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CITY OF CORAL GABLES
PLANNING AND ZONING BOARD MEETING
LOCAL PLANNING AGENCY MEETING
VERBATIM TRANSCRIPT
CORAL GABLES CITY HALL
405 BILTMORE WAY, COMMISSION CHAMBERS
CORAL GABLES, FLORIDA
WEDNESDAY, MAY 14, 2008, 6:03 P.M.

Board Members Present:

- Tom Korge, Chairman
- Eibi Aizenstat, Vice-Chairman
- Robert Behar
- Jack Coe
- Pat Keon
- Cristina Moreno
- Javier Salman

City Staff:

- Eric Riel, Jr., Planning Director
- Elizabeth M. Hernandez, City Attorney
- Walter Carlson, Assistant Planning Director
- Javier Betancourt, Principal Planner
- Scot Bolyard, Planner
- Jill Menendez, Administrative Assistant
- Martha Salazar, Zoning Administrator
- Alberto Delgado, Public Works Director
- Carlos Mindreau, City Architect

Also Participating: Page

- F.W. Zeke Guilford, Esq., 29
Guilford & Associates
- Santiago Echemendia, Esq., 32
Tew Cardenas, LLP
- Matthew Polak 36
Chisholm Architects
- Robert Chisholm 54
Chisholm Architects
- Joaquin Vargas 86
Traftech Engineering
- Tucker Gibbs, Esq. 118
On behalf of RNA
- Tim Plummer 160
David Plummer & Associates

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1 THEREUPON:

2 The following proceedings were had:

3 MR. AIZENSTAT: Let's go ahead and
4 start the meeting, if you don't mind.

5 If there's anybody that would like
6 to speak, if they could please sign up.
7 If everybody that's in the room or
8 outside that would like to speak, if you
9 could please sign up. Okay --

10 MR. RIEL: Do you want to wait a
11 couple minutes?

12 MR. AIZENSTAT: How long?

13 MR. COE: Let's do the minutes and
14 all of that.

15 MR. RIEL: Everybody is supposed to
16 be coming.

17 MR. AIZENSTAT: Do you want to
18 dispense with the minutes?

19 MR. RIEL: Well, let's wait two or
20 three minutes.

21 MR. AIZENSTAT: Okay. All right.

22 (Thereupon, there was a brief
23 recess, during which Chairman Korge
24 arrived.)

25 CHAIRMAN KORGE: Let's call the

1 meeting to order.

2 Will you call the roll, please?

3 MS. MENENDEZ: Eibi Aizenstat?

4 MR. AIZENSTAT: Here.

5 MS. MENENDEZ: Robert Behar?

6 MR. BEHAR: Here.

7 MS. MENENDEZ: Jack Coe?

8 MR. COE: Here.

9 MS. MENENDEZ: Pat Keon?

10 Cristina Moreno?

11 MS. MORENO: Here.

12 MS. MENENDEZ: Javier Salman?

13 MR. SALMAN: Here.

14 MS. MENENDEZ: Tom Korge?

15 CHAIRMAN KORGE: Here.

16 Do I have a motion for approval of

17 the minutes of the meeting of April 9th?

18 MR. SALMAN: So moved.

19 CHAIRMAN KORGE: And seconded?

20 MR. AIZENSTAT: Here.

21 CHAIRMAN KORGE: Any discussion on

22 the motion?

23 No discussion. Let's call the

24 roll, please.

25 MS. MENENDEZ: Jack Coe?

1 MR. COE: Yes.

2 MS. MENENDEZ: Cristina Moreno?

3 MS. MORENO: I was absent.

4 MS. MENENDEZ: Javier Salman?

5 MR. SALMAN: Yes.

6 MS. MENENDEZ: Eibi Aizenstat?

7 MR. AIZENSTAT: Yes.

8 MS. MENENDEZ: Robert Behar?

9 MR. BEHAR: I was absent, also.

10 MS. MENENDEZ: Tom Korge?

11 CHAIRMAN KORGE: Yes.

12 Okay, we have one item on the
13 agenda, Application Number 02-07-480-P,
14 Change of Land Use, Rezoning, Planned
15 Area Development Review, Site Plan
16 Review and Conditional Use Special
17 Location Review, pursuant to Ordinance
18 Number 1525, as amended.

19 This looks like a pretty hotly
20 contested issue item, so let me get an
21 idea of how much time everybody needs.

22 Eric, how much time are you going
23 to need for this presentation?

24 MR. RIEL: My guess is about 25 to
25 30 minutes.

1 CHAIRMAN KORGE: Okay, and the
2 applicant? Santiago?

3 MR. ECHEMENDIA: Mr. Korge, we're
4 going to need at least half an hour, I
5 think, for our presentation.

6 CHAIRMAN KORGE: Half an hour?

7 MR. ECHEMENDIA: Yes.

8 CHAIRMAN KORGE: And I saw Tucker
9 Gibbs was here on behalf of the
10 residents.

11 How much time do you need?

12 MR. GIBBS: I don't think I'm going
13 to need that much. I'll probably need
14 maybe 10 minutes, but I don't know, I
15 think a lot of people are going to want
16 to speak on behalf -- on our side, but
17 we're going to be -- I'm going to make
18 about a 10-minute presentation.

19 CHAIRMAN KORGE: Okay, and then
20 we'll allocate maybe 30 minutes for the
21 public to speak. Hopefully we won't get
22 a lot of duplicative comments.

23 MR. RIEL: We have 12 speakers that
24 signed in to speak.

25 CHAIRMAN KORGE: Okay, so -- and

1 just for everybody in the audience to
2 understand, all of your written
3 comments, which we appreciate because we
4 can read them and understand them easier
5 than hearing everybody at the same time
6 speak, have been provided to us in
7 advance, and the most recent ones that
8 were sent, I guess as of today, are
9 here, as well, and part of the record.

10 Eric, do you want to proceed?

11 Let's -- Why don't we let Eric
12 proceed without any questions from the
13 Board, so that we can move this along
14 expeditiously.

15 MR. AIZENSTAT: Do you want to go
16 ahead and read it into -- what the
17 application number is and so forth?

18 CHAIRMAN KORGE: I already read
19 that.

20 MR. AIZENSTAT: Did you? Oh.

21 CHAIRMAN KORGE: Yeah.

22 MR. RIEL: Thank you, Mr. Chairman,
23 Members of the Planning and Zoning
24 Board. As you indicated, I ask your
25 indulgence to allow Staff to present the

1 application, and likewise probably the
2 applicant, because we may be able to
3 answer some of those questions that you
4 might have, you know, as we go through,
5 through the process.

6 We do have a sign-in sheet, so if
7 anybody wants to speak, please make sure
8 you sign in over there. We do have the
9 revised comments, which is updated as of
10 3:00 p.m. today. Copies of the
11 PowerPoint and the Staff Report are
12 there, as well.

13 Just for the record, I'd like to
14 just go over what information was
15 provided. We obviously have the Staff
16 Report. As Exhibit or Attachment A to
17 the Staff Report is a Preliminary Zoning
18 Analysis done by the Building & Zoning
19 Department. There's actually A and B.
20 One is for one parcel, which is the PAD
21 portion, and the other is for the
22 commercial parcel.

23 The other attachment is the Article
24 9 of the Zoning Code, and then the
25 comments, Attachment D.

1 If I could have the lights, Javier.
2 Could we have -- bring up the
3 computer.

4 As we always typically do, I just
5 want to kind of show you an aerial shot
6 of the property.

7 Javier, do you want to get the rest
8 of the lights?

9 (Thereupon, Ms. Keon arrived.)

10 MR. RIEL: Basically, what you have
11 before you this evening is five
12 different applications: Change of Land
13 Use, Change in Zoning, PAD Review, Site
14 Plan Review, and Conditional Use Special
15 Locations Review.

16 What I'm going to do is go over the
17 project location, the authority review
18 and responsibilities, the application,
19 Staff's recommendation, the basis for
20 the recommendation, public notification,
21 and as always, we have a 3-D model.

22 Just in terms of the property
23 location, located on South Dixie, U.S.
24 1, across from Ponce Boulevard, the
25 Metrorail location. This is actually a

1 3-D model of the project shown, and if I
2 misinterpret the colors, the colors are
3 different on this, versus this. So when
4 the project appears in purple, it's gray
5 on my screen here.

6 Application is under one single
7 ownership and includes two parcels of
8 land separated by a public right-of-way.
9 The parcels of land are being developed
10 as a single unified parcel, the largest
11 parcel which is what is being requested
12 for PAD approval; the second is being
13 referred to as an outparcel and is
14 smaller and will be developed by right.

15 One thing that's unique about this
16 application is, this application came in
17 under the previous Zoning Code, which we
18 refer to as the Archived Zoning Code,
19 which is Ordinance Number 1525.

20 This applicant sought approval of
21 the Board of Architects and got it
22 approximately two or three weeks before
23 the implementation of the new Zoning
24 Code. Therefore, the evaluation Staff
25 has done on the project is under the

1 Archived Zoning Code. And I want to
2 make that clear. It's not the new
3 Zoning Code, because this Board is
4 obviously familiar with that, because we
5 spent three years going through that
6 process.

7 The review responsibilities. The
8 Building & Zoning Department evaluates
9 it per the Zoning Code. The Planning
10 Department evaluates it per the Comp
11 Plan. And then other departments
12 evaluate it as a part of the typical
13 review process, which is known as the
14 DRC, and then the Boards and Commission
15 evaluate the projects per their
16 designated authority, per the Zoning
17 Code, the City Code, et cetera.

18 This kind of gives you an overview
19 of the application review process. They
20 submitted in February of 2006. Prior to
21 that, they went through the DRC.
22 Changes in land use can only be
23 submitted two times during the year, and
24 they submitted it actually in February
25 2006.

1 They went to the Board of
2 Architects on three separate occasions,
3 2006, '7 and '8. The Building & Zoning
4 Department did a Preliminary Zoning
5 Analysis in 2008, and the Planning
6 Department throughout the process has
7 done a Comp Plan analysis.

8 It's obviously before the Board
9 today, and when it goes to the
10 Commission, it goes for two readings and
11 then it goes to a final review, Board of
12 Architects, and then a building permit.

13 Review authority and Zoning Code
14 sections. Basically, the Planning and
15 Zoning Board and the Commission has to
16 review this project. We have the
17 regulatory review. You're looking at it
18 from the standpoint of five different
19 applications, and again, I'll go into
20 that later.

21 Change in land use requires a
22 review. You're acting as a Local
23 Planning Agency, again, via two public
24 hearings. It's considered a small-scale
25 amendment by the DCA. Therefore, no

1 State impact analysis is necessary. It
2 can be requested if the Commission does
3 desire. Small-scale amendments can
4 undergo State review, per statutes.

5 Basically, we look at it in terms
6 of the Zoning Code Section, and also the
7 Comprehensive Plan Goals and Objectives,
8 and you'll note on my presentation,
9 you'll see page numbers. That
10 references the page numbers in the Staff
11 Report that you find the background and
12 analysis.

