, to then just
 14 have to put in other improvements later. We
 15 consider it to be counterproductive and a waste
 16 of money, and so what we're asking to do is to
 17 defer those improvements along Granello Avenue
 18 to Phase 3, and in the meantime, we'll post a
 19 bond for the cost of the Phase 3 improvements,
 20 so that in the event that Phase 3 never
 21 happens, the City could still go in there with
 22 that bond and take care of those improvements.
 23 There's language in the condition that
 24 Staff has written saying that bonding is a
 25 possibility. We would like a sort of stronger

1 statement, to the effect that the improvements
 2 required on the north side of Granello will be
 3 deferred to Phase 3 and will be bonded in the
 4 meantime.
 5 Lastly, Conditions Number 6b and c. This
 6 is where we're in most direct disagreement with
 7 Staff's recommendations. Subsection b is
 8 requesting that the new median along Ponce
 9 Boulevard be raised, landscaped, irrigated, and
 10 curb and gutter installed. Subsection c is
 11 requesting that we repair and replace the
 12 sidewalk in front our neighbors' properties,
 13 and we feel that in light of everything which
 14 is being requested of this project, that the
 15 requirements -- that these specific
 16 requirements are excessive. We already have to
 17 do extensive landscaping, streetscape and
 18 traffic improvements as parts of Phase 1 and
 19 Phase 2. As indicated in the plan, this new
 20 sidewalk, curb and gutter and landscaping which
 21 we have to do abutting our site is extensive
 22 and carries considerable cost.
 23 Keep in mind that these costs are on top of
 24 what we will have already paid to the City in
 25 building impact and other fees, which when we

1 put both phases together will come close to
 2 five million dollars in fees that we'll end up
 3 paying to the City in connection with this
 4 project. Trying to get more out of this
 5 project is simply not warranted or appropriate,
 6 and in an effort to assist our neighbors and
 7 beautifying their stretch of Ponce, we are
 8 willing to proffer a certain amount of perhaps
 9 trees that could be planted there by the City,
 10 in the landscape area, but having to do curb,
 11 gutter and repair of sidewalk and everything
 12 else, we feel that it's excessive, both as it
 13 relates to the sidewalk in front of our
 14 neighbors, as well as the median along Ponce.
 15 Keep in mind, also, that the Gables Station
 16 project is proposed for the property between
 17 Ponce Boulevard and Dixie Highway. That
 18 project will also be coming in at some time and
 19 will be requiring its own improvements to the
 20 median. If we were to try to do a raised curb
 21 and gutters and landscaped median now, that
 22 other project may very well require further
 23 modifications to that median, which would then
 24 mean that again we would be doing an
 25 improvement which would then be torn out and

1 modified at a later date, when the project
 2 comes in. In the meantime, we think that
 3 having striping along the median of Ponce is
 4 sufficient to serve the purpose of defining
 5 lanes and so forth, and then when the
 6 subsequent project comes in, I think would be
 7 the time to comprehensively be able to do any
 8 improvements in the median of Ponce which are
 9 warranted and appropriate for both projects.
 10 That's our comments on the conditions. Let
 11 me leave you with the statement that, you know,
 12 ten years ago, the City had a view and a plan
 13 for this project, a vision for this area, that
 14 it would become a mixed-use village, and be
 15 converted from the current industrial sort of
 16 area that it was at that time. We're slowly
 17 realizing that vision. Phase 1 was part of it,
 18 and Phase 2 is another important step, and
 19 we're heading in that direction of making this
 20 a new centerpiece for the City and
 21 complementing the Village of Merrick Park,
 22 which, of course, has now been in existence for
 23 almost ten years.
 24 I'd like to reserve a little bit of time
 25 for rebuttal, and of course, the rest of the

1 team is here if you have any other questions or
2 comments.

3 CHAIRMAN AIZENSTAT: Thank you. Who's
4 going to do the City presentation?

5 MR. RIEL: Thank you, Mr. Chair.

6 Basically, mixed-use site plans require a
7 recommendation by the Planning Board and they
8 go to the Commission. There's only required to
9 be one public hearing, so just for a matter of
10 record, this will go in resolution form to the
11 Commission. Provided the Board makes a
12 recommendation this evening, it will go to the
13 May 8th meeting.

14 Just briefly, to go over a little bit about
15 the application -- The applicant did a fine job
16 of explaining it. Just to kind of give the
17 Board an understanding, when Staff evaluated
18 this application, we evaluated it -- the Gables
19 Gateway and this Ponce 2 together. The reason
20 we did that is because of the parking
21 requirements for the entire project. Phase 2
22 cannot stand alone, without Phase 1. So, I say
23 that to the Board so they understand why we put
24 these conditions in here this evening. So the
25 evaluation that was done by the Zoning Division

1 Regarding Condition 6a -- excuse me, 6b, I
2 disagree with the applicant in terms of the
3 right-of-way median improvements. Although
4 this is a condition, this is a Code
5 requirement. Section 5-1105, landscape
6 requirements, specifically requires that any
7 median that is abutting a project, that it has
8 very specific requirements in terms of shade
9 trees and shrubs. So, in our opinion, this --
10 although it's put as a condition, we put this
11 as a condition to highlight the issue, because
12 the applicant didn't agree, but this is a
13 minimum Code requirement, just for the Board's
14 edification. I have those provisions, if you'd
15 like to see those.

16 6c, absolutely, this is something that, as
17 a part of the negotiations and review of the
18 project, we had asked that the applicant repair
19 and replace any existing substandard sidewalks,
20 curb and gutter, what I'll call kind of those
21 properties, those one-story properties between
22 the development. Staff went out and evaluated
23 the site, numerous departments went out, and we
24 felt that these improvements are not
25 substantial, and to be in keeping with the MXD

1 looked at all the criteria, in terms of
2 parking, FAR, height, number of units, minimum
3 percentage of ground floor, and those numbers
4 that are derived, which are in the report, is
5 broken down by each of the phases, but the
6 total number is in the report, and it indicates
7 that they do satisfy all of those requirements.

8 There are specific site plan criteria that
9 they have to satisfy. Staff has found that
10 they do satisfy those provisions, and I'll tell
11 you -- you know, as going through this process,
12 and the Board has gone through many of these,
13 you'll note there's very, very few conditions,
14 and on behalf of the applicant, they worked
15 very closely with all the departments in the
16 City and they were very cooperative.

17 Unfortunately, they disagree with a couple
18 of those conditions this evening, and I'd just
19 kind of like to give the Board some additional
20 background. Let me just go through
21 Mr. Garcia-Serra's changes.

22 The resolution Number 2008-25, he's
23 absolutely right, that should be 58. That's
24 been corrected on the online version. That's
25 an error on Staff's part.

1 and ensuring, you know, that the street has
2 consistent landscaping, it looks good in terms
3 of street improvements, public realm
4 improvements, we're suggesting that the Board
5 entertain this condition in your
6 recommendation.

7 And then regarding the request -- or what I
8 call request for clarification, in terms of
9 what is required across the street on Granello,
10 that was -- this condition as it reads, 7a and
11 b, is exactly what was approved on Phase 1. We
12 did add some language which kind of clarifies,
13 in my mind, that payment in lieu of the
14 installation of the above improvements or
15 bonding is an opportunity that's available
16 under the Zoning Code and the City Code. Of
17 course, we would not make a developer put in
18 improvements, knowing that a project is coming
19 on line and knowing that those improvements
20 would have to be removed. So we're cognizant
21 of that. That's done in all projects. Bonding
22 is done for improvements on various things. So
23 those provisions are in the Code, so -- in
24 terms of clarification, I think the Code is
25 quite clear on that.

1 So I don't think I have anything further.
2 Again, Staff does recommend approval, and we do
3 recommend approval subject to all the
4 conditions.

5 CHAIRMAN AIZENSTAT: Eric, let me ask you a
6 question. With this project that's going up
7 there, what open space do we have for parks and
8 so forth? What's being provided?

9 MR. RIEL: I mean, in terms of -- There's
10 no -- In terms of the site plan review, there's
11 no specific park requirement. There is an
12 impact fee that the developer is required to
13 pay.

14 CHAIRMAN AIZENSTAT: Right.

15 MR. RIEL: And that goes for the
16 development of future parks. There are open
17 space requirements, as a part of the evaluation
18 of the project. They do meet those, although
19 when you -- you know, note open space, that can
20 be hardscape. It doesn't necessarily need to
21 be green grass areas. They do meet all the
22 landscape requirements, as well as -- on and
23 off site, with the exception of the median,
24 which I identified. So, in terms of meeting
25 the Code requirements, they do satisfy open

1 unit will have the two spaces in a tandem
2 parking space, making sure there could be some
3 control and there isn't going to be a situation
4 where anybody is going to be blocked from being
5 able to exit.

6 MR. RIEL: There's actually a notation on
7 the plans that indicate that, that they cannot
8 be utilized for retail use, obviously.

9 CHAIRMAN AIZENSTAT: Okay, so it's there.

10 MR. RIEL: Yes.

11 MR. GRABIEL: I have a couple questions. I
12 see that --

13 CHAIRMAN AIZENSTAT: Go ahead.

14 MR. GRABIEL: I see that there's been an
15 effort to provide an arcade around the whole
16 site.

17 MR. GARCIA-SERRA: Exactly.

18 MR. GRABIEL: Yet on Ponce, on the new
19 phase, the arcade cannot continue. There is an
20 element there of lobby or interior space that
21 eventually, if the one-story buildings next to
22 it are converted to new facilities, the arcade
23 could not tie in the whole block.

24 MR. GARCIA-SERRA: Let me make sure I
25 understand the question. You're referring to

1 space and landscaping requirements.

2 CHAIRMAN AIZENSTAT: How many total
3 apartments are they going to have, between
4 Phase 1 and Phase 2?

5 MR. RIEL: I believe it's 396.

6 CHAIRMAN AIZENSTAT: So a little shy of
7 400?

8 MR. RIEL: 369, I'm sorry.

9 CHAIRMAN AIZENSTAT: 369.

10 MR. RIEL: 369.

11 CHAIRMAN AIZENSTAT: And the parking is all
12 basically encompassed in Phase 1?

13 MR. RIEL: No, they have parking in both
14 phases, but predominantly, the most part of it
15 is in Phase 1.

16 CHAIRMAN AIZENSTAT: Is there any tandem
17 parking, or it's all straight forward?

18 MR. RIEL: I believe there is some tandem
19 parking, which is allowed per the Code.

20 MR. GARCIA-SERRA: In the recollection of
21 the architects, we have about 20 tandem spaces.

22 CHAIRMAN AIZENSTAT: 20 tandem?

23 MR. GARCIA-SERRA: Exactly, which are going
24 to be specifically for the use of the owners of
25 the retail space. So, in other words, the same

1 this stretch of the arcade here, right?