13 Change in zoning designation, PAD.
14 Again, Planning & Zoning's
15 responsibility, with the City
16 Commission.

17 Conditional Use Location Review.
18 Any project that is adjacent to
19 single-family that secures Med bonuses
20 is required to go through the
21 discretionary Conditional Use Special
22 Location Review.

23 Again, just going back over some
24 dates, 2006, they received Board of
25 Architects. 2007, 2008, went back for

1 some changes. And the Preliminary
2 Zoning Analysis was concluded, so the
3 application could proceed to this Board
4 on February -- excuse me, April 15th of
5 2008.

6 Just for reference, these are the
7 Preliminary Zoning Analysis. They are
8 attachments A and B in your packet.

9 Again, the applications. Change in
10 Land Use, Change in Zoning, PAD, Site
11 Plan Review, and Conditional Use Review,
12 and I'm going to go through each one of
13 these.

14 Change in Land Use. I know this
15 graphic is a little bit confusing here,
16 with all the arrows, but basically, it's
17 a change in land use from Commercial
18 Use, Low Intensity, to Residential Use,
19 Multi-Family; Residential Use,
20 Multi-Family Duplex to Residential
21 Multi-Family Commercial Low-Rise, on a
22 smaller parcel, known as Parcel A, in
23 between the properties.

24 Kind a From/To indication. The
25 property right now is currently CL, CL

1 in the front, Multi-Family, and then
2 Duplex as you go to the rear. They're
3 asking for CL and then Multi-Family as
4 you proceed back away from U.S. 1.

5 Change in zoning. Basically, the
6 change in zoning is consistent with the
7 land use. They're asking for CL, or as
8 the previous Code, it was known as CA.
9 They're asking for MF2; in the previous
10 Code, it was A-13, and then obviously on
11 the smaller piece again, CL, which was
12 previously CA.

13 Again, a From and To illustration.
14 Again, consistent with the land use and
15 zoning, the categories being requested.

16 Project application. The parcel
17 that you see outlined here is what is
18 being considered for PAD site plan
19 review. This is what I referred to
20 previously as the outparcel. It is
21 going to be developed as a unified
22 parcel, but they can be joined, per the
23 Zoning Code. Basically, this parcel,
24 support services, parking, et cetera,
25 are on this piece, but for the matter of

1 which you're seeing this evening, you're
2 seeing a PAD on this portion and then
3 the outparcel.

4 Site Plan Review, the entire
5 project.

6 Conditional Use Special Location
7 Review. Again, this allows for
8 Mediterranean architectural bonuses.
9 This is required when properties are
10 adjacent to single-family uses. The
11 area you see shaded here in kind of the
12 pinkish color is the area that's subject
13 to that review because of its proximity
14 across from single-family. Likewise,
15 the same here.

16 The Planning Department, based upon
17 its findings of fact, recommends denial
18 of the five applications that are before
19 you this evening. The recommendation
20 for denial, while many of the
21 applications meet the City objectives,
22 Staff cannot support it due to the
23 inconsistencies, incompatibilities, and
24 insufficiencies.

25 The recommendation for denial is

1 based upon professional planning
2 practices, principles, and the
3 application's ability to meet the
4 Comprehensive Land Use Goals and
5 Objectives, the purpose and intent of
6 the Zoning Code, and the Zoning Code
7 itself.

8 What we find is, there's
9 inconsistent Comp Plan Goals that deal
10 with transitional use, transitional
11 massing, project size, density, parking,
12 traffic, marina operations, and
13 attainable housing. Those are found on
14 Page 14 through 31 in your Staff Report.

15 Incompatible transition of uses.
16 We feel the project does not provide
17 adequate transition of uses. We feel it
18 does not allow for effective transition
19 of uses along Caballero Boulevard and is
20 not consistent with planning practices
21 requiring transitional land use between
22 existing single-family residential use
23 and multi-family uses.

24 The existing land use pattern, we
25 feel, fulfills the objective of

1 providing a transition between a duplex
2 use and the single-family and
3 multi-family residential use.

4 We're providing you an illustration
5 of where Staff finds it's incompatible.
6 In terms of massing, again I refer to
7 Page 15 through 18 in the Staff Report.
8 We feel that there's not an adequate
9 transition in massing; the height and
10 scale from U.S. 1 back. We feel the
11 five-story height of the residential
12 building across from Jaycee Park, and
13 probably the most -- the area that
14 causes us most concern is the reduction
15 in both the front and rear setbacks.

16 This illustration here gives you an
17 idea of the heights that range from the
18 project. It goes from 31, 45, 42, to
19 60, 31, 42, 60, and as you can see, it
20 goes 60, 65, 52, 73, 65 and then 27, 33
21 through 45, and basically 40 -- 45
22 through 52.

23 Incompatible transition of massing,
24 indicating the locations that Staff
25 finds it's not in compliance with the

1 goals and objectives of the Comp Plan.

2 Just to give you an idea of the
3 massing across from Jaycee Park, 34 feet
4 is what's allowed single-family. 44 and
5 72 feet is proposed. Again, these are
6 single-family uses.

7 Transition from MF2 to SFR. It
8 gives you an indication of the adjacent
9 heights.

10 Just another view, with the heights
11 noted, and this is a snapshot of the 3-D
12 model.

13 Another basis for our
14 recommendation is excessive project size
15 and density. We feel the project's size
16 and density is inconsistent with the
17 scale and character of the surrounding
18 neighborhood.

19 We feel the applicant's proposed
20 mitigation does not support the award of
21 the requested development bonuses.

22 The project with the bonuses --
23 setback relief, building height and
24 additional residential units -- results
25 in an increased project size, loss of

1 open space, loss of existing tree
2 canopy, insufficient transition, and
3 basically an inconsistent scale and
4 character of the surrounding
5 neighborhood.

6 The Preliminary Zoning Analysis
7 indicates that they will need to get a
8 credit for off-site because they don't
9 satisfy the minimum 20 percent.

10 This chart basically illustrates
11 in blue, on the right side, the
12 additional intensity and density that
13 the applicant is requesting pursuant to
14 the PAD.

15 Basically, it's 73 multi-family
16 residential units, and then, as I
17 indicated previously, the setbacks,
18 front, based upon the property, require
19 17 to 25 feet, 35 feet, and they're
20 asking, as a part of the PAD, those be
21 reduced from zero to 10 and zero to 6,
22 and those are varying setbacks,
23 depending upon the property, location of
24 the buildings on the property.

25 This gives you an idea in terms of

1 an illustration of where those setbacks
2 are. The area or the green surrounding
3 the Waterway, that's required to be 35
4 feet. They're asking for variations
5 from zero to six.

6 MR. BEHAR: It requires -- I'm
7 sorry, it requires 35 feet?

8 MR. RIEL: Yes.

9 MR. BEHAR: And they're proposing
10 from zero to six?

11 MR. RIEL: Correct.

12 Front setback, required 17 to 25,
13 and they're asking for zero to 10, and
14 that's shown kind of in the purple
15 outlining the property.

16 Another issue that causes Staff
17 some concern is the potential for
18 off-street parking encroachment. The
19 project's adjacent to a single-family
20 neighborhood. We're concerned, if left
21 unmanaged, it could be of concern to
22 that neighborhood.

23 No overflow parking management plan
24 has been provided that deals with, you
25 know, the options that are available,

1 short-term meters, parking programs,
2 directional signage, et cetera.

3 And there's also a proposal --
4 There's no vehicle connection between
5 the two parcels, and I'll show you that.
6 That's known as that Parcel A. They did
7 present two options, but I don't believe
8 there's been a commitment upon the
9 applicant's part in terms of going for
10 that vehicle connection, which connects
11 the parking garages to one another.

12 Just an illustration, our aerial
13 view of where the potential for parking
14 encroachment could occur, and this again
15 is in close proximity to the project.
16 We don't take in the fact that it could
17 occur well into the neighborhood.

18 In terms of that vehicle connection
19 I was talking about, this proposed
20 Parcel A, there's two options presented,
21 one to allow this connection and one not
22 to. Staff's preference, and I want to
23 say Staff's preference from a planning
24 standpoint, is to have that connection,
25 because if you have a project,

1 obviously, the ability to go from one
2 side to another, to be able to go
3 through the entire project, obviously
4 keeps people off the streets, given this
5 project's location on U.S. 1.

6 Traffic, in our opinion, would
7 negatively impact the surrounding
8 neighborhood if it's not fully
9 mitigated. We feel that Comprehensive
10 Plan objectives requiring protection of
11 the residential neighborhoods and
12 controlling traffic is extremely
13 important.

14 Project phasing. The project is
15 going to be developed in five phases.
16 We're concerned about the impacts that
17 could have on the surrounding
18 neighborhood. No assurances have been
19 provided that the project fulfills the
20 PAD objectives, which requires phasing
21 of projects. No proposed -- proposed
22 use -- no proposed use of an interim
23 surface parking lot or plan has been
24 provided that deals with vehicular
25 entrances, paving, lighting, landscaping

1 and pedestrian circulation, and I'm
2 going to go through each of the phases,
3 Phase 1, 2, 3, 4 and 5, and I'll go
4 through these and I'll show you where
5 each one of those are.

6 Phase 1, the interim surface
7 parking lot and commercial building.
8 Basically, it's the area that's adjacent
9 to the single-family area and this
10 proposed outparcel.

11 Phase 2 is a commercial and parking
12 structure.

13 Phase 3, a commercial and parking
14 structure along Alhambra and U.S. 1.

15 Phase 4, the remainder residential
16 and parking structure, and then Phase 5.

17 And I would note, the applicant has
18 not provided any time frames in terms of
19 completion. If they have Phase 1
20 constructed, basically that vests the
21 project and there's no guarantee that
22 the remaining phases would be
23 constructed within a certain time frame,
24 because based upon the way the Code is
25 written, it's considered they have

1 initiated construction.

2 Another basis for recommendation,
3 lack of a marina facilities plan. We're
4 concerned about increased use of the
5 marina, ecologically as well. No
6 operational plan has been provided. We
7 feel it does not adequately address the
8 servicing of vessels. Yes, the property
9 has a marina there right now, but with
10 more intensive uses, more bulk and mass,
11 that does cause us some concern in terms
12 of that marina facility and preserving
13 the integrity of that sensitive area.
14 This is, again, outlining our area of
15 concern.

16 Attainable housing. You know the
17 Department has been very aggressive on
18 attainable housing. The project does
19 not provide any attainable housing. As
20 you know, the State mandates that we
21 should address attainable housing.
22 We're in the process of doing that, and
23 as you know, as each project comes
24 through for discretionary review, which
25 this is, pursuant to the Comp Plan and

1 the PAD, we have the ability to ask for
2 attainable housing, and all of the
3 projects that have come through,
4 probably in the past two or three years,
5 they have addressed that issue of
6 attainable housing.

7 In conclusion, we feel it's
8 incompatible with the surrounding
9 neighborhood, we feel it's inconsistent
10 with the Comp Plan and Zoning Code, and
11 there's insufficient information for a
12 comprehensive analysis.