2 MR. GRABIEL: Right. There's a small
3 section at the end.

4 MR. GARCIA-SERRA: And you're saying that
5 it's blocked on this end or on --

6 MR. GRABIEL: It blocks the south end or
7 the -- of that arcade, that yellow element on
8 the right-hand side of your drawing. The
9 drawing that you're looking at, that element
10 that --

11 MR. GARCIA-SERRA: Protrudes into the
12 arcade.

13 MR. SALMAN: Right there.

14 MR. GARCIA-SERRA: Okay, here. I see.

15 MR. GRABIEL: Is there a reason why the
16 arcade could not --

17 MR. GARCIA-SERRA: This is an entrance?

18 MR. NIETO: This is an entrance to the
19 retail spaces.

20 MR. GRABIEL: But could the entrance be
21 behind the arcade?

22 MR. NIETO: No, it's going to be
23 probably --

24 CHAIRMAN AIZENSTAT: You need to step up to
25 the --

1 MR. RIEL: Can you step up to the mike, so
 2 we can get everything?
 3 MR. NIETO: My name is Erney Nieto, from
 4 Behar Font & Partners.
 5 CHAIRMAN AIZENSTAT: Can you talk into the
 6 microphone?
 7 THE COURT REPORTER: I'm sorry, I can't
 8 hear you.
 9 MR. NIETO: Erney Nieto.
 10 CHAIRMAN AIZENSTAT: Can you speak into the
 11 microphone, please?
 12 MR. NIETO: Yeah, fine. My name is Erney
 13 Nieto, with Behar Font & Partners.
 14 MR. GRABIEL: Mr. Nieto, my point is that
 15 the project has provided an arcade on most of
 16 the block --
 17 MR. NIETO: Yes.
 18 MR. GRABIEL: -- and eventually, I could
 19 envision that years from now, that the
 20 buildings which are there on Ponce, which are
 21 only one story, could be torn down and a new
 22 building constructed, but the arcade is
 23 blocked. The ability of that arcade to tie in
 24 the whole block is blocked by that element of
 25 entrance. If that element is pushed back, then

1 the arcade eventually could tie in the whole
 2 block, which would make a lot of sense to me,
 3 urbanistically.
 4 MR. GARCIA-SERRA: So, in other words,
 5 whether this can be recessed back, so that the
 6 arcade continues?
 7 MR. GRABIEL: Yes. That would be my
 8 suggestion.
 9 MR. GARCIA-SERRA: We'd have to look at it,
 10 to see if it serves any purpose other than just
 11 the entrance.
 12 MR. NIETO: That's just the entrance for
 13 the area, but we are not required to have an
 14 arcade along all the --
 15 MR. GRABIEL: No, I -- Listen, I even
 16 question the arcade on that street, because
 17 that's a very wide -- if we have a wide
 18 sidewalk in Coral Gables --
 19 MR. NIETO: Yeah.
 20 MR. GRABIEL: Ponce on that section has a
 21 very wide sidewalk.
 22 MR. NIETO: Yes.
 23 MR. GRABIEL: But as long as you're
 24 providing already the elements for a continuous
 25 arcade, I think it behooves the project to

1 allow that to happen on the future.
 2 MR. GARCIA-SERRA: Mr. Grabiél -- and this
 3 is what we can do. Since, you know, we're in a
 4 bit of an awkward situation in that the lead
 5 project architect is not in the room right now,
 6 because he can't be, let me go talk to him
 7 during the public hearing process and see if it
 8 doesn't create any other issue, and then we
 9 can, you know, bring it back, so --
 10 MR. GRABIEL: And I have another question.
 11 I understand that there is a -- not an
 12 elementary school, but a day care center just
 13 north of Phase 1.
 14 MR. GARCIA-SERRA: Correct, yes.
 15 MR. GRABIEL: I see a lot of parents
 16 picking up kids there during the afternoon, and
 17 yet the project has eliminated -- it looks like
 18 it's eliminated all the pickup and dropoff
 19 spaces in front of the building.
 20 MR. GARCIA-SERRA: Okay, let me -- First
 21 let's look at this plan here. The KLA Day Care
 22 Center is located right about here, right at
 23 this --
 24 MR. GRABIEL: Right. It's right adjacent
 25 to --

1 MR. GARCIA-SERRA: To this one.
 2 MR. GRABIEL: -- cheek to jowl with the
 3 building.
 4 MR. GARCIA-SERRA: Exactly, and we are
 5 required to do certain streetscape improvements
 6 here. What I have here is the existing
 7 situation and proposed situation with
 8 improvements, and right here at this
 9 intersection is the drive-through connected
 10 with Ponce, and you have the day care center.
 11 There is indeed a sort of area that is in
 12 strike-off here, more than anything to define
 13 the turning radius that's now going to go
 14 through here. There are, however, still
 15 parking spaces provided here on-street, so you
 16 could potentially park there and drop off.
 17 MR. GRABIEL: Yeah, but it's getting
 18 farther and farther away from the front door,
 19 and that means -- and if those parking spaces
 20 are taken, then they have to go across the
 21 street.
 22 MR. GARCIA-SERRA: It's true, and
 23 unfortunately, there is a tension between the
 24 requirements that are being imposed upon us, as
 25 far as landscape improvements, traffic

1 improvements, and so forth, and being able to
 2 preserve parking and loading spaces around
 3 there. What we can do is, in conjunction with
 4 the Public Works Department, take a look at
 5 that and see if there's a way --
 6 MR. GRABIEL: These are little kids. I
 7 mean, they're one, two, three, four-year-old
 8 kids crossing a very busy highway.
 9 MR. GARCIA-SERRA: Understood.
 10 MR. GRABIEL: I think it behooves us to try
 11 to make it easy for the parents to pick up
 12 their kids from there without putting the kids
 13 in danger.
 14 MR. GARCIA-SERRA: The closer we can get
 15 them to the front door, the better, but we have
 16 to work in conjunction with the Public Works
 17 Department to determine what's safe.
 18 MR. GRABIEL: I would encourage that,
 19 please.
 20 CHAIRMAN AIZENSTAT: Is there anybody
 21 from the audience or the public that wishes to
 22 speak?
 23 MR. RIEL: We have four people that signed
 24 up for this.
 25 CHAIRMAN AIZENSTAT: Four people?

1 dispute the fact that they have, you know,
 2 certain matters -- entitlements as of right to
 3 construct their residential units, what I don't
 4 think was taken into account in the analysis
 5 and in the Staff analysis is the impact on
 6 those businesses. One impact, I think, was
 7 brought out now, but in addition, there's a
 8 veterinary clinic. As people come in with
 9 their patients, the animals, that have to come
 10 right up to the location there. The
 11 requirements under the goals, policies and
 12 objectives require that there be consideration
 13 for on-street parking along sidewalks, and in
 14 essence, what this has done is, it's eliminated
 15 20 total.
 16 Furthermore, by attempting to insert
 17 medians, additional turn lanes and some of the
 18 other components in here that don't take into
 19 account a project that I believe is also coming
 20 down the pike, which is the Gables Station, and
 21 their request, which we understand, which we've
 22 been alerted to recently, to have a cut-through
 23 from Ponce de Leon into that area, these are
 24 all going to dramatically conflict, and what
 25 we're trying to do is fit, you know, double the

1 MR. RIEL: Yes.
 2 CHAIRMAN AIZENSTAT: Can you go ahead and
 3 call them, please? Actually, do we need to
 4 swear them in?
 5 MR. LEEN: Yes.
 6 CHAIRMAN AIZENSTAT: If everybody that's
 7 going to speak, if they could please stand up?
 8 We're going to go ahead and swear you in.
 9 (Thereupon, all who were going to speak
 10 were duly sworn by the court reporter.)
 11 CHAIRMAN AIZENSTAT: If you could call
 12 the --
 13 MS. MENENDEZ: Scott Silver?
 14 MR. SILVER: Good evening. Scott Silver.
 15 I'm here on behalf of Bradley Richter, the
 16 owner of the property at 4567 and 4569 Ponce de
 17 Leon Boulevard. Immediately next to the day
 18 care facility is a veterinary clinic. Also,
 19 two doors further down, there's another
 20 veterinary clinic. There are approximately
 21 nine different users, 15 lots, in that stretch
 22 there, and while I believe that the conditions
 23 and many of the improvements and many of the
 24 requirements are taking into account the needs
 25 of Gables Residential, and we don't really

1 requirements and needs of multiple uses into
 2 half of the space.
 3 What we believe, on behalf of the property
 4 owner at 4567 and 4569, Mr. Richter, and we've
 5 been conferring with the other neighbors in the
 6 area, as well, is, there needs to be a
 7 comprehensive look at what really needs to be
 8 done in order to accommodate the medians, the
 9 turn lanes, and whatever else needs to go in
 10 there. When you put a median in, what you've
 11 also done is, you've violated other policies
 12 regarding some of the pedestrian-friendly
 13 components, taking into account the impact on
 14 other property users -- I mean, all of the
 15 components in there where it says it complies,
 16 it may comply as between the two different
 17 phases of Gables Residential, but it doesn't
 18 comply with those property owners. While they
 19 may very well, at one point in time, be knocked
 20 down, we have to take into account that they
 21 have every right to remain and have all their
 22 rights in place.
 23 So what I would ask is, rather than impose
 24 or set in stone any particular type of roadway
 25 improvement here -- we're not looking to stand

1 in the way of Gables Residential fulfilling and
 2 going forward with their project, but the
 3 roadway improvement, the sidewalk improvement,
 4 we have to look all the way from the property
 5 line on one side to the Metrorail line on the
 6 other side, and come up with a comprehensive
 7 manner in which to accommodate all of these
 8 needs. There's a very, very strong need, and
 9 it's in your own goals and objectives, to have
 10 on-street parking. Those nine businesses that
 11 are in there cannot function without it. Those
 12 nine businesses also have permit parking in the
 13 lots across the way. There's approximately
 14 37,500 square feet of land, you know, with the
 15 FAR -- call it 30 to 40,000 feet of building
 16 and structure there, which at a five person per
 17 thousand square foot, we're talking 150 people
 18 who will be working in those locations, and you
 19 have about -- currently, maybe 40 on-street
 20 parking spaces. You're going to come down in
 21 numbers. You're going to be impacting it when
 22 you cut through to the Gables Station, if
 23 that's even allowable.

24 So I think all of those things, I would ask
 25 that you not require or compel that condition

1 until that is further analyzed by -- whether
 2 it's the County, DOT, and if there's some
 3 comprehensive analysis done of that, because
 4 otherwise it's dramatically impacting. It's
 5 putting some of these other businesses out of
 6 business, if they're not able to park in front
 7 of their property.

8 CHAIRMAN AIZENSTAT: So your solution is
 9 for which item not to --

10 MR. SILVER: That would be under --
 11 actually, 6 and 7, the right-of-way
 12 improvements, the median improvements, the
 13 public realm improvements; I'm not saying all
 14 of them, but any one within those conditions
 15 that impacts upon the sidewalk in front of
 16 those nine properties, and actually, it goes a
 17 little bit beyond that, because when you're
 18 adding certain turn lanes, you're impacting
 19 parking that's going all the way down to where
 20 I believe there's a retail user on the first
 21 phase of Gables Residential, Epicure Market,
 22 that's going in, that's going to also wind up
 23 impacting retail users coming on there.

24 So I think that we need to step back a
 25 minute and not impose these conditions, and I

1 don't know how, logistically, you do that, as
 2 opposed to saying that there may be a condition
 3 or a cost contribution imposed at some point in
 4 time, but I think that it has to be studied,
 5 because otherwise we're going to be putting --
 6 I think, as one speaker put it, you're going to
 7 be putting a median or a raised barrier in
 8 where you may have to wind up going back and
 9 tearing it out later.