13 In terms of outreach, the applicant
14 did complete a neighborhood meeting. We
15 did mail out notices within 1,500 feet.
16 We typically do a thousand, but on
17 projects that have a Comp Plan amendment
18 with it, we usually do in excess of
19 1,000. About 733 notices, and as you
20 know, you have the new comments in front
21 of you.

22 The applicant's responsibility this
23 evening. They're charged with the
24 responsibility and the burden of
25 presenting information, evidence,

1 testimony and findings that substantiate
2 that its applications satisfy the
3 provisions of the Comp Plan, the intent
4 of the Zoning Code, and the Zoning Code
5 itself.

6 Now, what I'd like to do is just
7 start the 3-D model. The project is
8 shown in purple, and the areas kind of
9 shown in pink and red are the adjoining
10 commercial and multi-family.

11 MR. RIEL: Javier, get the lights.

12 MR. AIZENSTAT: Eric, can I ask
13 you just a question?

14 MR. RIEL: Let me just -- two
15 seconds and I'm finished.

16 We have the City team present.
17 Martha Salazar, the Zoning
18 Administrator, is here. Carlos
19 Mindreau, the City Architect, is here.
20 Alberto Delgado, Director of Public
21 Works. Tim Plummer, our traffic
22 consultant, on behalf of the City.
23 Javier Betancourt from my office and
24 Scot Bolyard. We're all here. We'd be
25 happy to answer any questions you may

1 have. That's the City team that
2 reviewed this project and presents this
3 recommendation for your review this
4 evening.

5 That concludes my presentation.

6 CHAIRMAN KORGE: Now, do you want
7 to answer questions now or after the
8 applicant has --

9 MR. RIEL: My preference would be
10 to let the applicant go through, because
11 they might be able to answer some --

12 CHAIRMAN KORGE: Answer some of
13 your questions, some of the questions
14 you might have.

15 MR. RIEL: Some of the Board's
16 questions.

17 CHAIRMAN KORGE: Right.

18 MR. AIZENSTAT: If it's something
19 that I wanted to see just on your model,
20 you can bring it back?

21 MR. RIEL: Absolutely. Absolutely.

22 MR. AIZENSTAT: Okay.

23 CHAIRMAN KORGE: Are you finished?

24 MR. RIEL: Yes. That concludes the
25 presentation. Thank you.

1 CHAIRMAN KORGE: Mr. Echemendia,
2 are you -- Zeke? Mr. Guilford.

3 MR. GUILFORD: Good evening,
4 Mr. Chairman, Members of the Board. For
5 the record, my name is Zeke Guilford,
6 with offices at 2222 Ponce de Leon
7 Boulevard.

8 We have a PowerPoint presentation
9 to present to you, as well, if we can go
10 ahead and queue that up. What I'd like
11 to do at this time is introduce the
12 team.

13 Well, first of all, it gives us
14 great pleasure to represent AMACE
15 Properties, Inc. and one of its
16 principals, Armando Guerra, who is here
17 with us this evening. Also, the team is
18 represented by Chisholm Architects,
19 Mr. Robert Chisholm. Matt Polak is
20 here, as well as Jorge Gonzalez. Our
21 traffic engineer, from TrafTech
22 Engineering, is Joaquin Vargas, and my
23 co-counsel on this, from Tew Cardenas,
24 is Santiago Echemendia and Amanda
25 Quirke.

1 Next, please.

2 CHAIRMAN KORGE: Do you want us to
3 lower the lights so we can see this --

4 MR. GUILFORD: Well, can you --
5 yeah, sure. Yeah, go ahead. You can go
6 ahead and lower them.

7 What we're going to do tonight is
8 basically kind of go through each
9 application, because like we said,
10 there's five applications -- that's
11 going to be the next slide -- and what
12 the standard of review is, because each
13 application has a different standard of
14 review. So what we're going to do is
15 probably present a particular
16 application, tell you the standard of
17 review, and then go through that
18 application.

19 We're also going to tell you the
20 purpose of what a Planned Area
21 Development is, as well as to give you a
22 comparison between the existing
23 entitlements -- actually, what can be
24 built there today as a matter of right
25 as compared to what the proposal is,

1 because we think that's important for
2 you, as a Board, to have that
3 information before you.

4 Next slide, please.

5 Obviously, we're going to go
6 through the various goals, objectives
7 and policies of the Comprehensive Plan,
8 with the list of urban infill, housing,
9 transitional uses, transitional massing,
10 which Staff has gone over a little bit,
11 project size, density, the Mediterranean
12 bonuses, parking, traffic, and the
13 marine facility, as well.

14 Next, please.

15 Again, we have the five
16 applications, the Future Land Use Map,
17 the Rezoning, the PAD Review, the Site
18 Plan Review, and the Conditional Use
19 Special Locational for the Med bonuses.

20 At this point in time, I'm going to
21 turn it over to Santiago, to basically
22 start going through each application.
23 He's going to be joined by the
24 architects, and as each person comes
25 forward, what we're going to do is

1 actually have them, for the record,
2 submit their resume or actually give you
3 their credentials.

4 Sandy?

5 CHAIRMAN KORGE: Well, before you
6 begin, I forgot to mention for the
7 record that Pat Keon arrived as Mr. Riel
8 was beginning his presentation.

9 MR. ECHEMENDIA: Good afternoon,
10 Mr. Chair. Santiago Echemendia, 1441
11 Brickell Avenue, on behalf of the
12 applicant.

13 I did have a little bit of -- I
14 don't know, is this not working? A
15 little bit of -- Is it me or is it
16 the --

17 MR. COE: Go to the next
18 microphone.

19 MR. AIZENSTAT: It's working.

20 MS. HERNANDEZ: Is it working?

21 THE COURT REPORTER: I can't hear
22 him.

23 MR. COE: I can't hear him.

24 MS. HERNANDEZ: Oh, you can't?

25 Thank you. I thought it was my age.

1 MR. ECHEMENDIA: Yeah, a little
2 bit of -- maybe if we can keep that
3 light off -- I can't see -- so we can
4 continue with the PowerPoint.

5 Just a matter of housekeeping,
6 Madam City Attorney, we do have five
7 different applications. I imagine, on
8 the land use application, the Planning
9 and Zoning Board will be sitting as the
10 Local Planning Agency --

11 MS. HERNANDEZ: Absolutely.

12 MR. ECHEMENDIA: -- which will then
13 render a decision, and so all five will
14 be voted on differently. The reason I
15 say that is because Planning --

16 MS. HERNANDEZ: Let me respond so
17 that --

18 MR. ECHEMENDIA: Go ahead.

19 MS. HERNANDEZ: -- you have an
20 answer for the record.

21 Once the deliberations have taken
22 place by the Board, what we're going to
23 do is take them up separately, have the
24 Local Planning Agency accept all the
25 evidence that's been submitted in the

1 file, because we don't want to keep
2 submitting the same evidence and
3 testimony, just reincorporate the
4 evidence and testimony into each
5 separate matter and reconvene as
6 necessary, in order to make sure the
7 record is complete.

8 Do you have an objection to that?

9 MR. ECHEMENDIA: I do not, Madam
10 City Attorney.

11 MS. HERNANDEZ: Thank you.

12 MR. ECHEMENDIA: Thank you, and
13 that's an important housekeeping item,
14 because you have three different
15 standards of review. On the land use
16 amendment, we are in effect
17 redesignating from commercial to
18 residential. Why do I say residential?
19 Because the existing use on the duplex
20 is a commercial parking lot on both
21 sides, and the standard there is whether
22 we're furthering the goals, policies and
23 objectives of the Comprehensive Plan.

24 On the rezoning application, which
25 is the PAD, it's the Snyder standard,

1 which is, have we met the procedural
2 requirements of the zoning ordinance and
3 are we furthering or are we consistent
4 with the goals, policies and objectives
5 of the Comprehensive Plan, which we
6 would submit we are. Then the burden
7 shifts to Eric and the opposition to
8 show that they would be furthering a
9 legitimate public purpose by denying the
10 application.

11 On the PAD and on the site plan,
12 the standard is simply a public benefit.

13 Lastly, on the conditional use, the
14 standard is whether it is against the
15 public welfare.

16 Staff has commingled all of the
17 applications in its recommendation as
18 one, so to the extent that in all
19 likelihood, whether you guys recommend
20 up or down, depending on what the City
21 Commission does, this will in all
22 likelihood end up at the Eleventh
23 Circuit or the Third District Court of
24 Appeal, it is very important for us that
25 you vote on each distinct application

1 separately, applying the correct
2 standard as to what is being requested
3 pursuant to that application.

4 With that kind of procedural
5 housekeeping, I would like for Bob
6 Chisholm, the architect, and/or Matt
7 Polak -- I'm not sure who's going to
8 walk us through the pictures, walk you
9 through the graphics, and then we'll
10 pick it back up.

11 MS. HERNANDEZ: Okay.

12 MR. POLAK: Good evening. I'm Matt
13 Polak, Senior Vice-President of Chisholm
14 Architects. I'm a registered architect
15 in the State of Florida, a Bachelor's
16 degree of architecture, University of
17 Miami.

18 Next slide, please.

19 Initially, what I would like to do
20 is just give everyone an overview of how
21 the project is formatted, for people who
22 aren't familiar with it. I'm going to
23 use a pointer here.

24 What we have here is, this is U.S.
25 1, at the top of the screen, Alhambra

1 Circle to the left, Caballero Boulevard
2 to the right, to the right of the
3 screen. What we have here is basically
4 our commercial component, which is about
5 89,000 square feet of commercial, which
6 fronts U.S. 1, and then we have 190,000
7 square feet of residential condominiums,
8 which vary in scale as they go back
9 toward the residential area along
10 Caballero and Alhambra.

11 To the right here, you'll see that
12 this is the Holiday Inn Hotel. To the
13 left is the University Inn Condominiums.
14 Across the street is actually the
15 University of Miami parking structure,
16 and the baseball fields are over there.

17 In transitioning the uses here, our
18 commercial uses which front on U.S. 1
19 are buffered from our residential uses
20 through the use of structured parking.
21 We have three levels of structured
22 parking on Caballero, with a fourth
23 level of office space. We have four
24 levels of structured parking on
25 Alhambra, which consist of three actual

1 levels with rooftop parking.

2 An amenity -- a small amenity
3 center is located here for the
4 residential component, as well as an
5 amenity center here is located with the
6 amenities for the Caballero side.

7 Each residential parcel has -- this
8 side has 45 -- I'm sorry, 48 residential
9 units. The residential units vary
10 between two, three and four-bedroom
11 units. This is a three-story structure.
12 It is actually two stories on the site
13 that was formerly the duplex site. It's
14 very consistent with the allowable
15 heights that are currently allowed on a
16 duplex parcel, and then transitions up
17 from two to three stories all along
18 here, and it goes up to four stories
19 here, as it gets closer to U.S. 1.

20 We've created a transitional buffer
21 here between the existing duplex
22 building, which is right here -- we've
23 allowed about a 50-foot green buffer
24 between our first residential unit --
25 I'm sorry my hand is shaking so much.

1 I'll try to -- I'm trying to do better.
2 50 feet, a buffer between our first
3 two-story residential unit and the
4 adjacent unit on this side here.

5 On the Caballero side, we have a
6 one-story -- one-story amenity building
7 here, which fronts on Caballero, across
8 from Jaycee Park. We have a 20-foot
9 setback to a two-story amenity center
10 here, which further buffers this
11 building from the pool here, and then
12 what occurs here is that this is two
13 stories, which is consistent with what
14 we have on our duplex lots, which is
15 consistent with what's permitted on
16 duplex lots.

17 As we get a hundred feet away, we
18 have a three-story building, which
19 transitions to four stories, and then we
20 have a five-story -- one five-story
21 component here, which is a penthouse
22 unit which overlooks Jaycee Park, and
23 another five-story unit which overlooks
24 the Waterway.

25 The heights of the buildings here

1 are consistent with the existing zoning
2 that is permitted on that particular
3 parcel now. And then the building
4 transitions back down to four stories
5 along here, across from a two and
6 three-story building along Caballero,
7 which is also a commercial corridor
8 along U.S. 1.

9 I'd like to go to the next slide,
10 please.

11 This is an aerial perspective,
12 looking south along U.S. 1 and down the
13 Waterway on Alhambra Boulevard. As you
14 can see here, the outparcel building is
15 a five-story commercial building. It is
16 linked with a four-story commercial
17 building, on the corner of Alhambra and
18 U.S. 1, by a pedestrian bridge that
19 allows access both from the right-of-way
20 across the street as well as from the
21 adjacent parking structure. The parking
22 for this building is housed within this
23 parking structure.

24 Along U.S. 1, we've created a
25 colonnade. We've widened the sidewalk

1 and created the colonnade, a protected
2 colonnade that wraps entirely around
3 U.S. 1, down Caballero Boulevard, to
4 provide covered access to Jaycee Park,
5 along here on Caballero.

6 Between this commercial component
7 and our Caballero commercial component,
8 we have a two-story -- I'm sorry, three-
9 story, linking a commercial component
10 over -- over the Waterway, which at
11 ground level is a small commercial area
12 and with a manatee viewing station. It
13 is completely accessible to the public.
14 They can walk through here, stand and
15 sit over here and overlook the manatee
16 viewing station.

17 And then the entrances to the
18 parking structure on Caballero are
19 located here, at the intersection here
20 at the park.

21 Go to the next slide.

22 Next slide?

23 This is a view of U.S. 1, looking
24 in the other direction, looking more
25 towards the east. As you can see here,

1 you can see the transition of spaces
2 that you have here, the existing duplex
3 lot on South Alhambra, the green space
4 buffer, our two-story condominium units,
5 which are set back with private walkways
6 to the units. All the units either
7 front -- either front on the street or
8 into an internal courtyard or onto the
9 Waterway side of the project.

10 The entrance for the development on
11 the Alhambra side is through here, which
12 is set farther back from U.S. 1 and back
13 on Alhambra Boulevard.

14 Next.

15 Okay, I'm sorry. Again, this is
16 just a shot to show the transitional and
17 the heights of the units along U.S. 1 --
18 I'm sorry, from the residential
19 component. Again, we have two-story --
20 one and two stories here, a three-story
21 component transitions to four stories,
22 and then to five, and then back down to
23 four as it wraps around the site and
24 then it transitions down to three and
25 two and then buffers back.

1 Next slide, please.

2 If we can get --

3 MR. RIEL: You have to speak into
4 the mike.

5 MR. ECHEMENDIA: He's just
6 waiting for --

7 MR. RIEL: No, they do it upstairs.

8 MR. POLAK: Oh, I'm sorry. Next.

9 MR. BEHAR: Matt, why don't you use
10 that portable mike there --

11 MR. AIZENSTAT: The middle mike.

12 MR. COE: That's probably the
13 easier one.

14 MR. POLAK: Okay, great.

15 This is the shot that -- This shot
16 shows an aerial view from the top --
17 from Jaycee Park. This shows -- again,
18 this shows the transitional heights that
19 occur. Again, what we have here is, the
20 units are set back approximately 10 feet
21 from the -- from our property line.
22 Although we've made improvements -- As
23 part of our work with the Public Works
24 Department, we have improved the
25 right-of-way along Caballero, as well as

1 along Alhambra, to provide parallel
2 parking in addition to that and creating
3 a bigger right-of-way along that area.

4 Next slide, please.

5 The view here is from Jaycee Park.
6 We've turned off the ficus trees here to
7 give you an idea of, again, the
8 transition in heights. Again, you have
9 the one-story amenity center here, the
10 covered loggia, it transitions to a
11 three-story building, and then four
12 stories, and then the five-story
13 component is located closest to our
14 commercial component, and then they all
15 overlook Jaycee Park.

16 These are entrances, both private
17 entrances to individual units and this
18 area here is actually a main public
19 entrance, to get into the units that are
20 in the back, that don't front on
21 Caballero Boulevard. All the ground
22 floor units have access directly from
23 the street as well as internal access
24 from the below-grade parking and the
25 courtyard on the other side.

1 Next.

2 This is a view of the commercial
3 corridor along U.S. 1, just again
4 identifying the covered -- the wide
5 sidewalks and covered loggias that track
6 around our property. Again, the
7 covered -- the pedestrian bridge linking
8 our outparcel with our main building.
9 Again, the covered loggia which takes
10 you across. This is a feature for scale
11 and massing that we added along U.S. 1
12 to break up the building massing, and
13 again, this is the two and three-story
14 office component that links the two
15 sites together.

16 Next.

17 This is a shot along U.S. 1, which
18 this current sidewalk is the existing
19 FDOT right-of-way. It's a very narrow
20 sidewalk. It's five feet. It's very
21 close to U.S. 1 right now. What we've
22 done is, we've gone ahead and added
23 another six -- six or seven feet of
24 sidewalk inside, covered, to provide
25 safe and protected access, not only

1 through our site, but around our site.

2 Next.

3 This is a shot from -- also from
4 U.S. 1, again showing a little bit
5 better view of the pedestrian
6 interaction of our site, the adjacent
7 area, the pedestrian bridge linking the
8 two sites together.

9 Next.

10 This is a shot looking down
11 Alhambra Boulevard, although the shot on
12 Caballero would be very similar to this.
13 Again, what we're showing here is, you
14 have a common entry feature to
15 the condominium building which provides
16 access to the units that are either
17 courtyard facing or on the water side,
18 and then there are private accesses --
19 private access -- accesses to the ground
20 level units, at street level, with small
21 private landscaped gardens in front of
22 each of those units.

23 We utilized terraces, again, to
24 create a street presence along the
25 street. We've carved out areas of

1 passive -- passive park areas for
2 gathering. There's a bench here. It's
3 part of our Mediterranean bonus
4 approval, enhance the landscaping there.

5 In addition, like I said before,
6 we've gone ahead and improved upon the
7 public right-of-way, based on the City's
8 streetscape plan. Basically, what we've
9 done here is, we've extended the green
10 space along here, added a wide sidewalk
11 along the street, incorporated parallel
12 parking along the street, with tree
13 planters between every two parking
14 spaces.

15 Next.

16 This is just another rendering,
17 done in another program, to again give a
18 feel for the textures and finishes that
19 we've incorporated into the design.

20 Next.

21 This is a water view from -- from
22 the Caballero side, looking across to
23 the Alhambra side. Again, you have
24 ground level units which face the water.
25 You have larger units up top, which are

1 accessed through internal corridors, a
2 central archway that takes you through,
3 can take you through the site into a
4 centralized courtyard and out to the
5 street. And I believe that's it.

6 Next.

7 MR. ECHEMENDIA: Now we can just
8 walk you through the land use -- the
9 proposed land use change. It's fairly
10 straightforward.

11 Next slide, please.

12 As in -- it's a little bit
13 difficult to decipher, but the nutshell
14 is that we're basically redesignating
15 the strips that -- the long strip on the
16 left we're redesignating from commercial
17 to multi-family, so we're reducing the
18 intensity on the designation from
19 commercial to multi-family, and then the
20 two duplex lots on either side, at the
21 end of the horseshoe on either side,
22 which again, very importantly, are
23 currently used and have been used for
24 many years as commercial lots,
25 commercial parking lots, are going to be

1 redesignated to multi-family with the
2 transition down, so we believe that the
3 proposed redesignation is, in fact,
4 consistent with the goals, policies and
5 objectives of the Comprehensive Plan.

6 Next slide.

7 That, again, simply depicts the
8 proposed redesignation from commercial
9 to multi-family and the duplex to
10 multi-family.

11 Next.

12 On the rezoning application, the
13 standard I mentioned --

14 MS. MORENO: Will you stop there
15 for a second?

16 MR. ECHEMENDIA: Yes.

17 MS. MORENO: Go back to the
18 Comprehensive Land Use Plan amendment.
19 What is the standard of review there?
20 Can you repeat that for us?

21 MR. ECHEMENDIA: The standard of
22 review on a land use amendment is, it's
23 fairly debatable, it's not
24 quasi-judicial, it's a legislative
25 standard, and there is deference to the

1 local body, and it's really consistency
2 with the goals, policies and objectives
3 of the Comprehensive Plan, compatibility
4 and consistency with the Comp Plan.

5 MS. MORENO: But you're asking for
6 a change in the Comp Plan?

7 MR. ECHEMENDIA: That's correct.
8 The proposed change would have to be
9 consistent with the goals, policies and
10 objectives.

11 MS. MORENO: And what are the
12 goals, policies and objectives of the
13 Comprehensive Land Use Plan at present?

14 MR. ECHEMENDIA: There are many,
15 Mrs. Moreno, but we believe that in
16 light of the fact that -- just very
17 simplistically putting it, in effect,
18 almost down-planning from a commercial
19 designation to a multi-family is
20 lessening the intensity of use. So
21 we're actually going down, in the
22 majority of the parcels, from commercial
23 to multi-family, and then on the two
24 ends of the horseshoe, from a -- albeit
25 a duplex land use, a duplex land use

1 that for years has been used as
2 commercial parking lots that are legally
3 non-conforming, grandfathered in, to be
4 redesignated to multi-family but
5 transitioning down.

6 So we believe that, from a
7 compatibility standpoint, and just
8 generally speaking, those changes would
9 indeed be consistent with the goals,
10 policies and objectives of the Comp
11 Plan.

12 MS. MORENO: And what is the
13 position of the City on that, Eric?

14 CHAIRMAN KORGE: Well, why don't we
15 save these questions and go --

16 MS. MORENO: The problem is that if
17 they do the whole thing, all the way
18 through, we will not remember each of
19 the standards on what we're supposed to
20 approve. I'm happy to wait, but I don't
21 think we are going to remember and we're
22 going to have to ask all over again for
23 them to tell us what the standards are,
24 what the objections are, et cetera. But
25 I'll defer to you.

1 CHAIRMAN KORGE: I think we
2 should -- I really think we should wait
3 and that they're going to have to keep
4 us apprised of these standards as they
5 go through and answer these questions in
6 the context of each standard for the
7 various issues.