10 CHAIRMAN AIZENSTAT: What happens if the
 11 Code requires that to be put there?

12 MR. SILVER: Well, the Code requires -- I
 13 believe what was mentioned is, the Code
 14 requires certain landscaping be put in, in a
 15 median, if a median is placed there, which begs
 16 the question, does the median need to be placed
 17 there? Because when you place medians in a --
 18 I'm currently working in the Business
 19 Improvement District in Coconut Grove. We're
 20 looking at maintaining as much off-street
 21 parking as possible. I'm the chairman of that
 22 committee. And what we've done is, in
 23 consultation with new urbanists, there was a --
 24 Plater-Zyberk is a consultant with us. We've
 25 done away with -- One of the things that was

1 proposed is medians, and we expressly did away
 2 with medians, because medians kill on-street
 3 parking. While they may be attractive, the
 4 question is, are they required, and what is the
 5 unintended consequence of that? We think that
 6 the unintended consequence of this here is a
 7 loss of on-street parking. If it were merely
 8 the loss of on-street parking, and you could
 9 say that there's a net gain somewhere, that
 10 doesn't really accomplish anything, if the net
 11 gain is four parking spaces, you know, all the
 12 way down by LeJeune and Blue or Grand, where it
 13 comes across. We need to come up with a plan,
 14 and I believe it needs to be done in
 15 conjunction with this developer, those property
 16 owners and Gables Station, to come up with
 17 something that's going to be more
 18 comprehensive.

19 Let's plan ahead so that we don't wind up
 20 having all these uses that conflict, because
 21 right now, this use conflicts. So we'd ask
 22 that the components of that, that affect the
 23 sidewalk, the medians and the roadway
 24 improvements, that those be deferred
 25 until whether it's your Staff or otherwise

1 comes up with a comprehensive plan that they
2 bring back to you. Thank you.

3 CHAIRMAN AIZENSTAT: Thank you.

4 MR. FLANAGAN: Can I ask, just before we
5 move on?

6 CHAIRMAN AIZENSTAT: Yeah, a fast one.

7 MR. FLANAGAN: Eric, how many parking
8 spaces are lost on the north side of Ponce, as
9 a result of Phase 2?

10 MR. RIEL: There's a chart in the Staff
11 Report. Let me just look at it. If you look
12 on Page 6, you'll see -- Your question was on
13 the north side?

14 MR. FLANAGAN: Yeah, kind of the -- I call
15 it north, but -- the northwest side of Ponce.
16 How many are lost as a result of Phase 2?

17 MR. GRABIEL: It's like three spaces.

18 MR. FLANAGAN: Is that on Page 6?

19 MR. RIEL: Mario, do you remember the
20 number?

21 MR. GARCIA-SERRA: We have a drawing.

22 MR. FLANAGAN: Is it three additional
23 spaces?

24 MR. RIEL: This is three -- I think it's
25 seven.

1 MR. RIEL: Phase 1, with the turn lane
2 improvements, I think there's three, which was
3 already approved.

4 MR. GARCIA-SERRA: I believe you're right.
5 I think with the improvements that have to
6 happen here, for this motion turn lane, we lose
7 these three, but again, that was part of --

8 MR. RIEL: And just as some history, when
9 Phase -- well, I don't want to call it Phase
10 1 -- when Gables Gateway came through, it went
11 to the Commission. The Commission actually, at
12 first reading or when they first considered it,
13 asked the applicant to go back and look at the
14 plan and provide some additional spaces, so
15 they did do that, and so it did go back two
16 times, with that proviso that they provide as
17 many as spaces on the street as possible, on
18 all -- on all streets.

19 CHAIRMAN AIZENSTAT: So, as a result of
20 Phase 2, just to be clear, there is no loss of
21 on-street parking?

22 MR. RIEL: Correct, on Ponce.

23 MR. LAGO: On Ponce.

24 MR. GARCIA-SERRA: No loss of on-street
25 parking on the north side of Ponce.

1 MR. GARCIA-SERRA: No, on the -- Well, the
2 question is --

3 MR. RIEL: On the entire side, the north
4 side.

5 MR. GARCIA-SERRA: I believe the question
6 is, how many are lost on Ponce in front of
7 Phase 2, correct?

8 MR. FLANAGAN: Right. You have three?

9 MR. GARCIA-SERRA: The plan that we have
10 here -- Here's the existing on-street parking
11 situation. Here is what's proposed after the
12 improvements that are being required on Phase 1
13 and Phase 2 will take place.

14 And in response to your question,
15 Mr. Flanagan, you can see up here, there are
16 one, two, three, four, five, six, seven spaces,
17 in front of Phase 2, and with the proposed --
18 one, two, three, four, five, six, seven --

19 MR. GRABIEL: Mr. Garcia-Serra, could you
20 move the board -- No, the ones in front of
21 the -- I can't see the thing.

22 MR. RIEL: There's no loss from Phase 2.

23 CHAIRMAN AIZENSTAT: So there is no loss --

24 MR. RIEL: No loss from Phase 2.

25 MR. GARCIA-SERRA: In front of Phase 2.

1 MR. RIEL: On Ponce, on Ponce.

2 MR. GARCIA-SERRA: There is a loss of some
3 spaces on Granello, and if I could just speak
4 to that point quickly, you know, as far as my
5 client is concerned, you know, the less cost
6 that we have to incur with landscape bulb-outs
7 and sort of different improvements and so
8 forth, the happier we would probably be. You
9 know, we had a neighborhood meeting, you know,
10 on this project, and we heard loud and clear
11 from our neighbors that what they want to do is
12 maintain on-street parking. As far as we're
13 concerned, we also want to maintain on-street
14 parking. We're sort of between a rock and a
15 hard place, in that City Code and policy sort
16 of dictates, okay, this number of landscape
17 bulb-outs, this amount of, you know, curb and
18 whatever else, and inevitably, you know,
19 there's only so much space out there. You're
20 going to lose on-street parking spaces.

21 I guess we could listen from other members
22 of the public and so forth, and yourselves.
23 Perhaps there's an idea that I have that maybe
24 can address the situation, but let's, I guess,
25 let the public hearing continue.

1 CHAIRMAN AIZENSTAT: Thank you.
 2 MS. MENENDEZ: John Forbes?
 3 MR. FORBES: Good evening. I'm at 4565
 4 Ponce.
 5 CHAIRMAN AIZENSTAT: State your name,
 6 please.
 7 MR. FORBES: John Forbes. The owner is
 8 Merrick Park Associates. Been there since '99.
 9 In 2005, as you all probably are aware,
 10 there was a mixed-use overlay approved for
 11 quite a large -- quite a large area, most of
 12 the blocks around this, and I guess, as I sit
 13 here and reflect on the views tonight, for us
 14 who work and own property here and pay taxes
 15 here, it's more than just this particular
 16 project. I think the litmus test for this
 17 project and any project in the area that was
 18 approved in '05 is that it meet the intent
 19 that's clearly stated back in '05, the intent
 20 that we consented to, the mixed-use village,
 21 the development from developers that was going
 22 to encourage and foster future development. It
 23 was going to mimic Merrick Park -- you know,
 24 the area by Gables High School, the area in
 25 front of Merrick Park, the area on Ponce, and

1 properties within the district will be
 2 developed through a unified design, providing
 3 continuity among the various elements, causing
 4 a better environment. To me, that means the
 5 streetscape on the block, where we're two
 6 stories and we're looking out our windows at a
 7 ten-story development. No one is going to buy
 8 us out and build ten stories. That day is
 9 gone. We're surrounded.
 10 It further goes to say, in Item 2: Provide
 11 for residential uses at higher densities in
 12 exchange for public realm improvements. Public
 13 realm improvements. And if the streetscape and
 14 sidewalks and all those things are not public
 15 realm improvements, I'd like if somebody here
 16 tonight could tell me what is.
 17 As far as parking, Scott covered that
 18 pretty well. We're short of parking. We've
 19 been short of parking. I'm an architect in a
 20 recession. We've had 23 passes at one time in
 21 my little building of 8,000 square feet. We
 22 have seven now. I can't buy one tomorrow. If
 23 I want to hire somebody, a kid, intern, I can't
 24 do it. That first lot is now all passes for
 25 Doctors Hospital, believe it or not. We've got

1 as I stand before you tonight, I almost feel
 2 like the guys who gave away Long Island, you
 3 know, for pennies on the dollar, or maybe
 4 Custer's Last Stand.
 5 I think the unique thing about this project
 6 tonight, at least as it's dawned on us, is that
 7 it clearly surrounds us seven property owners.
 8 Our air rights are pretty much gone. No one is
 9 going to build up and look into the back of
 10 somebody else's project. We're about to be
 11 left with a streetscape that's very irregular,
 12 broken curbs, trees too big, nothing grows,
 13 sidewalks that have been ground by the City,
 14 tripping hazards. I mean, it's deplorable.
 15 It's deplorable in other parts of Miami and
 16 it's certainly deplorable in Coral Gables. You
 17 know, it's just not consistent.
 18 So, for me, I've got several issues. One,
 19 a very easy one, is the streetscape. These are
 20 the documents. Greenberg Traurig, I think, is
 21 still their counsel. It clearly says in there
 22 that they are going to fix, improve the area.
 23 It's going to be a village. Your own Zoning
 24 District Article 4 says -- Number 4, under
 25 Mixed Use District says that it requires that

1 two or three other buildings that are empty,
 2 that are law firms, that are also, you know,
 3 real estate related, that are empty, a couple
 4 others that are kind of on the -- may be
 5 retiring. They're empty. You can't buy
 6 parking. Epicure is going to eat up that first
 7 lot. I've heard rumors that it's going to be a
 8 metered lot, which will kill us. The DMV's
 9 spot is empty. If that becomes a small
 10 restaurant or something, it's going to kill us
 11 again, and the only thing we've gotten out of
 12 any of this, really, is quadruple taxes since
 13 1999. Quadruple. For me personally, I don't
 14 mind telling you, it went from eight to
 15 forty-three thousand since 1998.
 16 As far as street changes, you know, we want
 17 our on-street parking. We don't necessarily
 18 want to lose any, you know. It's a good
 19 urbanist gesture, I think anybody knows that,
 20 I'm sure you'll agree.
 21 And I think, lastly, the access to Gables
 22 Station. I can't say I'm a hundred percent
 23 against it, but until I see something that
 24 makes sense and that I like and that I know how
 25 many cars are going back and it doesn't cripple

1 us, you know, I'm not for it. I think it's
 2 going to shut us down. We're just about shut
 3 down now. I mean, all you've got to do is
 4 look. All you've got to do is look at this and
 5 imagine us in the front of it. I mean, I see
 6 some of you guys are architects. I mean, all
 7 you've got to do is look, and for that, I
 8 guess, is my piece, but I go back again, it's
 9 very clear if you read -- Has anybody read this
 10 stuff, the mixed-use overlay? I know you're
 11 here for Gables Station, too, and I do like
 12 Gables Residential, they're a very good
 13 developer, but the City is the one who really
 14 should be driving this, and make it a true
 15 village. And that goes for Gables Station,
 16 too. I know, you know, the big box thing is
 17 not necessarily, you know, my idea of new
 18 urbanist development, but you ought to be able
 19 to hold this, and hold their feet to the fire.
 20 This is not what this says. And for that, I
 21 thank you for your time.

22 CHAIRMAN AIZENSTAT: Thank you.
 23 MS. MENENDEZ: John Knowles?
 24 MR. KNOWLES: Good evening, gentlemen. My
 25 name is John Knowles, and I'm the owner of the

1 properties 4545 and 4547 Ponce de Leon
 2 Boulevard. I'm also a resident in Coral
 3 Gables, with a home on Alhambra Circle, and
 4 love living in the City Beautiful, and that
 5 word, the City Beautiful, comes to mind when I
 6 think of what's happening to our neighborhood.
 7 We've been on this block of Ponce for 32
 8 years, paying the exceptional taxes, which I've
 9 always been willing to pay, because it's the
 10 City Beautiful. But when I look at what's
 11 happening around us now, between Phase 1, a
 12 ten-story building -- I happen to be
 13 single-story, two single-story buildings -- and
 14 now Phase 2, the Gables Station, the Berkowitz
 15 project that's coming in across the street, and
 16 we had a meeting just yesterday or the day
 17 before with them. I know that things are
 18 preliminary with that right now. But when we
 19 look around, I think I'm going to walk outside
 20 of my building two years from now, and I'm
 21 going to be like an ant standing in the middle
 22 of a canyon, with these monoliths all on each
 23 side of me, you know, with, you know, the
 24 residents with a beautiful view of my little
 25 tar roof on my single-story building; I think

1 they're going to love that, too, but -- and
 2 with the Berkowitz project, I think there are
 3 several factors that the City needs to help
 4 lead guidance in, and some of those have been
 5 gone over already, which is parking. It's
 6 always been a major problem for us. It was a
 7 blessing to us, parking-wise, when the DMV
 8 closed down that facility there, because the
 9 only time we ever had any parking was Monday,
 10 when they were closed, and at least when they
 11 closed down, it eased up the parking situation.

12 Like John just said, we have also downsized
 13 our employees some right now, so we're getting
 14 by right now, but hopefully, if the economy
 15 improves, if we have to hire more employees,
 16 there's no way for them to park.

17 Now, I know they talk about parking to
 18 house their residents, their all 400 or 370
 19 residents, whatever it is, and that's fine, but
 20 are they taking into effect -- and maybe they
 21 are and I don't know it -- the impact of an
 22 Epicure Market? I mean, this is probably going
 23 to be a major pull for pedestrian traffic, and
 24 they have to park somewhere, in addition to
 25 whatever other retail is going to be in there,

1 and I don't know what retail, if any, is going
 2 to be in Phase 2. As a matter of fact, I
 3 didn't even know there was going to be a Phase
 4 2 until about 30 days ago, was the first time I
 5 even heard about it. I'd heard rumors floating
 6 around that something was going to be built,
 7 but I didn't know until about 30 days ago that
 8 this project was as far along as it is. So
 9 parking is a major concern to all of us, the
 10 seven owners of these smaller one and two-story
 11 buildings in between there.

12 I think we need to look at -- like the DMV
 13 property, I don't know what's going to happen
 14 with that. I understand it's up for lease
 15 right now, or for sale, I don't know, but that
 16 may have impact on our parking, also.

17 On to number two that I think we need help
 18 with, is traffic. You know, I know they have
 19 done traffic studies. I'm not an architect and
 20 engineer, I'm a printer, and so I don't know,
 21 you know, about traffic studies and
 22 architecture and codes and things like that. I
 23 know, when I'm coming to work in the morning
 24 from my house on Alhambra, and I come down Blue
 25 Road, at 8:30 in the morning, if you're heading

1 northbound on Ponce, traffic is backed up to
 2 Riviera Drive, from LeJeune Road to Riviera
 3 Drive, at that traffic light, which is that
 4 very strange intersection that, you know, if
 5 you get in the wrong lane, you get a ticket,
 6 because it disappears all of a sudden. And
 7 so I'm very concerned about the consequences of
 8 these projects and the retail components of
 9 them and how they're going to affect the
 10 traffic flow in our area, and a lot of that is
 11 going to extend also to the Berkowitz project,
 12 which of course is not finalized yet, and I
 13 know that's, you know, something that we're not
 14 here to discuss tonight, but I mean, that's a
 15 major piece of property there, and they're
 16 talking about putting access out onto Ponce off
 17 of that project, in addition to the 369 units
 18 that they're going to have, with maybe -- you
 19 know, I don't know, 500, 700 people might be
 20 living in there. I don't know how many
 21 individuals are going to be living in there,
 22 and they're going to have their cars, and are
 23 they going to go out and exit onto LeJeune
 24 Road? No. They're going to use Ponce as their
 25 major access way, in and out of that property,

1 I believe, is my opinion. You know, nobody is
 2 going to go out onto U.S. 1 when they can use
 3 Ponce, a back road, you know, or something like
 4 that, and Ponce was never designed to carry
 5 that type of traffic, I don't believe. It's
 6 having trouble right now. The day care center,
 7 as was discussed, early in the morning, traffic
 8 is horrendous. Late in the afternoon, people
 9 getting off from work, everybody is using Ponce
 10 as an access way to their homes in the Gables
 11 or anything to avoid U.S. 1 and the traffic
 12 there. So I think traffic is a major
 13 consideration.
 14 John Forbes, I think, did a good job of
 15 describing the other thing that I wanted to
 16 speak to, which is the streetscape, and also,
 17 one of you gentlemen already brought up, you
 18 know, is there any greenery? You know, this --
 19 Again, when we agreed to the overlay district,
 20 this was all envisioned as like a Village of
 21 Merrick Park. Well, if you look at these
 22 renderings of these two giant buildings, which
 23 are beautiful in themselves, but there's --
 24 other than a few trees and things, there's no
 25 greenness there. There's no greenery in there.

1 That's not a park. It's a -- it's two giant
 2 monoliths of concrete, from the way I look at
 3 it, as pretty as it is, but it certainly
 4 doesn't seem that if they cut off their
 5 streetscape with their buildings, then on each
 6 side you have these seven little business
 7 owners in between, with different sidewalks,
 8 different landscaping, the black olive trees
 9 that the City generously gave us and that have
 10 roots that have broken up all the sidewalks up
 11 and down the street there, it seems to me like
 12 a no-brainer that they should be required, and
 13 I believe the Planning Director said, if I
 14 understood him correctly, that the Code even
 15 says that they have to redo those sidewalks out
 16 there, but I think it should include the entire
 17 front of Ponce de Leon, you know, including the
 18 buildings -- the smaller buildings, and it's
 19 going to look really silly, I think, if you
 20 have, you know, all this new landscaping for
 21 their projects, and the old owners, all of us
 22 that have been there, paying taxes, for 32
 23 years, are stuck with the black olive trees and
 24 broken sidewalks that then when you go replace
 25 sidewalks, you come and charge us for, by the

1 way.
 2 So those are my concerns, and I just wanted
 3 to share them with you. I know you guys are
 4 always looking out for the best interests of
 5 Coral Gables. That's what you get the big
 6 bucks for and -- I understand. Tongue in
 7 cheek. But those are our views. Like I said,
 8 it seems like -- I know the City is giving a
 9 lot of consideration to these two projects, and
 10 they are major developments, I understand that.
 11 I'm not against development, but I think it
 12 needs to be, as John was saying, John Forbes,
 13 that it needs to be congruous and aesthetically
 14 pleasing to the City. I mean, nowhere in the
 15 City -- you know, we have very strict zoning
 16 rules. I've heard so many people complain
 17 about them and I always stick up for them. I
 18 say, "You know what? Drive through the City of
 19 Coral Gables, and you'll see why we have strict
 20 zoning rules and requirements and things like
 21 that, because it is the City Beautiful," and I
 22 just want to make sure that our interests,
 23 these seven owners of the properties in between
 24 these two, the Phase 1 and Phase 2, are taken
 25 into consideration by the City and protected,

1 and that the City itself maintains the beauty
 2 and the congruity that, you know, we think
 3 would be appropriate for a property like ours,
 4 and that stretch of Ponce de Leon Boulevard.
 5 Eventually, probably, one day, Village of
 6 Merrick Park is going to run all the way down
 7 Ponce to LeJeune Road, with all retail space.
 8 I don't know. I have no idea what's going to
 9 happen. Nobody has ever approached me about,
 10 you know, buying my property, any developer or
 11 anything like that. I never heard a word from
 12 anybody. So we're happily going along with our
 13 business, as the property owners. But if we're
 14 going to be there, we do have major concerns.
 15 I don't think we should be hurt. Already, I
 16 think, our property rights are probably being
 17 hurt. As John said, our air rights going away.
 18 Parking and traffic is going to become a
 19 nightmare. Even if you put a retail facility
 20 in there or you want to hire employees, where
 21 are they going to park? We have some very
 22 serious problems there that can affect the
 23 values of our properties that we've been paying
 24 taxes on for 32 years.
 25 That's all I have to say. Any questions?

1 we go like this. You know, there's like this
 2 huge thing, which is okay, but it's going to be
 3 like that all around, which is really weird,
 4 but at least if we can conduct business and
 5 have parking and have things attractive, you
 6 know, that's what we're looking for, and I
 7 don't want to just take a lot of time. I think
 8 it's been covered, but I think it's a real
 9 concern for us, and we hope you deal with it.
 10 Thank you.
 11 CHAIRMAN AIZENSTAT: Thank you.
 12 No other speakers?
 13 MS. MENENDEZ: No, no other speakers.
 14 CHAIRMAN AIZENSTAT: Closing remarks?
 15 MR. GARCIA-SERRA: Sure, just a couple
 16 minor points. I think an important thing to
 17 point out is that this is not the Gables
 18 Station project. You know, this is Phase 2 of
 19 the Gables Ponce project, as was indicated in
 20 the graphic. I think the biggest concern of
 21 the neighbors is the loss of on-street parking,
 22 on Ponce, in particular, and there is no loss
 23 of on-street parking on Ponce as a result of
 24 the Phase 2 project.
 25 But there was also some concerns sort of

1 I know I'm not -- I nothing about codes or
 2 design or anything like that, just a friendly
 3 taxpayer that wanted to share his views.
 4 CHAIRMAN AIZENSTAT: Thank you.
 5 MR. KNOWLES: Thank you.
 6 MS. MENENDEZ: Anne Knowles.
 7 MRS. KNOWLES: I'm the friendly taxpayer's
 8 wife. So, you know, just basically, I signed
 9 up to speak in case anybody left anything out,
 10 and I think it's basically been covered, other
 11 than that we have been there for 32 years,
 12 we've paid our taxes, we love the City of Coral
 13 Gables, but it doesn't seem like this is -- you
 14 know, the way it's playing out doesn't seem
 15 right for us, and we know our neighbors all up
 16 and down the street and they -- I mean, you
 17 know, I just look at -- like you talked about,
 18 the day school and how that would be hurt. The
 19 two vets that we have on that street, I mean,
 20 there's sick animals or whatever. You know,
 21 you can't, you know, take them like from a
 22 block away or not have spaces for them. So,
 23 you know, I mean, we go outside now -- We have
 24 six parking spaces behind our two buildings
 25 right now. We go out there now and, you know,

1 expressed about height and so forth. Keep in
 2 mind that the zoning in this area has always
 3 permitted ten stories in height. The only
 4 thing that the mixed-use district permitted was
 5 to put a residential component in there, which
 6 is consistent always with the goals and plans
 7 of the Comprehensive Plan.
 8 You know, it's not to say that we're not
 9 willing to help out our neighbors. Like I
 10 stated on the record before, we're willing to
 11 proffer a certain number of live oak trees to
 12 replace those black olives, which you heard are
 13 not welcome, sort of because of how they stain
 14 and disrupt the sidewalk and so forth, but we
 15 just think it should be proportional. We're
 16 already doing a lot on our site, as it stands
 17 right now.
 18 And those are pretty much all the points of
 19 rebuttal I think we needed to make. Thanks.
 20 CHAIRMAN AIZENSTAT: So you're not asking
 21 for any other rights than what's -- than what
 22 you could do as of right?
 23 MR. GARCIA-SERRA: Exactly. The only thing
 24 that we're requesting right now is site plan
 25 approval, which is required as part of the

1 mixed-use district, but we're not going any
2 higher in height than an office building could
3 in this area, or some sort of other industrial
4 building, nor are we going any larger in floor
5 area or anything else. This is completely
6 within the bounds of what's permitted as of
7 right.