8 Go ahead.

9 MR. ECHEMENDIA: The PAD is, in
10 effect, the rezoning application. That
11 standard is a -- not as deferential as
12 the plan amendments, as long as we meet
13 the procedural requirements of the
14 ordinance, that is, we have filed a
15 complete application, certified by your
16 Staff as complete, meeting the
17 procedural requirements of the ordinance
18 on the PAD, et cetera, and that that is
19 supported by competent substantial
20 evidence.

21 It would also have to further the
22 goals, policies and objectives of the
23 Comprehensive Plan, which Robert
24 Chisholm, as a planner and architect,
25 will walk you through some of -- not

1 only the criteria in the PAD, but some
2 of the general goals, policies and
3 objectives and why he thinks it's
4 consistent. Then the burden shifts to
5 the opposition to show that a denial
6 would further a legitimate public
7 purpose and/or the Board could not act
8 arbitrarily and capriciously.

9 So that is the standard under the
10 Florida Supreme Court case of Brevard
11 versus Snyder. It is a much less
12 deferential standard.

13 With that, I would ask Bob Chisholm
14 to tell you a bit about his background,
15 his planning background, his experience.
16 I'd like to qualify him as an expert
17 planner, as well as, of course, he is
18 partners with Matt Polak and the
19 principal architect on this project, and
20 then he's going to speak to the issue of
21 the Planned Area Development application,
22 some of the planned area criteria.

23 He will walk you through a
24 comparison of what is allowed and what
25 is existing, and ironically, you will

1 see, and Staff, I think, has told you in
2 their application that not only is the
3 as-of-right -- An as-of-right project
4 with commercial would allow
5 approximately 247 square feet more than
6 the proposed project, but if we filed
7 for Med bonuses, we can add up to
8 another 240 some odd thousand square
9 feet. So, you know, in light of the
10 as-of-right, we believe this is also a
11 very compatible application.

12 MR. CHISHOLM: Thank you, Santiago.

13 Good evening, Mr. Chairman, Members
14 of the Board. My name is Robert
15 Chisholm, a principal at Chisholm
16 Architects, 7254 Southwest 48th Street,
17 Miami.

18 Next, please.

19 My -- I have a Bachelor's degree in
20 Architecture from the University of
21 Florida, in 1973, and a Master's in
22 Urban Design from the University of
23 Miami, 1977. I've practiced both
24 disciplines, both academically and
25 professionally, since and before

1 graduation.

2 Santiago made reference to -- that
3 I should make reference to my academic
4 and professional background. My last
5 year of architecture was solely focused
6 on urban planning. We planned a city in
7 Central Florida, in Orlando, of 50,000
8 people, in conjunction with the Disney
9 planning team, and that was part of
10 my degree. And in 1975, I applied to
11 Harvard, the University of Pennsylvania
12 and University of Miami for my Master's
13 in Planning and Urban Design. The
14 University of Miami gave me a full
15 scholarship, and that's where I went.

16 In the meantime, I was -- while I
17 was going to school, I was a lead
18 principal planner with the Miami-Dade
19 County Neighborhood Planning Team,
20 Office of Community and Economic
21 Development, where I was in charge of
22 Downtown Miami, South Beach, Edison,
23 Little River, along with other special
24 projects. I won a national award with
25 my team, Biscayne West, for urban

1 design. That's the area across the
2 street right now from the museum park
3 that's being developed. You've seen
4 some of the projects going up. We were
5 the only Miami team to win an award in
6 that national competition.

7 I went back into private practice
8 in 1982, and I was part of the planning
9 team that did the South Beach Art Deco
10 District Master Plan. I led the Miami
11 team on that. We did it with Anderson,
12 Knotter and Feingold of Boston, won a
13 national award from Progressive
14 Architecture for planning and urban
15 design in 1982.

16 Through the '80s, I did a lot of
17 urban design and planning guidelines in
18 the City of Hialeah, Allapattah, Edison,
19 Overtown, for the jurisdictions in
20 Miami-Dade County.

21 After Hurricane Andrew, I was part
22 of "The Moss Plan" team. Three firms
23 were requested by Miami-Dade County to
24 plan the redevelopment master plans for
25 the ravaged areas of Hurricane Andrew.

1 My job was Sweetwater, Naranja,
2 Princeton and Homestead, and we provided
3 those along with citizen input and
4 consensus, which was submitted to the
5 Federal Government for help, and some of
6 those projects you see going up are part
7 of that planning effort. That won a
8 State award from the American Planning
9 Association in 1994.

10 We completed several master plans,
11 both for the United States Department of
12 Agriculture, the largest planning
13 project of its type, for 3,500 people,
14 for a community of farm workers, and
15 Homestead Air Force Base, 11 acres for
16 light industrial, family, multi-unit and
17 transitional housing, and a homeless
18 facility.

19 We're currently in negotiations to
20 plan new communities in Bahia, Brazil,
21 for low-income housing, communities
22 between 10,000 to 30,000 people.

23 I'm a Fellow in the American
24 Institute of Architects since 1996. You
25 have to have national recognition for

1 that. And in 2006, I was given the AIA
2 Silver Medal for Miami, and in 2007, the
3 AIA -- that's the American Institute of
4 Architects -- Silver Medal for the State
5 of Florida.

6 During the housing crisis in 2006,
7 I was the Mayor's -- the Dade County
8 Mayor's representative on the Land Use
9 Task Force for housing in Dade County.

10 Chairman of the Urban Development
11 Review Board for the City of Miami, 1995
12 to 1999. I could go on and on, but
13 let's move forward, if we may.

14 What's a Planned Area Development,
15 a PAD? It's an opportunity to work very
16 closely with Staff and the residents,
17 which we have done, to achieve a greater
18 quality of development on the larger
19 tracts and parcels of land, and it, as
20 stated, is an opportunity to apply
21 flexible guidelines that allow the
22 integration and better function of land
23 uses and densities, precisely that.

24 In the application, you evaluate
25 the actual achievement of those goals,

1 and you can transfer densities
2 accordingly. One of the things that's
3 interesting that I noticed from Staff
4 review is that the application -- and
5 it's a very thorough Staff review, I
6 might say, and they applied the book
7 precisely to the things, but the problem
8 is that the interpretation of these
9 guidelines, the interpretation of this
10 analysis, is done factually and it's not
11 done in terms of -- it's very
12 conclusory, if you will, a failure to
13 find supporting evidence that allows for
14 those findings and those
15 recommendations.

16 Next, please.

17 I just mentioned that a little
18 while ago, that's the intent of a PAD,
19 is to look for, how do you improve a
20 particular given situation by working
21 with flexible guidelines, understanding
22 the issues and the wherewithals, because
23 obviously, what good government does, in
24 all its intent, is to provide guidelines
25 which sometimes do not apply

1 specifically to a situation. So, by
2 working closely with Staff, which we
3 have for the last two and a half years,
4 you achieve those things.

5 Next, please.

6 The same thing. To try to
7 encourage the enhancement and
8 preservation of lands which are unique
9 or outstanding in some sort of way. The
10 possibility of great opportunities for
11 private open space, the compacting of a
12 project in order to reduce emissions, in
13 order to provide more efficient use of
14 and provision of utilities, et cetera.

15 I can -- as we go along this
16 evening, I can point out to you how the
17 characteristics and requirements of a
18 PAD were addressed and enhanced and met
19 through our process.

20 Next, please.

21 The PAD also requires the
22 application of professional planning and
23 designing techniques to achieve an
24 overall coordinated development. I
25 think it's interesting to note -- I

1 think Santiago made a very good point a
2 little while ago that, yes, on a duplex
3 situation, where you have -- and let's
4 address Caballero specifically. You
5 have a duplex situation adjacent to
6 single-family, and on Alhambra we have a
7 duplex situation adjacent to another
8 duplex, and we're requesting going to
9 multi-family.

10 Well, that is fine, and when you --
11 you say, well, that's not compatible.
12 We agree, but we worked closely with
13 Staff on that matter, and the Staff
14 recommendation to us was, all right, set
15 back the housing a hundred feet from the
16 single-family property line or from the
17 other duplex property line and then give
18 us an angle of green and give us plenty
19 of green in between and stay well under
20 the two-story allowable duplex
21 situation. i.e., our amenity centers
22 are not two stories. Well, one is them
23 is, I beg your pardon, on Caballero, is
24 two stories. But a duplex is permitted
25 to be two stories, and if you notice,

1 there's an angle of sight on both items
2 where the design allows for plenty of
3 green access so that the single-family
4 or the duplex has green as they look,
5 and we do not -- and we worked with the
6 adjacent owners to design those
7 amenities, and the amenities were
8 designed with the adjacent owner -- the
9 owner, not the Staff -- for that
10 particular amenity center. And we do
11 not begin any multi-unit construction
12 for the first hundred feet of -- between
13 the property line of the duplex and our
14 multi-family housing.

15 So, yes, the land use is multi-
16 family, but the actual reality is a much
17 better solution, and that's the way the
18 whole entire project has been addressed,
19 the entire project, and that's -- I urge
20 you, as the P & Z Board, to look at the
21 details that go with this, and by the
22 way, there's a myriad of details that we
23 need to make you aware of this evening,
24 which are not apparent in your Staff
25 report, and I'm going to call on Matt

1 Polak as we go along, because I just
2 don't want to forget them, because
3 they're crucial to your understanding of
4 this project.

5 Next, please.

6 MR. ECHEMENDIA: Bob, before we go
7 to the comparison of allowed versus
8 existing uses, could you -- Those are
9 the -- just to clarify for the Board,
10 those are the four standards for the PAD
11 application that you need to look at in
12 your analysis of whether it is justified
13 or not, and I think Bob has gone through
14 them and articulated how this project is
15 consistent with some of those criteria.

16 Could you amplify a little bit on
17 that, how the project -- You indicated
18 that later on in the project, we'd go
19 into it. You'd rather go into it later
20 on? I mean, you went through the
21 criteria in terms of how the project --

22 MR. CHISHOLM: I'd like to finish
23 my --

24 MR. ECHEMENDIA: Okay.

25 MR. CHISHOLM: -- these slides, and

1 then we can go into the actual analysis
2 of how we went about designing these
3 things, so that both the P & Z Board and
4 the audience can understand the project,
5 how it works, because also -- and those
6 of you that know me, know that I'm -- I
7 like to speak my word, my mind.

8 At any rate, let's -- thank you.
9 There's the next slide. This slide is
10 fine. Don't move it, please.

11 If you see, on this particular
12 slide, as-of-right, we're --
13 as-of-right, that is, we're permitted
14 about 279,000 square feet. We're just
15 about there. We're 257 square feet
16 over, on the proposed project, if you
17 notice. That's the fourth line down.
18 But what's interesting to note, that if
19 you stay -- that's because we're at four
20 stories, by the way. If you were to go
21 below four stories, say, build three
22 stories, and you calculate the
23 permissible as-of-right FAR, it's 3.0.
24 It's not 1.5.

25 What does that say? It says that

1 you can achieve over 300,000 square feet
2 of construction, versus the 279,000 that
3 we're proposing.