8 CHAIRMAN AIZENSTAT: And the mixed-use
9 district just allows you to have a residential
10 component?

11 MR. GARCIA-SERRA: Correct.

12 CHAIRMAN AIZENSTAT: That's the only
13 difference?

14 MR. GARCIA-SERRA: Yeah, and as part of
15 that, to encourage good design and make sure
16 that things are being complied with, they
17 require this sort of public hearing site plan
18 approval process, which is what we're going
19 through right now.

20 CHAIRMAN AIZENSTAT: Thank you.

21 MR. FLANAGAN: Mr. Garcia-Serra, I wasn't
22 on this Board when Phase 1 was approved, so I
23 was trying to look at these plans to see where
24 the garage access is.

25 MR. GARCIA-SERRA: Okay.

1 MR. FLANAGAN: So it looks like, on Phase
2 2, the vehicular access for residents and
3 tenants is all off of Granello?

4 MR. GARCIA-SERRA: Correct. All the access
5 for both Phase 1 and Phase 2 is off Granello.
6 Let me get one of these plans to show you.

7 MR. SALMAN: And the alley.

8 MR. FLANAGAN: Through the alley.

9 MR. SALMAN: Through the alley.

10 MR. GARCIA-SERRA: Okay, as you can see
11 here, entrances to parking garage and so forth,
12 here, off of Granello. And the same thing,
13 where the residents of Phase 2 will be parking
14 in Phase 1. Here's some parking area for the
15 offices, which would be accessible off of the
16 alley, through here, and here's another ramp
17 into the parking garage.

18 Onto Ponce de Leon Boulevard, the only
19 access, ingress and egress, is this sort of
20 cut-through here, which permits circulation
21 from Granello to Ponce, but again, that turns
22 into the parking garage.

23 MR. FLANAGAN: But that access way from
24 Granello to Ponce, that's an open access way?

25 MR. GARCIA-SERRA: Correct.

1 MR. FLANAGAN: So anybody could -- Let me
2 just see if I can --

3 MR. GARCIA-SERRA: Oh, there was Phase 1
4 approval required to provide this sort of
5 cut-through here.

6 MR. FLANAGAN: I remember that.

7 MR. GARCIA-SERRA: It was encouraged by the
8 City for traffic circulation purposes.

9 MR. FLANAGAN: Right, because I didn't
10 realize that was there, and I was going to ask,
11 you know, how is somebody going to do a left
12 turn movement at Granello and LeJeune. I think
13 it's open, but with these number of vehicles --

14 MR. GARCIA-SERRA: Right up here?

15 MR. FLANAGAN: Right there, yeah.

16 MR. GARCIA-SERRA: Well, yes, as part of
17 the improvements that we're doing as Phase 1,
18 we're putting a left-hand turn lane onto
19 Granello. So right now, there's only one lane
20 going straight; there would now be one lane,
21 you either go straight or make a right, and
22 then this dedicated lane.

23 MR. FLANAGAN: And that won't be
24 signalized, will it?

25 MR. GARCIA-SERRA: No.

1 MR. FLANAGAN: Yeah. That's going to be a
2 problem.

3 MR. LAGO: That's going to be an issue.

4 CHAIRMAN AIZENSTAT: That's going to be a
5 big problem, to not have that signal.

6 MR. FLANAGAN: I mean, so I like the
7 pass-through. I -- again, I think the added
8 impacts of Phase 2 are relatively de minimis.
9 You're complying with the Code. I appreciate
10 that. The Code is the Code.

11 Watching Phase 1 go up, I will say I think
12 it's -- it's a bit much. It's pretty
13 impressive as you're walking down the street,
14 and not necessarily impressive in a positive
15 way. I agree with -- It's very imposing. But
16 it is what it is. It was approved. It
17 complies with the Code. Phase 2 complies with
18 the Code. So I don't have a whole lot to say
19 about it. I guess I just get concerned about
20 where all the traffic is going to go, if
21 everything is dumping onto Granello, because on
22 Granello -- Granello, you end up on Greco.
23 Greco, you have to go east to the roundabout by
24 Merrick, correct?

25 MR. GARCIA-SERRA: Here's the intersection

1 on Granello, which we are reconfiguring, also,
2 because (inaudible).

3 MR. FLANAGAN: You're reconfiguring that?

4 MR. GARCIA-SERRA: Yes, we're reconfiguring
5 it and putting in median, landscape and so
6 forth, so that it's --

7 MR. SALMAN: Which is normal, that street
8 (inaudible).

9 MR. GARCIA-SERRA: -- the intersection that
10 it feeds into will probably be a little bit
11 better. And that was also part of our original
12 Phase 1 requirement for approval.

13 We have our traffic engineer here, also,
14 who can probably speak to it more, but there
15 was an analysis done, the traffic generated by
16 the second phase, and it was fairly de minimis,
17 as far as the traffic that it would produce,
18 and again, you know, all these improvements
19 that you see here, the new turn lanes and so
20 forth, were all sort of a product of our
21 traffic study along with City review.

22 MR. FLANAGAN: How many additional trips
23 are generated by Phase 2?

24 MR. GARCIA: Hi. Good evening. Richard
25 Garcia, 13117 Northwest 107th Avenue.

1 Phase 2 would have approximately 54 trips
2 a.m., 58 in the p.m. Those are gross trip
3 generation numbers.

4 Typically, this type of project, mixed-use,
5 you can consider you're going to have some
6 internalization. We didn't discount any
7 internalization. You can consider you're going
8 to have some pedestrian traffic. You're going
9 to have some transit traffic. We didn't take
10 any discounts, because it was so de minimis.
11 And then our traffic study really analyzed all
12 the trips, you know, because it was so small.
13 We did meet all the level of service standards,
14 and like Mario mentioned then, the left-turn
15 lane that was asked to be included. It really
16 wasn't necessary, because we had adequate level
17 of service, but we added it in there. Since
18 the level of service was adequate, it really
19 didn't improve much, but it does separate out
20 the traffic, so if you have, you know, one or
21 two cars that want to make a left, the right
22 turners --

23 MR. SALMAN: (Inaudible).

24 MR. GARCIA: Exactly. The right turners
25 can just pass right by them and not have to

1 wait.

2 MR. FLANAGAN: Right.

3 CHAIRMAN AIZENSTAT: Is there a reason that
4 they didn't do a signalized light at the
5 intersection onto LeJeune?

6 MR. GARCIA: Yeah --

7 MR. SALMAN: DOT won't --

8 MR. GARCIA: That's a -- It's a DOT road,
9 and then Dade County would have to approve the
10 signal. It wouldn't be warranted. You'd
11 basically have to have volume there for at
12 least eight hours, continuous. You may -- Even
13 the peak hour numbers wouldn't meet it, for the
14 one peak hour in the a.m. and the one in the
15 p.m.

16 The other issue you would have is the
17 spacing. You already have close signals, you
18 know, with the U.S. 1 and then Ponce, and so
19 the spacing then would also -- by the DOT,
20 should not, but there's no warranting for --
21 The volumes just won't be there.

22 MR. LAGO: When you say spacing, you mean
23 in regards to the backing up of traffic?

24 MR. GARCIA: Signal spacing --

25 MR. LAGO: Yeah.

1 MR. GARCIA: -- they usually want the
2 traffic signals a quarter mile -- a minimum of
3 a quarter mile apart so they can have good
4 progression of traffic.

5 MR. LAGO: For the flow.

6 MR. GARCIA: For the flow, exactly. So
7 once you get them so close -- as you can tell,
8 you know, as you travel through this corridor,
9 when you hit Ponce, you know, you're going to
10 stop there, and then when you hit U.S. 1,
11 you're going to stop again, regardless if
12 you're going south or north, you know, and it's
13 because of signal spacing.

14 CHAIRMAN AIZENSTAT: Is there, within your
15 project, as far as your parking spaces --
16 because you've got a commercial component -- Do
17 you have any abundance of parking?

18 MR. GARCIA-SERRA: Well, there's a total of
19 916 parking spaces, if I remember correctly.

20 CHAIRMAN AIZENSTAT: Right.

21 MR. GARCIA-SERRA: And what's required is
22 911, if my memory serves me right. So there is
23 an ex-- well, there's a large amount of
24 parking, to begin with, you know, we almost
25 have a thousand parking spaces, and as far as

1 in excess of requirements, we probably have
 2 five or six additional parking spaces.
 3 CHAIRMAN AIZENSTAT: Have you ever looked
 4 at trying to give the people that work in that
 5 area, in those smaller buildings, maybe some
 6 kind of use of those spaces for employees or so
 7 forth?
 8 MR. GARCIA-SERRA: Well, you know, those
 9 parking spaces are sort of per Code
 10 requirements.
 11 CHAIRMAN AIZENSTAT: Right.
 12 MR. GARCIA-SERRA: I don't think we could
 13 assign them, necessarily, to another off-site
 14 location. If they happen, you know, to drive
 15 in there and use that parking space, you know,
 16 they probably could. You know, there isn't any
 17 sort of --
 18 MR. SALMAN: You've got retail there.
 19 MR. GARCIA-SERRA: Sure.
 20 MR. SALMAN: A good bit of it.
 21 MR. GARCIA-SERRA: Yeah.
 22 MR. SALMAN: So you've got parking for
 23 retail there.
 24 MR. GARCIA-SERRA: Sure.
 25 MR. SALMAN: And as such, part of the

1 residents' concern is that the retail uses are
 2 going to impose an extra load on this on-street
 3 parking, and therefore foreclose them from use
 4 of that retail -- of those spaces along the
 5 street, because of the retail impacts in the
 6 area.
 7 There's really no way to segregate, okay,
 8 the retail users from -- retail patrons of
 9 their businesses and the retail patrons to your
 10 businesses. I think that what Eibi is saying
 11 is that if there was a way to become a good
 12 neighbor and work out a situation with either a
 13 very low tariff rate for them to use that
 14 spaces for their internal use, that would
 15 probably be a good thing to do.
 16 MR. GARCIA-SERRA: Sure. You know, it's --
 17 There's a practical question of, you can't
 18 force our retail shoppers to park in the
 19 garage.
 20 MR. SALMAN: No, no.
 21 MR. GARCIA-SERRA: (Inaudible).
 22 MR. SALMAN: You can't force the public to
 23 do anything.
 24 MR. GARCIA-SERRA: You know, if there's any
 25 ability, within the bounds of the Code and so

1 forth, to, you know, have the neighbors'
 2 customers --
 3 MR. SALMAN: Will you be charging your
 4 retail customers' parking?
 5 MR. GARCIA-SERRA: Yes.
 6 MR. SALMAN: Uh-huh. Well, that's what I
 7 was saying. Then perhaps they would have a
 8 discounted rate.
 9 MR. GARCIA-SERRA: Sure. That's something
 10 we could --
 11 MR. SALMAN: So that their customers could
 12 use it at a slight discount rate.
 13 MR. GARCIA-SERRA: Again, it doesn't
 14 address the on-street parking, which I think is
 15 the biggest concern, but --
 16 MR. SALMAN: We can't control that. We
 17 realize that.
 18 MR. GARCIA-SERRA: Yeah.
 19 MR. SALMAN: But at the same time, we have
 20 to understand that these people who -- Here's
 21 where the problem with Phase 2 is, okay? Phase
 22 1 -- Let's back up. Back up, back up, back up.
 23 We approved an overlay district for the purpose
 24 of encouraging mixed-use development, that
 25 being residential, commercial and pedestrian-

1 friendly development of a much higher density
 2 than what was allowed by right under the
 3 underlying zoning. That required the creation
 4 of an enticement, as well as a responsibility.
 5 The enticement was a greater density, and the
 6 responsibility was to build the
 7 infrastructure -- that means the streets, the
 8 streetscapes -- to a level whereby that density
 9 could then co-exist.
 10 No scenario was developed for the
 11 transition. What we're dealing with is the
 12 transition. When the first phase was approved,
 13 "Yay, we've got a project, we're going to go --
 14 We're going to actually implement this and
 15 we're going to start seeing this." That was
 16 fine. They still had their low level
 17 development that connected them to the rest of
 18 what was the traditional Ponce Business
 19 District. It used to be Architect Row. I
 20 mean, they had one architect after another. I
 21 mean, besides John, there was Charles Harrison
 22 Pawley. There was -- you know, we can back in
 23 history, because I remember all of them there.
 24 Again, not a great demand, even in the
 25 highest market, for parking for an architect's

1 office. But the reality is also, there was
2 retail in between, and they all sort of
3 co-existed.

4 When Phase 2 comes in, all of a sudden,
5 they are surrounded, with higher density on
6 either side, and their fear is that their
7 little bit of frontage is now going to be
8 impacted by these large developments around it,
9 and they're operating at a much tighter margin
10 than you are, with regards to density and land
11 development, and yet are responsible for a
12 great burden of taxes, because of the increased
13 opportunity, and until they sell and realize
14 that opportunity, they have to live there.

15 What I'm going to suggest to you is that
16 you look at developing some sort of a
17 reasonable tariff that their patrons -- and
18 come up with an agreement with your neighbors
19 to work that out, to make them better. If I
20 were the neighbors, I would take the oaks,
21 because the black olives are unsightly. But at
22 the same time, this has to be part of a
23 comprehensive streetscape development of that
24 street. To do it in hodgepodge, I think, is
25 going to be worse than doing nothing at all.

1 Obviously, the other side of the street
2 will have to contribute, just as they would
3 have to contribute, because the way it works
4 is, if you have frontage on that street, you
5 get to contribute. Now, the formula that tends
6 to be worked out is by percentage of
7 development that you have, as well as a formula
8 with frontage, so that it makes it fair.

9 But my concern is that if we develop this
10 street without a global view of the street,
11 then we're not going to be happy, they're not
12 going to be happy, and we won't realize the
13 underlying goals of that overlay district.

14 I would proffer that I am with you. Let's
15 take a bond and hold it until such time as we
16 have the other side committed for some time
17 certain -- I think that ten years is probably
18 fine -- and then we deal with it at that time.

19 MR. GARCIA-SERRA: And I think you would
20 also agree, in terms of what the particular
21 improvements would be, we also have to wait and
22 see how the other side of the street is
23 developing, because --

24 MR. SALMAN: Correct.

25 MR. GARCIA-SERRA: -- aside from the

1 question of, you know, who does what, is what's
2 going to be done, and right now, what we feel
3 is --

4 MR. SALMAN: And we would get a better
5 project, you know, long run, once we have them
6 contributing, as well, for everybody's use,
7 rather than just your little frontage piece,
8 because you already paid your development costs
9 of that, and whatever was left over, you're
10 paying for it now on the second, and your
11 actual frontage is very little, so your actual
12 obligation for contribution is much reduced.
13 You're carrying the Phase 1 improvements, okay?
14 You put off the Phase 2 to Phase 1 and we said,
15 "Okay, fine." Now Phase 2 comes along, and
16 what I'm saying is that the Phase 2, at least
17 on the Ponce side, you may want to just hold
18 until we can get a better idea of what's being
19 developed on Ponce.

20 MR. GARCIA-SERRA: I would agree with you.

21 MR. SALMAN: That's just my opinion.

22 CHAIRMAN AIZENSTAT: For ten years, though?

23 MR. SALMAN: I don't know. I'm just
24 saying, a time certain, because we don't know
25 when the market is going to come back. It

1 could take ten years.

2 CHAIRMAN AIZENSTAT: Julio?

3 MR. GRABIEL: Well, I think it's
4 important -- I mean, I think there's a
5 partnership here that has to come together, and
6 I don't know how that is done, this
7 development, the City and the development
8 that's outside of Ponce, because it is an
9 opportunity for doing something urbanistically
10 that is correct, where there are sidewalks for
11 pedestrians, not for cars, where there's
12 parking for the users, but that something that
13 is coordinated. Now, how does that happen?
14 I'm not sure. But I think we have -- you know,
15 somehow all three members of this triumvirate
16 has to come together to develop a plan that
17 will work.

18 MR. SALMAN: And my idea is that, you know,
19 holding the money in a bond for a certain
20 period of time would allow for the other people
21 to come for their application permit, and at
22 that point, we can take that money, the City
23 could then act as the developing agency for
24 developing that public right-of-way, and some
25 sort of assessment would have to be made. Now,

1 at that point, you have the majority of the
 2 property owners there and you can just do it.
 3 MR. GRABIEL: I think what's happening here
 4 is what was intended when Metrorail was placed,
 5 and the station --
 6 MR. SALMAN: When the station was built.
 7 MR. GRABIEL: -- was put in there, which is
 8 to bring higher density where the stations are,
 9 to allow for people to use it and to reduce the
 10 use of cars. So it's a model. It could be a
 11 model block for the City of Coral Gables, but
 12 somehow you need to get together all the parts,
 13 and I -- I agree with what you're saying, that
 14 we need to somehow force that issue.
 15 MR. SALMAN: And I have to agree with your
 16 position, to force that frontage back. If
 17 you're going to build an arcade, build an
 18 arcade. Don't build a piece of one.
 19 MR. GRABIEL: Which brings me to an idea
 20 which might be crazy, but I want to put it out,
 21 and I don't know where it can go.
 22 Granello, I hear that the residents and the
 23 owners would like to keep as much parking on
 24 the street. I think I heard the developer
 25 saying that it would prefer to keep parking on

1 the street.
 2 MR. GARCIA-SERRA: Yes.
 3 MR. GRABIEL: Okay. Right now, I see
 4 parking -- There's a series of layers on
 5 Granello. First, there's parking with some
 6 trees which are interspersed, not necessarily
 7 in a very orderly way, there is the sidewalk,
 8 and there is an arcade. I have problems with
 9 arcades in Coral Gables, because what's
 10 happening, in the most part, is that we have an
 11 arcade that's sitting next to the sidewalk,
 12 which means that most people will walk on the
 13 sidewalk and nobody walks on the arcades. So
 14 the businesses that are behind the arcade end
 15 up not having the pedestrian next to it, which
 16 is what we want, and so everybody walks on the
 17 sidewalk and nobody walks on the arcade, and I
 18 think one of the things that I've seen that I
 19 liked about this project is, at least we
 20 eliminated the little planters that we were
 21 putting between the sidewalk and the arcades in
 22 most of Downtown Coral Gables, so at least
 23 there is a flow of pedestrians.
 24 Is it possible at all to allow the parking
 25 to remain where it is on Granello, and then

1 where the sidewalk is, we put landscaping,
 2 trees, and then let all the pedestrians walk on
 3 the arcade, which is the intention of the
 4 arcade, so people walk in the shade. So we end
 5 up with all winners. We end up with parking on
 6 the street, we end up with a lot of trees along
 7 that edge, and we get the people to walk on the
 8 arcade, which is what the intention of the
 9 arcade is, and the businesses and the
 10 commercial areas which are there will have the
 11 pedestrian walking next to each other.
 12 CHAIRMAN AIZENSTAT: What happens to the
 13 properties towards the end that are
 14 undeveloped?
 15 MR. GRABIEL: Eventually, hopefully, they
 16 will tie into that arcade and into the
 17 landscaping, but --
 18 CHAIRMAN AIZENSTAT: But right now, the
 19 sidewalk would jetty out?
 20 MR. GRABIEL: Yeah. Then the people would
 21 walk on the arcade, and when you get to the
 22 end, they will go back to the sidewalk, so
 23 there's got to be a transition there at both
 24 ends to do it, but, you know, it's a
 25 win-win-win for everybody.

1 MR. GARCIA-SERRA: One thing that -- I
 2 don't know if you want input from me, but the
 3 one thing I would say is that -- and I can't
 4 say for sure, but I think the sidewalk is a
 5 Code requirement. I'm not positive, but I
 6 think there's actually, in the Code, a
 7 provision that says you have to provide
 8 sidewalk, even if you're providing arcade.
 9 MR. GRABIEL: I'm sure it's not as easy as
 10 I said --
 11 MR. GARCIA-SERRA: Yeah.
 12 MR. GRABIEL: -- but, you know, where there
 13 is goodwill among men, things can be done, and
 14 it is something that everybody -- It's a
 15 win-win-win for everybody.
 16 MR. SALMAN: A question to Eric. When we
 17 approved this overlay district, and I think I
 18 was here when we did, we did require sort of a
 19 formulaic spacing of trees along the sidewalk.
 20 So they're responding to the overlay district
 21 requirements, correct?
 22 MR. RIEL: Mr. Garcia-Serra was involved in
 23 the development of the district, as well, his
 24 firm, and yeah, I mean, it was a balance act,
 25 in terms of increasing the density, allowing

1 residential, which was not permitted, up to --
 2 you know, at that time, it was 125 units an
 3 acre. Now it's unlimited. It's a balancing
 4 act, in terms of providing landscaping. It is
 5 meant to be an urban area. It is -- What we
 6 did was provide incentives that provide for
 7 public realm improvements on the street, you
 8 know, benches, bike racks, landscaping, shrubs,
 9 and we got into a lot of detailed discussion in
 10 terms of what that street should look like,
 11 what should happen on that first floor, and if
 12 you recall, it was about a year and a half
 13 process. We actually --

14 MR. SALMAN: It was a gift for you to come
 15 out and let us all know again.

16 MR. RIEL: Well, also, when we did the
 17 Zoning Code rewrite, we went back and tweaked
 18 it. So we had an opportunity to look at it a
 19 second time, and we did make some changes. And
 20 we just recently made some changes, regarding,
 21 previously you couldn't put office; now we're
 22 allowed to do office. So, you know, it's been
 23 a constantly -- an improvement in the area, and
 24 it is a balancing act. It's difficult.