4 MR. ECHEMENDIA: And with the Med
5 bonus, an additional 250, by the way; is
6 that correct, Bob?

7 MR. CHISHOLM: That is correct, and
8 the housing, of course, as-of-right, we
9 are permitted 22. We're proposing 95,
10 where 99 would be permitted with Med
11 bonuses.

12 What's interesting about this
13 project is that we have followed all of
14 the ordinances, regulations, guidelines,
15 steps and procedures required by the
16 City of Coral Gables by ordinance, to
17 the letter. It's kind of amusing to me
18 to see that Staff says that we're
19 missing this information and that
20 information when we have supplied
21 everything they have requested, but
22 we'll keep going on that.

23 Next, please.

24 The project is located within the
25 GRID, which is an area designated for

1 urban infill.

2 Coral Gables is a mature city, Dade
3 County, Coral Gables. They shall pursue
4 infill and redevelopment in appropriate
5 parts of the City, especially the GRID,
6 and we are in the GRID, and the purpose
7 of this is to discourage urban sprawl.

8 Next, please.

9 What are the benefits of the 2006
10 EAR? The EAR recognizes the many
11 benefits of compact mixed-use projects
12 include the lack of dependence on the
13 automobile. Now, when I first read
14 that, I said, "What do you mean, lack of
15 dependence, when we're providing, you
16 know, 500 plus parking spaces? What do
17 you mean, lack of dependence?" But it's
18 true, because in a mixed-use project,
19 you can -- like such as what we're
20 proposing, you can walk to work and walk
21 back home. An increased sense of
22 community, opportunities for increased
23 business and social interaction.
24 Minimization of infrastructure costs
25 associated with municipal services. A

1 compact project that is efficient in use
2 of land and allows for preservation of
3 open space in appropriate areas of the
4 City, and the reduction in vehicle
5 trips.

6 Next, please.

7 We are decreasing urban sprawl by
8 the provision of high-quality
9 multi-family units. They're going to be
10 selling for a lot of money. I know this
11 is not the right time, but we're not
12 going to stay in this situation forever.
13 This is a prime -- the only commercial
14 waterfront site in the City of Coral
15 Gables. If you analyze the location of
16 the site, it's on a major arterial,
17 nationally recognized as a major
18 crossing for the United States, from Key
19 West to Maine, across from an
20 international university, across from a
21 hotel, across from a multi-family unit,
22 and fronting on a regional rapid transit
23 system. This site is meant for
24 transitional use. This site is meant to
25 protect the low-density residential

1 neighborhood adjacent to it. This is
2 the purpose of this site. That's why we
3 have moved the commercial towards U.S. 1
4 and we have gone from medium-density
5 housing to our amenity centers as we
6 decrease in density as we approach
7 single-family.

8 This site is functioning as it has
9 been meant to function, and again, I
10 stress the fact that we have been using
11 all the regulations provided by the City
12 of Coral Gables. We have followed it to
13 the letter.

14 Next, please.

15 Development of employment centers.
16 This is precisely what we're doing, by
17 providing this kind of opportunity on
18 this project. Certainly the University
19 of Miami is an employment center which
20 is in walking distance from us. 80,000
21 square feet of Class A office space
22 within walking distance of our -- of
23 these residential neighborhoods. Many
24 Latin American corporations are and
25 continue and will continue to establish

1 operations in Coral Gables. Coral
2 Gables is one of the favorite places
3 for -- and this is a known fact and it's
4 been like that for years.

5 An estimated employment base per
6 square foot for this particular project
7 by TischlerBise. We estimate an
8 employment base of 200, 235 employees at
9 our site.

10 Next, please.

11 Provision of diverse housing types.
12 I'd like to point out, even though one
13 of the things that was mentioned by
14 Staff, that we had no component for
15 attainable housing, we need to keep in
16 mind, which it must have not been
17 included as part of the report, that the
18 City of Coral Gables has not adopted a
19 Comprehensive Plan or any other
20 requirements for attainable housing. So
21 to put that as something that we didn't
22 submit, you know, if they would have
23 asked us for it, we would have tried.

24 Next, please.

25 Transitional uses.

1 MR. ECHEMENDIA: That's showing the
2 redesignation from commercial to
3 multi-family.

4 MR. CHISHOLM: I know. I was just
5 looking at my notes to see which one I
6 wanted to speak about first.

7 One of the important things here is
8 that your as-of-right puts a lot of
9 emphasis of commercial all along
10 Alhambra. We have moved all our
11 commercial towards U.S. 1, intentionally
12 away from the residential neighborhoods.

13 Next, please.

14 I've already gone over this
15 somewhat, so I'll go quickly.

16 Next, please.

17 The transitional uses, as I
18 mentioned. Existing transitions, you
19 have commercial parking lots adjacent to
20 single-family on Caballero, and we are
21 proposing commercial on U.S. 1 to
22 multi-family to amenities, with a
23 landscape buffer abutting single-family,
24 probably as good or better than a
25 duplex, because of the green angles,

1 sight angles, that I mentioned before.

2 On South Alhambra, the same thing,
3 commercial parking lot to duplex. We
4 are putting in our amenity centers with
5 extensive landscaping, as well, with a
6 sight line, a maximum of two stories and
7 a hundred foot to our first initial
8 multi-unit housing from the property
9 line of that particular housing.

10 The fact that we're not
11 providing -- the Staff comment that
12 we're not providing adequate transition,
13 I really find it totally without base.

14 Next, please.

15 Again, this just shows our
16 transition, which I have been discussing
17 orally at this point in time.

18 Next, please.

19 Transition in height and scale from
20 U.S. 1 back to existing single-family
21 and duplex uses. It is interesting to
22 note and people keep saying that we
23 have -- we are proposing 10 blocks'
24 worth of residential housing -- and I
25 read that in some communique. We're

1 proposing 95 units in a very compact
2 space, high-end units, I might add, and
3 there's also an insistence on the
4 building on five stories facing Jaycee
5 Park. Well, actually, if you look at
6 the building, and there was a graphic of
7 that a little while ago, it's three,
8 four, and one unit on the fifth floor.
9 Does that constitute a five-story
10 building? Because the majority of the
11 building is --

12 VOICES IN AUDIENCE: Yes.

13 MR. CHISHOLM: The majority of the
14 building is four stories. A small
15 percentage of it, one unit, is on the
16 fifth floor.

17 So I could ask the same question of
18 many buildings. Is the Biltmore Hotel a
19 15-story building or a five to six-story
20 building with a 150-foot tower? I don't
21 know. That all depends on how you
22 interpret it, of course. And actually,
23 what better place to have children
24 playing on that park, that we have
25 plenty of visual from that building.

1 On the reduced front and rear
2 setbacks which have been a point of
3 contention, we have worked very, very
4 closely, again, with Staff and made note
5 of the citizens' and the Charrette
6 comments regarding the setbacks. The
7 setbacks were worked with, again, the
8 Med bonus opportunities offered by the
9 City of Coral Gables and their
10 requirements, and in those setbacks, we
11 have the required amenities.

12 There was one contention and one
13 point made recently by Staff that we
14 only had a six-foot setback. That is a
15 strict interpretation of the Code, and
16 the reason for that being is that our
17 parking, our below-grade parking,
18 extends approximately 20 inches to 24
19 inches above grade, approximately knee
20 high on grade, and then we step back and
21 we start our building about 15 feet away
22 from the property line, so -- but they
23 consider the 24-inch-high extension the
24 actual building. Fine, but we don't
25 have a six-foot setback from the

1 property line, we have a 15-foot setback
2 from the property line, and by the way,
3 on top of that parking structure there's
4 a planter and there's landscaping
5 throughout, extensive landscaping.

6 Another comment made, of totally
7 losing our tree canopy, but our
8 landscape project will mitigate that
9 considerably and tenfold, and we've
10 designed by Raymond Jungles, a
11 well-noted landscape architect, and I
12 guarantee it will mitigate whatever tree
13 canopy loss we have, substantially.

14 Oh, I forgot to mention one thing,
15 because that five-story issue keeps
16 coming back and it may have been another
17 note of contention. As-of-right, the
18 permitted height of that building on
19 Jaycee Park is four stories. With Med
20 bonuses, it is six stories, and again,
21 we put one unit there, which made it
22 five. So we're below even the Med bonus
23 allowance, and we received Med bonuses.

24 Next, please.

25 Project size and density, scale.

1 We feel the character in itself of the
2 project -- and again, we can see that
3 graphically. We feel that the character
4 is not only well planned and well
5 executed; we feel that if you examine
6 both historic examples worldwide, if you
7 examine scale components, and you
8 examine historical European cities, you
9 will find that this is very much
10 consistent with what human scale works.
11 What is proper scale? I hate to ask
12 that question and I'm not going to pick
13 on anyone specifically, because I know
14 most people would have difficulty
15 interpreting that because it's very
16 subjective to many things.

17 Is the Eiffel Tower in scale with
18 the city of Paris, which has a
19 four-story height requirement in most
20 areas of the old city? Or is the Empire
21 State Building out of scale with New
22 York? Or is the Biltmore Hotel out of
23 scale in Coral Gables? We can ask a lot
24 of questions here. But the fact is,
25 what you want is, you want a building

1 and you want a development that is
2 functional, in scale, and we think it is
3 in scale, and we have the background to
4 recommend and suggest to you that it's
5 in scale, and based on our track record,
6 I think that we can say those things in
7 public and on the record.

8 Next, please.

9 Next, please.

10 Next, please.

11 Project size and density. Setback
12 relief provided through the PAD. The
13 Med bonus provisions give us the ability
14 to reduce setbacks and encroachments to
15 the public rights-of-way with public
16 open space improvements, which we have
17 done. We have provided sidewalks. We
18 have provided viewing stations for
19 manatees. We have provided open space.
20 We have provided safety components to
21 this project so that the citizens can
22 walk under cover in our tropical weather
23 and out of the way of U.S. 1 traffic.

24 We have provided amenities such as
25 retail components, which could be a

1 coffee shop or an ice cream shop,
2 fronting with actual sidewalk seating,
3 directly viewing the canal, inside the
4 project, for public access. Where there
5 is no public access is to, of course,
6 the residential, in terms of, you have
7 to go through security or you have to go
8 directly through a unit, because they do
9 interact with the sidewalks, so you can
10 actually walk into a unit or into a
11 building directly from the sidewalk,
12 with security components, of course.

13 Next, please.

14 I'm sorry, I'm out of -- next,
15 please. My sheets are out of order.
16 We're missing --

17 MR. ECHEMENDIA: Here you go.

18 MR. CHISHOLM: Thank you. I was --

19 MR. ECHEMENDIA: Can we go back one
20 slide, please?

21 MR. CHISHOLM: Go back one.

22 MR. ECHEMENDIA: To the Med bonus.

23 MR. CHISHOLM: Go back one.

24 MR. ECHEMENDIA: There you go.

25 MR. CHISHOLM: I want this one.

1 MR. ECHEMENDIA: One more slide
2 back, please.

3 MR. CHISHOLM: Okay, good.

4 The Staff Report also mentioned
5 that we were deficient in the required
6 landscape and open space. We were short
7 by 600 square feet, which we made up in
8 the public right-of-way, again, in close
9 working relationship with Staff. I
10 don't understand that comment, and I'm
11 sure that -- but the comment was made.
12 Again, they were doing their job and I
13 understand that, but perhaps that should
14 have been clarified, that those things
15 were met.

16 Next, please.

17 Okay. The height bonuses. Well,
18 again, and I'm not going to belabor the
19 point, we -- The Med bonuses are based
20 on you meeting a series of points and
21 criteria established by City of Coral
22 Gables that are very, very specific. We
23 were able to point out to the City of
24 Coral Gables Board of Architects that
25 our Med bonuses were met. We showed

1 them graphically. We showed it
2 historically. We showed them with the
3 seven sites officially provided by the
4 City of Coral Gables list, where they
5 said, "These are the buildings we want
6 you to emulate." We showed them,
7 photograph by photograph, how those
8 components were in our project.

9 The reason we lost -- we didn't
10 lose, I'm sorry. It was given to us
11 favorably, five to two. The reason we
12 lost two votes was because one of the
13 members of the Board said to me that I
14 had to show him 300,000 square feet
15 worth of interior design and I had to
16 lay out the entire project in order for
17 that person to approve our fenestration
18 and our window locations, and I said,
19 "That's not part of the mandate for the
20 BOA," and that person refused to vote in
21 our favor because of that.

22 I was not only saddened by that
23 kind of lack of training to the Board,
24 but that kind of behavior. I was
25 disappointed in that. He voted against

1 it, but we still got five to two on the
2 Med bonuses.

3 Next, please.

4 Again, you can see that we tried
5 our best to work within the allotted
6 requirements, within the allotted
7 maximums. We are always below -- we
8 require no variances on this project,
9 and we earned all the bonus points
10 playing by the rules.

11 Next, please.

12 MR. POLAK: Bob -- Bob --

13 I wanted to address the parking
14 issue, Eric had mentioned during his
15 presentation that we had presented an
16 alternate connection for the underground
17 parking. I'd like to point out that the
18 application was submitted with the
19 underground park -- without the
20 underground parking, as there are
21 certain technical issues that we've had
22 to work out, both with Public Works as
23 well as with FDOT.

24 The issue with that parcel is that
25 there are actually three culverts that

1 are underneath Parcel A. There are two
2 City-owned culverts which basically take
3 the Waterway and join it with the
4 University of Miami and circle the
5 Waterway back. There's a third culvert
6 that FDOT has, which is an outfall
7 culvert, which acts for the drainage of
8 U.S. 1.

9 So we've been in the process of
10 working with both FDOT and Public Works
11 on trying to see if it is going to be
12 feasible to do the -- what is kind of
13 called an underground connection, but
14 technically really isn't, in that we're
15 trying to stay above the water table,
16 which will vary anywhere from zero to
17 three feet, depending on the time of the
18 year, as well as maintaining the access
19 to their culverts.

20 So we submitted the application and
21 we did our traffic studies based on both
22 solutions, but we're moving forward with
23 the application without the -- without
24 the underground crossing,
25 notwithstanding that we know that the

1 City would like to see that connection.
2 We would like to see that connection,
3 also, but cannot make any assurances
4 that it will be possible, just because
5 of the technical issues that we're still
6 kind of vetting out right now.

7 MR. ECHEMENDIA: Matt, could you
8 amplify a little bit, also, just to put
9 it in context, because Eric said that we
10 had met with the neighbors once. Can
11 you talk a little bit about when we
12 started, the Charrette, the visioning
13 process, incorporating comments, meeting
14 with them various times?

15 MR. POLAK: Sure. We originally
16 participated in the -- in the Charrette
17 for that particular area, which I
18 believe was back in April of 2005.
19 Subsequent to that, to that meeting, to
20 that participation in that, we prepared
21 a preliminary concept plan which we
22 presented over a period of three days in
23 November and December of -- also of
24 2005, to present what our proposal was.
25 At that time, it was a much larger

1 project. There were more units being
2 contemplated. It was a much more dense
3 project.

4 Throughout that, the feedback we've
5 got from both the neighborhood
6 association, as well as the neighbors
7 themselves, working with Staff, we then
8 went forward and presented, in 2006, a
9 preliminary -- which got a preliminary
10 approval through the Board of
11 Architects, the plan which is
12 substantially similar to what you are
13 seeing here today.

14 We also had numerous meetings with
15 the neighbors, both at their houses, at
16 our office, and also, we've reached out
17 and had a public meeting with them as
18 recently as, I believe, January of this
19 year, which is part of the requirements
20 that we had in order to fulfill our
21 obligation, to stand here before you
22 today.

23 MR. ECHEMENDIA: Thank you. I
24 don't know if you or Bob are going to
25 speak to the next slide.

1 And we're about to wrap up. We're
2 just going to go into our traffic
3 consultant. I promise it won't be much
4 longer. I do have some questions of
5 Eric before we wrap up.

6 MR. POLAK: Next slide.

7 The project phasing and interim
8 plan. The plan that Eric had proposed
9 to you is inside your package. The
10 intent there was -- our intent was
11 always to -- whatever phase of the plan
12 we do is going to meet the current --
13 the Zoning Code that is required to meet
14 that plan. The parking is going --
15 there's going to be sufficient parking
16 to support that particular phase of that
17 plan. It's going to be landscaped and
18 presented in a manner that is consistent
19 with the Code requirements of the City
20 of Coral Gables. It was not and is not
21 our intention to have a barren site,
22 without it properly protected for
23 construction. It's just quite simply,
24 at this stage of the game, it is
25 extreme -- it would be very difficult

1 for us to guess as to how we would go
2 about the fine details of presenting
3 that.

4 It's our understanding that what we
5 presented to them prior to them formally
6 accepting our submittal was sufficient
7 for them. Having heard that today
8 literally is the first time we've heard
9 about that, when the recommendations
10 were recorded last Friday.

11 MR. ECHEMENDIA: With that said, we
12 would voluntarily proffer, either as
13 part of a condition of the site plan
14 approval or the PAD, to provide the time
15 frames on the phasing prior to
16 consideration by the City Commission or
17 as we come out of City Commission, on
18 the phasing.

19 MS. HERNANDEZ: That was time lines
20 on three and four?

21 MR. ECHEMENDIA: Time lines for the
22 phasing prior to City Commission
23 consideration or as we come out of City
24 Commission, hopefully with a favorable
25 determination.

1 At this point, I would like to have
2 our traffic consultant, Joaquin Vargas,
3 give his qualifications briefly and then
4 walk us through his analysis.

5 MR. VARGAS: Mr. Chairman and
6 Members of the Board, Joaquin Vargas,
7 traffic consultant, for the record.

8 I'm going to talk about -- I only
9 have four slides and I promise I'm going
10 to be quick and precise and to the
11 point, but I don't think I've been in
12 front of this Board before, so I just
13 want to spend a minute or less, telling
14 you a little bit about my credentials.

15 I have a Bachelor's of Science in
16 civil engineering and also a Master's of
17 Science, specifically in traffic and
18 transportation, from Georgia Tech, also
19 a registered professional engineer for
20 the State of Florida, and there's also a
21 new designation by the Institute of
22 Transportation Engineers that's called
23 Professional Traffic Operations
24 Engineers. As of last week, there were
25 only 1,900 with that designation,

1 nationwide, which classifies you as an
2 expert in that field.

3 Real quick, regarding my
4 experience, over 20 years in South
5 Florida, specifically, Miami-Dade, the
6 Keys, Broward and Palm Beach County.
7 For a period of about 10 years, I worked
8 on projects for the DOT. I performed
9 about 200 assignments. The bulk of them
10 were in Miami-Dade County.

11 Now, municipal experience, which is
12 something that may interest you, I've
13 served as traffic consultant to the city
14 of Destin, the Panhandle; Ocala; in
15 Broward County, four cities; in Miami,
16 several cities; in Broward County, the
17 City of Sunrise, where the Florida
18 Panthers Arena is, I've been serving
19 continuously since 1996; in the City of
20 Coral Springs, since 1980, with three
21 previous employers and my current
22 employer, have been serving as traffic
23 consultant.

24 So I believe that I do understand
25 what is important for the City, and

1 especially dealing with neighborhood
2 issues.

3 Now to my presentation. The next
4 slide.

5 I'm going to talk about four
6 things. One, traffic concurrency.
7 Number two, access. The third one,
8 which I think is the most important, the
9 neighborhood impacts, and I'm going to
10 spend a little bit of time talking
11 regarding that issue, and the last one,
12 which Mr. Chisholm talked a little bit
13 about, was the issue about the
14 as-of-right, and we did a little
15 comparison just for your information.

16 Regarding concurrency, as you see
17 on the slide, this project is within the
18 Gables Redevelopment and Infill
19 District. What that means is that we
20 are exempt from concurrency, and we
21 actually have a certificate from the
22 City of Coral Gables, attesting to that,
23 and we can provide copies to you to that
24 effect.

25 Regarding access, if we can go to

1 the next slide, I'm going to pick this
2 microphone up.

3 MR. ECHEMENDIA: Before he goes to
4 the next slide, I did want to mention
5 that the certificate that we have is
6 that we are concurrent, notwithstanding
7 the fact that we don't have to be under
8 the GRID. Notwithstanding that, we are
9 concurrent, anyways.

10 MR. VARGAS: Can everybody hear me?
11 Okay?

12 I apologize that I'm going to have
13 my back towards you two gentlemen.

14 Regarding access, the important
15 thing is -- and I'm sure that most of
16 you, if not all of you, are very
17 familiar with the site, but Caballero
18 Boulevard, we currently have six
19 existing access points. We are reducing
20 that to one. There's only one proposed
21 access point at this location. There's
22 something called access management. The
23 less access points you have, the less
24 conflicting movements, that improves
25 traffic flow, and more importantly,

1 enhances safety.

2 Similarly, on South Alhambra, there
3 are five existing access points, and
4 we're going to one access point, which
5 is at this location here. We also have
6 the possibility of having an egress-only
7 access at this location. We've worked
8 with the Public Works Department for the
9 large truck deliveries, so they don't
10 have to back onto the street.

11 We also have agreed to construct a
12 southbound left-turn lane, providing
13 access on the South Alhambra Circle
14 access point, and I should point out
15 that our analyses shows that we do not
16 need that improvement, but the City's
17 traffic consultant felt very strongly
18 that it was going to enhance safety, and
19 we did agree to implement that
20 particular improvement.

21 And we're also eliminating -- for
22 those of you that have been to the site,
23 we have some access points very close to
24 U.S. 1, which is very dangerous, and we
25 are eliminating those from our plan.

1 The issue about neighborhood
2 impacts, there's two main points that
3 were made in the City Staff Report. One
4 is significant impact, and the other one
5 is that we have not mitigated fully our
6 impacts. And let me address the first
7 one, because I respectfully have a
8 difference of opinion with that
9 statement. It's all about how much
10 traffic is required to be significant,
11 how much traffic is too much traffic.