25 CHAIRMAN AIZENSTAT: Any other comments?

1 Eric, how do you feel about the bond issue
 2 for --

3 MR. RIEL: Well, I think that there's -- As
 4 I indicated earlier, there's provisions in the
 5 Code to allow that, in terms of providing a
 6 time frame, and that's sort of -- I think
 7 that's administration. That's something we
 8 would work with --

9 MR. SALMAN: Can the City just take a bond
 10 forever and then when they feel --

11 MR. RIEL: I'm not sure. I'm not sure. I
 12 don't know the answer to that.

13 MR. SALMAN: I'm asking. I don't know.

14 MR. RIEL: I don't know the answer to that.

15 CHAIRMAN AIZENSTAT: Other comments?

16 MR. GARCIA-SERRA: If I may, just in the
 17 hopes and in the attempt of trying to find some
 18 area of compromise, I find it interesting that
 19 both applicant and neighbors are in agreement
 20 in one thing, that the sort of streetscape
 21 improvements that are being required by
 22 Conditions 6 and 7 are not acceptable. The
 23 neighbors -- not acceptable to the neighbors,
 24 because of the loss -- potential loss of
 25 on-street parking that they might have, even

1 though this project itself doesn't result in
 2 any loss on Ponce, and objectionable to us,
 3 perhaps, because of the increased costs and
 4 whatever effect it might also have on the
 5 neighbors and being able to coordinate with the
 6 other projects that are happening, both on the
 7 other side of Ponce and on the other side of
 8 Granello, which is going to be Phase 3 for
 9 Gables Residential.

10 I don't know, perhaps, if it's appropriate
 11 to have a modification of the condition whereby
 12 any lost -- any improvement that results in a
 13 loss of on-street parking will be bonded at
 14 this time, until we come up with some sort of
 15 plan by which on-street parking could be
 16 maintained, at least to the satisfaction of the
 17 City, something to that effect, except for,
 18 perhaps --

19 MR. SALMAN: No, again, I refer to what we
 20 had originally, was, not develop a canyon
 21 situation, where because of the right-of-way
 22 widths, which are fairly narrow, you know,
 23 Granello being more typical of that area than
 24 Ponce -- Ponce is more of a boulevard. Ponce
 25 has a much wider sidewalk. The idea is that we

1 would not have concrete facing concrete without
 2 trees in between, and that's why that formula
 3 sort of came out. It allowed for a certain
 4 level of density.

5 Now, the impact is that you do lose
 6 on-street parking, and it's something we -- and
 7 perhaps the solution is, if we have an arcade,
 8 then the on-street parking could be continued,
 9 because we could use the sidewalk area to plant
 10 trees. Now, the problem with that is, the
 11 trees so close to a building don't tend to do
 12 very well. So you have to have a certain
 13 amount of bulb-outs. How many bulb-outs do you
 14 have? I can't see from here. You've got one,
 15 two, three, four, five -- You have one, two,
 16 three, four, five, six, seven, eight, nine
 17 trees on the north side. I'm talking about
 18 Granello.

19 MR. GARCIA-SERRA: We need another plan
 20 section.

21 MR. SALMAN: And your real bulb-outs are --

22 MR. GARCIA-SERRA: The bulb-outs are
 23 primarily along Granello, and explicitly along
 24 Granello we have one, two, three, four, five,
 25 six, seven, eight, nine, ten -- eleven of them.

1 MR. SALMAN: Eleven, and then we have that
 2 long, paved, striped transitional -- you know,
 3 planning a rather -- a Public Works issue
 4 there.
 5 MR. GARCIA-SERRA: You're saying this
 6 intersection here?
 7 MR. SALMAN: Uh-huh. There's no parking
 8 between that last and the bulb-out, right?
 9 MR. GARCIA-SERRA: Between here --
 10 MR. SALMAN: There and there.
 11 MR. GARCIA-SERRA: Yes, there's actually
 12 one parking space.
 13 MR. SALMAN: Only one parking space? Yeah,
 14 it's on the stripe. I thought it was all of
 15 it.
 16 CHAIRMAN AIZENSTAT: But, Eric, according
 17 to our Code, what is required at the time that
 18 they do their development?
 19 MR. RIEL: What you see on their plans.
 20 What you see on their plans. It's basically --
 21 It basically works out to be every two parking
 22 spaces, you need to have a bulb-out, and
 23 there's specifically a requirement for the size
 24 of the tree, the number of shrubs. It's very,
 25 very specific.

1 CHAIRMAN AIZENSTAT: So, Javier, that's
 2 why.
 3 MR. SALMAN: No, I think it's a -- I think
 4 that the spacing is probably at the minimum of
 5 where I remember what we said. I don't think
 6 they're doing any extra bulb-outs.
 7 MR. RIEL: I don't think so.
 8 MR. SALMAN: The total loss of parking
 9 spaces on Granello is how many? You had it
 10 here in your -- I saw it.
 11 MR. RIEL: It's either 14 or 17.
 12 MR. SALMAN: 14. Then three on the other,
 13 on the Phase 2. 17 total, is that what I
 14 recall?
 15 MR. LAGO: 17 total.
 16 MR. SALMAN: 17 total?
 17 MR. FLANAGAN: 14 on Phase 1 --
 18 MR. SALMAN: 14 on Phase 1, three on Phase
 19 2, if I remember correctly.
 20 MR. RIEL: And understand, that's a
 21 combination of, you know, removal of spaces, as
 22 well as traffic improvements, turn lane
 23 improvements, so --
 24 MR. SALMAN: Yeah, the big loss came out in
 25 that left-turn lane.

1 MR. RIEL: It was approximately four
 2 spaces.
 3 MR. SALMAN: Yeah.
 4 MR. RIEL: Four spaces were lost.
 5 CHAIRMAN AIZENSTAT: How wide is the alley
 6 directly behind the existing buildings?
 7 MR. RIEL: My guess is 20 foot. Most of
 8 the alleys are 20 feet.
 9 MR. GARCIA-SERRA: I'm hearing it could be
 10 30.
 11 MR. RIEL: 30?
 12 CHAIRMAN AIZENSTAT: I'm sorry?
 13 MR. GARCIA-SERRA: 30.
 14 CHAIRMAN AIZENSTAT: 30 feet. But behind
 15 the day care, that alley and so forth --
 16 MR. GARCIA-SERRA: Exactly.
 17 CHAIRMAN AIZENSTAT: -- it's 30 feet, and
 18 you're looking at that for two-way traffic, or
 19 one-way traffic? How's your traffic flow
 20 there?
 21 MR. GARCIA-SERRA: That -- you know, it's
 22 going to be -- We've already limited the extent
 23 of the use of the alleyway. There's an
 24 entrance to the office parking here, so this
 25 portion of the alley would be used to drive

1 them there.
 2 CHAIRMAN AIZENSTAT: Right.
 3 MR. GARCIA-SERRA: And also for service,
 4 you could either go in by here or in by here.
 5 CHAIRMAN AIZENSTAT: And emergency
 6 vehicles?
 7 MR. GARCIA-SERRA: Emergency vehicles,
 8 also. The height clearance is sufficient for
 9 emergency vehicles.
 10 CHAIRMAN AIZENSTAT: So there's no way to
 11 create any parking or --
 12 MR. GARCIA-SERRA: No.
 13 MR. CHAIRMAN AIZENSTAT: -- go down that
 14 alley.
 15 MR. GARCIA-SERRA: It already has
 16 sufficient clearance specifically for the
 17 emergency vehicles.
 18 CHAIRMAN AIZENSTAT: Right.
 19 MR. GARCIA-SERRA: You wouldn't have any
 20 parking spaces.
 21 CHAIRMAN AIZENSTAT: And do the owners of
 22 those properties have any parking in back?
 23 MR. GARCIA-SERRA: Yes. You know, I don't
 24 know if they're formally striped spaces, but by
 25 tradition, they, on their own properties, have

1 had, you know, sort of spaces there before,
2 where they park. Not all of them, but most of
3 them.

4 MR. SALMAN: Not all the buildings are
5 built to the property line in the back, so they
6 have whatever leftover land in the back of
7 them, for their own parking.

8 MR. GARCIA-SERRA: Spaces here and here.

9 CHAIRMAN AIZENSTAT: And who maintains that
10 alley, the City?

11 MR. GARCIA-SERRA: That's a City
12 right-of-way. So, to the extent that any sort
13 of maintenance is required, the City has it.

14 MR. SALMAN: Remember, we had to vacate and
15 then create the alley and move all of that?

16 MR. GARCIA-SERRA: We had to change the
17 access way by which the public alley had
18 access, as part of Phase 1. You remember,
19 before, it was required, I believe, to have
20 access by here, which is over to this side.

21 CHAIRMAN AIZENSTAT: Yeah, I remember.

22 MR. RIEL: Actually, Gables Gateway came
23 through about two or three times since 2004.

24 MR. SALMAN: We vetoed that project every
25 time.

1 CHAIRMAN AIZENSTAT: Any other --

2 MR. SALMAN: The penalty for being first.

3 CHAIRMAN AIZENSTAT: All right. Any other
4 comments? Anybody like to make a motion?

5 MR. FLANAGAN: I'll move to approve.

6 CHAIRMAN AIZENSTAT: As -- With Staff's
7 recommendation?

8 MR. FLANAGAN: Let's start with that, in
9 accordance with Staff's recommendation.

10 MR. SALMAN: I'll second for discussion,
11 but I want to proffer that we allow the
12 developer, at their request, to bond out some
13 of the off-site work on Ponce.

14 MR. LAGO: Are you going to define a time
15 frame?

16 MR. SALMAN: No. Whatever the standard --

17 MR. RIEL: I would say, just leave that up
18 to Administration.

19 CHAIRMAN AIZENSTAT: Leave it up to
20 Administration?

21 MR. RIEL: Right.

22 MR. SALMAN: Do you accept that?

23 MR. FLANAGAN: I accept that.

24 CHAIRMAN AIZENSTAT: And, Eric, do you
25 feel that --

1 MR. RIEL: I want to make sure I heard.

2 You said a bond subject to whatever the
3 applicant desires? Is that what you said?

4 MR. SALMAN: No, on Ponce de Leon
5 Boulevard.

6 MR. RIEL: On Ponce de Leon.

7 MR. SALMAN: For the requirement.

8 MR. RIEL: Okay.

9 CHAIRMAN AIZENSTAT: Well, what do you
10 mean, whatever the applicant desires?

11 MR. SALMAN: No, I never said that.

12 MR. RIEL: That's why -- I thought I heard
13 that, so --

14 MR. SALMAN: I never said that.

15 MR. RIEL: Okay.

16 MR. GARCIA-SERRA: Do I have a motion?

17 MR. SALMAN: And the further request
18 that -- amendment that the retail space along
19 the Ponce corridor be in line with the
20 overall --

21 MR. FLANAGAN: The arcade?

22 MR. SALMAN: -- arcade.

23 MR. FLANAGAN: I accept that.

24 CHAIRMAN AIZENSTAT: Just -- If you take a
25 look at the arcade on existing Phase 1, does it

1 continue --

2 MR. SALMAN: Yes.

3 CHAIRMAN AIZENSTAT: -- to allow it, or
4 does it also have the same --

5 MR. SALMAN: No, I looked at that.

6 CHAIRMAN AIZENSTAT: Okay, it does allow
7 it.

8 MR. SALMAN: It continues to the alleyway
9 access. See, in the arcade?

10 MR. GRABIEL: On Ponce.

11 CHAIRMAN AIZENSTAT: On Ponce.

12 MR. SALMAN: On Ponce, right.

13 CHAIRMAN AIZENSTAT: So that allows it, and
14 then it stops because --

15 MR. SALMAN: And what happens is that that
16 retail space -- those stores exist, but that
17 retail space there, right there, that little
18 bit of it --

19 MR. LAGO: Juts out.

20 MR. SALMAN: -- eventually that block --

21 CHAIRMAN AIZENSTAT: This area on the left
22 side of Phase -- In other words --

23 MR. SALMAN: Correct.

24 CHAIRMAN AIZENSTAT: -- at the end of Phase
25 1, it's not there.

1 MR. SALMAN: No.
 2 CHAIRMAN AIZENSTAT: Okay.
 3 MR. SALMAN: So that whenever that gets
 4 developed -- but that's there, and we removed
 5 all the requirement for them to develop the
 6 rest of it in between, and we went to the
 7 trouble of -- to do that, to not act in that
 8 way -- and Julio is absolutely correct, it
 9 needs to be done.
 10 MR. GARCIA-SERRA: You know, I think the
 11 thinking behind why the architect proposed the
 12 design as it is right now is that the
 13 likelihood of these properties being
 14 consolidated (inaudible), and I guess to
 15 provide a sort of entrance that's covered and
 16 being able to go into the space.
 17 MR. SALMAN: There's nothing to prevent him
 18 from coming into the building at that location.
 19 What we're doing is preventing him from
 20 enclosing it and removing it from the perceived
 21 public right-of-way.
 22 MR. GARCIA-SERRA: In the big scheme of
 23 things, it's a minor point --
 24 MR. SALMAN: Thank you.
 25 MR. GARCIA-SERRA: -- so, of course, if

1 MR. RIEL: It's kind of difficult for me to
 2 respond. From a planning perspective, I mean,
 3 I think the language is in there, again, to
 4 allow, I think, to work with the applicant. As
 5 I indicated, we certainly would not require
 6 them to put something in that we know would
 7 come out. So the only alternative to do that
 8 is to bond it, so I think that's kind of --
 9 MR. SALMAN: Reasonable.
 10 MR. RIEL: So --
 11 MR. SALMAN: Okay.
 12 CHAIRMAN AIZENSTAT: How do you determine
 13 the amount of the bond?
 14 MR. RIEL: It's based upon what the
 15 installation costs would actually be.
 16 CHAIRMAN AIZENSTAT: Okay.
 17 MR. RIEL: And that includes, you know,
 18 landscaping, lighting, irrigation, drainage, et
 19 cetera.
 20 MR. SALMAN: And outrageous engineering
 21 fees.
 22 CHAIRMAN AIZENSTAT: You know, and I would
 23 ask for the -- you know, when there was mention
 24 and talk of time being ten years out and so
 25 forth, I would actually ask for it to be

1 that is your recommendation --
 2 CHAIRMAN AIZENSTAT: Do you accept?
 3 MR. FLANAGAN: I do.
 4 CHAIRMAN AIZENSTAT: And, Eric, so, by
 5 doing the bond with the Staff, that would
 6 suffice --
 7 MR. SALMAN: It's allowed here. It's just
 8 a --
 9 CHAIRMAN AIZENSTAT: It's allowed here,
 10 correct?
 11 MR. RIEL: The language is in there. It's
 12 in the conditions, as well, so --
 13 MR. GARCIA-SERRA: Let me ask a question,
 14 if I can, because we talked about Ponce.
 15 Remember that there's also the north side of
 16 Granello, that we would like to bond out.
 17 MR. SALMAN: And the north side of
 18 Granello. I would say the north side of
 19 Granello, not the south side. The north side,
 20 where nothing is built yet. They own the
 21 property over there.
 22 CHAIRMAN AIZENSTAT: How do you
 23 determine the --
 24 MR. SALMAN: Does the City have an
 25 objection to that?

1 relatively soon, as opposed to going that far
 2 out. To me, to leave the streets and
 3 everything for that long just doesn't make
 4 sense to me. If it's going to be ten years
 5 out, I'd rather do it now and then deal with it
 6 in ten years. So, for me, I wouldn't want to
 7 go out that far.
 8 MR. SALMAN: Say five.
 9 CHAIRMAN AIZENSTAT: I would leave it up to
 10 Staff's discretion, but I just would like Staff
 11 to know where I'm coming from, in my direction.
 12 MR. SALMAN: I would agree with you that an
 13 indefinite period is not, I think, conducive to
 14 the overall goals of the overlay district, that
 15 it should be a very short period.
 16 CHAIRMAN AIZENSTAT: Yeah.
 17 MR. SALMAN: Much less than --
 18 CHAIRMAN AIZENSTAT: Yeah, it just --
 19 MR. SALMAN: -- the ten years.
 20 CHAIRMAN AIZENSTAT: Either they're going
 21 to develop it or, if they're not going to
 22 develop it, then let's get it done and make it
 23 look nice.
 24 MR. FLANAGAN: Which is why, if bonding is
 25 allowed by Code, then I don't know that it

1 needs to be an amendment --

2 MR. SALMAN: No --

3 MR. FLANAGAN: -- to what we're passing
4 here. I was agreeing to LeJeune -- I'm sorry,
5 to Ponce, only because another project to the
6 south, from what I hear, is in the pipeline,
7 close to the finish line. On the other side of
8 Granello, I know nothing about what's planned
9 for that, if it's in the future or may not be
10 in the future, and because of that -- and the
11 last time I drove Granello, which was before
12 construction started, that road was --

13 MR. SALMAN: Horrible.

14 MR. FLANAGAN: Yeah, I think we -- and I
15 don't want to say that -- Somebody here in a
16 public hearing one morning essentially called
17 it like a war zone, because the streets were in
18 such horrible condition, and they were, and I
19 don't know what they're like now.

20 CHAIRMAN AIZENSTAT: And at that time, they
21 were talking about redoing those streets,
22 because they were going to be developing it,
23 and it never got done.

24 MR. GARCIA-SERRA: An important point to
25 make, the resurfacing of Granello, we're

1 MR. FLANAGAN: If it's embodied by Code,
2 then we don't even need it as a revision to the
3 motion.

4 CHAIRMAN AIZENSTAT: So take away --

5 MR. FLANAGAN: You can leave it. I just
6 don't think it's necessary, but --

7 MR. SALMAN: Leave it.

8 MR. FLANAGAN: Leave it.

9 MR. SALMAN: Leave it.

10 MR. FLANAGAN: It works for me.

11 CHAIRMAN AIZENSTAT: Is there a reason you
12 would want to not leave it, or do you want to
13 leave it? What's your --

14 MR. RIEL: It's a recommendation that goes
15 forward to the Commission. The Commission will
16 take up the issue and --

17 MR. GARCIA-SERRA: Yeah. One side point,
18 that there are some off-site improvements that
19 are included in Condition 6, and that language
20 regarding the bonding is not -- is only in
21 Condition Number 7, but it's definitely the way
22 to go.

23 MR. SALMAN: Make it uniform across the
24 requirement.

25 CHAIRMAN AIZENSTAT: We have a motion and a

1 agreeing to do up until the curb, right now,
2 as -- you know, prior to issuance of a CO.

3 MR. SALMAN: Yeah, what they're looking for
4 is just the sidewalk improvements --

5 MR. GARCIA-SERRA: Exactly, curb, gutter
6 and that sort of stuff.

7 MR. SALMAN: -- the bulb-outs and the trees
8 and whatnot for that --

9 CHAIRMAN AIZENSTAT: So --

10 MR. LAGO: And I agree. I agree with what
11 Mr. Garcia-Serra says, in regards to the issue
12 of a sidewalk for Granello. I think we should
13 hold off on that, not make them at the current
14 moment, you know, have to move forward with
15 that. It's going to be a -- you know, you fix
16 it now and then you've got to fix it again
17 later.

18 MR. GARCIA-SERRA: Exactly. You'd be doing
19 the work twice.

20 MR. FLANAGAN: The sidewalk on the north
21 side, I'm fine, but I think the street needs to
22 be --

23 MR. GARCIA-SERRA: We will resurface
24 Granello as part of the CO of Phase 2.

25 MR. SALMAN: They did the same thing on --

1 second.

2 MR. LEEN: Mr. Chair, could the motion as
3 amended be restated, just -- just to be clear.
4 There was a little --

5 CHAIRMAN AIZENSTAT: Of course.
6 Jeffrey?

7 MR. FLANAGAN: Move in accordance with
8 Staff's recommendation.

9 MR. SALMAN: To approve?

10 MR. FLANAGAN: To approve it.

11 CHAIRMAN AIZENSTAT: With?

12 MR. SALMAN: With the following amendments,
13 that the applicant be allowed the right to bond
14 those off-street improvements on the north side
15 of Granello, beyond the curb line, and the
16 direct area in front of their property on
17 Ponce, period.

18 MR. GRABIEL: Their --

19 MR. SALMAN: And -- That's number one.
20 Number two is the recession of that arcade
21 entrance to be in line and allow for continuous
22 arcade along the entire frontage of the
23 property.

24 MR. LEEN: And Mr. Chair, I just want to
25 confirm, the maker of the motion accepts those?

1 MR. FLANAGAN: I do.
 2 CHAIRMAN AIZENSTAT: And we were talking
 3 about, the bonding would not be so far out and
 4 it would be at Staff's discretion, but it's a
 5 time certain?
 6 MR. RIEL: (Nods head).
 7 CHAIRMAN AIZENSTAT: Okay.
 8 Are you okay?
 9 MR. LEEN: Yes, and the maker of the motion
 10 accepts that, as well?
 11 CHAIRMAN AIZENSTAT: We have.
 12 A motion and a second. Any other
 13 discussion?
 14 MR. LEEN: Do you accept that, as well, the
 15 maker of the motion? Do you accept the last
 16 provision that was just stated?
 17 MR. FLANAGAN: I'm sorry, I was reading.
 18 Restate that very last portion again?
 19 MR. LEEN: What was just stated. Under our
 20 Code, I just have to confirm that you've
 21 accepted all of those --
 22 MR. FLANAGAN: Yeah, we had the bonding and
 23 we had the arcade.
 24 MR. LEEN: And that last --
 25 MR. SALMAN: And as short a time frame as

1 possible.
 2 MR. FLANAGAN: Correct. I agree.
 3 MR. LEEN: Thank you.
 4 CHAIRMAN AIZENSTAT: Okay. No other --
 5 MR. SALMAN: For the bond.
 6 Finally, does the applicant accept the
 7 modifications?
 8 MR. GARCIA-SERRA: Those recommended
 9 modifications? Yes.
 10 CHAIRMAN AIZENSTAT: Okay. No other
 11 discussion?
 12 Call the roll, please.
 13 MS. MENENDEZ: Vince Lago?
 14 MR. LAGO: Yes.
 15 MS. MENENDEZ: Javier Salman?
 16 MR. SALMAN: Yes.
 17 MS. MENENDEZ: Jeff Flanagan?
 18 MR. FLANAGAN: Yes.
 19 MS. MENENDEZ: Julio Grabiell?
 20 MR. GRABIEL: Yes.
 21 MS. MENENDEZ: Eibi Aizenstat?
 22 CHAIRMAN AIZENSTAT: Yes.
 23 MR. GARCIA-SERRA: Thank you very much.
 24 Have a good night.
 25 MR. SALMAN: This is not getting you off

1 the hook for being a good neighbor.
 2 CHAIRMAN AIZENSTAT: Is there a motion to
 3 adjourn?
 4 MR. SALMAN: So moved.
 5 CHAIRMAN AIZENSTAT: So moved? Thank you.
 6 We're adjourned.
 7 (Thereupon, the meeting was adjourned at
 8 8:32 p.m.)
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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
 15 I further certify that all public speakers were
 16 duly sworn by me.
 17
 18 DATED this 30th day of April, 2012.
 19
 20
 21 SIGNED COPY ON FILE
 22
 23 JOAN L. BAILEY, RDR, FPR
 24 Notary Commission Number EE 083192.
 25 My Notary Commission expires 6/14/15.