12 There's three different areas that
13 we can look at them. The first one,
14 which is not applicable, is capacity.
15 These are collector semi-local roads.
16 What is capacity? If you have a glass
17 of water, obviously, you can fill it up
18 to the brim, no more water allowed. We
19 have something similar in traffic. What
20 I will mention to you is that South
21 Alhambra is currently carrying about 30
22 percent of its capacity. We're just
23 increasing it slightly. Caballero is at
24 10 percent of its capacity. We're
25 increasing it significantly --

1 Capacity is a nonissue. It's a
2 nonissue. It's a black-and-white issue.
3 But again, I don't think it's
4 applicable, because we're dealing with
5 facilities that serve neighborhood
6 access.

7 The other one is level of service,
8 and you all have heard the term, level
9 of service. You know, we grade them A,
10 B, C and D. D is the standard. In the
11 case of U.S. 1, it is E. Well, let me
12 share with you what we've got. This
13 intersection, which is a four-way-stop
14 intersection, we did an analysis,
15 existing, future without a project,
16 future with a project. Level of
17 service, A. It doesn't get better than
18 that, with our project in the future.

19 The other intersection that's a
20 stop control intersection is the one at
21 Nervia Street. That also is operating
22 very well. It's at A during the morning
23 peak hour. Afternoon is B. So A and B
24 will remain at those level of services.

25 By the way, we had numerous

1 meetings with the City traffic
2 consultant, and they never brought the
3 issue that they disagreed with those
4 results. They had comments, which we
5 were back and forth and addressed those
6 with them.

7 The last one is the one that is
8 subjective. How much traffic is too
9 much traffic? And the question that
10 they mentioned was, "We believe it's a
11 significant impact." I have a
12 difference of opinion. We proposed no
13 mitigation for the neighborhood
14 community, because we have the opinion
15 that it's not going to be significant,
16 and I can elaborate more on the Q and A
17 portion. However, when we met with the
18 City's traffic consultant several times
19 and that issue came up, they
20 specifically delegated us to the Public
21 Works Department. When we had the
22 meeting there, we learned that there has
23 been a traffic-calming plan for that
24 whole area, and they specifically said,
25 "We want you to construct," even though

1 we believe we don't have to, "a traffic
2 circle at the intersection of Santana
3 and Dominico," which we have agreed,
4 "and also a traffic circle at the
5 intersection of Caballero Boulevard,"
6 which is our main access point at this
7 location.

8 In terms of mitigating impacts
9 further, as I mentioned before, there
10 are six driveways on Caballero. There
11 are actually three in this area which we
12 are eliminating, so those driveways that
13 are close to the residential development
14 are not going to be there. And I
15 mentioned the level of service of those
16 two intersections. So again, is it
17 significant? I don't think so. If
18 Staff believes it is significant, okay,
19 let's agree with Staff. Public Works
20 told us exactly what mitigation plan
21 they wanted. We have agreed to it. It
22 was just news to me that we have not
23 mitigated our impacts, after Public
24 Works sent us an e-mail, "We agree, this
25 is exactly what we talked at the

1 meeting."

2 The next slide which Mr. Chisholm
3 talked about was the as-of-right, and we
4 did a comparison. The City actually
5 came up with what they believe is the
6 as-of-right development, 188,590 square
7 feet. Our proposal, 26 percent less
8 traffic than what the as-of-right that
9 the City Staff believe is allowed.

10 As Mr. Chisholm mentioned, if we
11 are three stories, we can go over
12 300,000. We did that analysis. 46
13 percent less traffic with our proposal.
14 Whichever way you go, it's significantly
15 less than what we are proposing.

16 The next slide.

17 In summary, we do meet the City's
18 concurrency, as I said. We're part of
19 the Gables Redevelopment and Infill
20 District. We have significantly better
21 access, better flow, better safety. I
22 believe we are overmitigating the
23 impacts to the neighborhood, based on
24 the statements that I made, and lastly,
25 and not least, we are significantly less

1 traffic than what this development would
2 generate if we went with the
3 as-of-rights, either way, City's opinion
4 of as-of-rights development versus what
5 we believe is the correct number.

6 Thank you very much for your time.
7 Hopefully I was precise.

8 MR. ECHEMENDIA: Joaquin, just one
9 question. When you say we're over-
10 mitigating, do you mean that we're going
11 beyond our proportion and fair share?

12 MR. VARGAS: Absolutely. As I
13 mentioned, the access on South Alhambra,
14 the analysis shows A and B. We agreed
15 to add a turn lane that, if you look at
16 the level of service, we don't need, but
17 we agreed to have a turn lane.

18 We have a difference of opinion
19 regarding what is significant, how much
20 traffic is too much traffic. Okay,
21 let's agree with the City. Well, they
22 told us, "We want a circle here, it's
23 part of our overall master plan, and if
24 you can construct a signal at the
25 Caballero Boulevard driveway" -- and

1 furthermore, there's an existing
2 restriction that if you exit the site,
3 there's a no-right-turn sign to go south
4 on Caballero. Initially, we took that
5 out. We agreed to maintain that
6 existing restriction.

7 MR. ECHEMENDIA: Thank you. Can we
8 go on to the next slide?

9 Surprisingly, the Planning
10 Department raises the marine facilities.
11 The marine facilities are not part of
12 this application. It doesn't
13 contemplate an increase in the number of
14 boats or change of use. We are
15 currently in litigation on the marina.
16 I don't want to get too much into it.
17 But the project does not include the
18 marina. That would be vessels that are
19 appurtenant to the upland residential
20 unit owners. It's a function of the
21 linear footage. We don't know where the
22 Planning Department comes up with
23 incorporating the marina. It's really
24 not even -- we won't even call it a
25 marina. It's been there for 55 years.

1 But I don't think we want to get too
2 much into that, in light of the existing
3 litigation.

4 That said, I do want to, at least
5 for the record, include some letters
6 that we got from Florida Fish & Wildlife
7 regarding the stickers that we have
8 relative to the manatees, the
9 registrations, a letter from DERM dated
10 November 5th, 2004, indicating that the
11 proposed use of the facility, private
12 yacht basin or marina or what have you,
13 is consistent with and a permit could be
14 issued, but for the objection of the
15 City of Coral Gables at the time, in
16 light of the -- where we were in
17 mediation.

18 We also have a March 6th -- March
19 16th, 2006 letter from Florida Fish &
20 Wildlife, confirming that there is no
21 work or changes to the boat facility
22 planned for the project. There's no
23 special impact to the manatees. No
24 manatee carcasses have been recovered to
25 date at the property, and maybe if we

1 could go on to the next slide -- next
2 slide. Thank you.

3 A total of four carcasses have been
4 recovered between 1974 and 2005 from
5 Gables Waterway, and that the resident
6 and visitor access passes will continue
7 to be provided.

8 And maybe, Amanda, if we can just
9 submit one to the -- this, just to the
10 clerk of the Board, I guess that would
11 be Jill.

12 CHAIRMAN KORGE: Should we mark
13 these as your exhibits? I think that
14 would be helpful.

15 MR. RIEL: We have a stamp. We'll
16 mark them.

17 CHAIRMAN KORGE: Okay.

18 MR. ECHEMENDIA: So if we can go to
19 the summary of the request for a
20 minute -- Actually, before we go to the
21 summary of the request, I think rather
22 than ask Eric questions on rebuttal, why
23 don't we go ahead and ask him some
24 questions now?

25 Mr. Riel, nice presentation, by the

1 way. We don't agree with the
2 conclusions, but very nice and
3 professional presentation.

4 Did you prepare that presentation
5 by yourself? Did you prepare the
6 recommendation by yourself?

7 MR. RIEL: I'm sorry, could you
8 repeat the question?

9 MR. ECHEMENDIA: Did you prepare
10 the recommendation by yourself?

11 MR. RIEL: The recommendation comes
12 from the Planning Department.

13 MR. ECHEMENDIA: And that would be
14 you, Wally, Javier, wrote it together?
15 Okay.

16 MR. RIEL: No, the Planning
17 Department in consultation with the
18 Zoning Department, Building Department,
19 all other City departments.

20 MR. ECHEMENDIA: Did Wally Carlson
21 have a role in the preparation of the
22 presentation -- of the recommendation?

23 MR. RIEL: He's a member of the
24 Planning Department Staff, yes.

25 MR. ECHEMENDIA: So, as a member of

1 the Planning Department Staff, I guess
2 the answer is yes, he played a role in
3 the preparation of the recommendation?

4 MR. RIEL: As part of the quorum.
5 He did not participate in a lot of the
6 meetings for the past three to six
7 months. He's a part of the team that
8 reviews the application. He's a part of
9 the team, so yes.

10 MR. ECHEMENDIA: Okay, thank you.

11 I'd like to submit into the record
12 a letter dated May 29th, 2000 -- I'm
13 sorry, March 28th, 2007, from Armando
14 Guerra as the principal of AMACE,
15 indicating that he was sorely disabused
16 to find out that Wally Carlson had not
17 disclosed to us early on in the process
18 that he was within the thousand-foot
19 radius, and we submitted that letter to
20 the City of Coral Gables and I'll submit
21 that letter to the record.

22 We then got a response from the
23 City Attorney. It was our allegation
24 that Wally had a conflict, should not be
25 involved in the preparation of the -- in

1 the analysis and review of this project,
2 in that he would be directly affected
3 and therefore would not be fair-minded
4 in a review of the project.

5 We got a response from the City
6 Attorney, saying that technically they
7 didn't believe it was a conflict.

8 A number of months ago, I asked --
9 not a number of months ago. Most
10 recently, I raised the issue with the
11 Planning Director, who indicated to me
12 that in light of that concern, he would
13 exclude Wally from future meetings and
14 involvement in this project.

15 We were sorely disabused to find
16 out that, notwithstanding that
17 conversation, he continued to be
18 involved in the project, so much so that
19 we went to the Planning Department one
20 day on a request for production on the
21 marina litigation, and Wally walks out
22 of the room with none other than Tucker
23 Gibbs. So it was quite surprising to
24 us. We were, again, sorely disabused.
25 We believe that that is not fair due

1 process, in terms of a recommendation
2 coming out from the Planning Department
3 which clearly is skewed in favor of the
4 very planner who lives in the area. So
5 I'll submit that into the record.

6 MR. GIBBS: Mr. Chairman, may I
7 respond to that, since my name was
8 brought up?

9 CHAIRMAN KORGE: Well, why don't
10 you -- when you make your presentation,
11 you'll have more than enough time --

12 MR. GIBBS: But just for the sake
13 of the court reporter, I'd like to have
14 it in response.

15 CHAIRMAN KORGE: Okay. Go ahead.

16 MR. GIBBS: It's very brief.

17 What he's talking about, one, has
18 nothing to do with what's before you.
19 It was a litigation over the marina.
20 Number two, it was a request for
21 production. I got there early and
22 Mr. Carlson showed me the box, and I
23 went in and made -- and ordered the
24 copies and I left, and that was the sole
25 extent of it. I have never, ever

1 discussed this project with Mr. Carlson
2 at all. I have not lobbied anybody in
3 the City about this project, including
4 Mr. Carlson.

5 So I take exception to the fact
6 that Mr. Carlson was doing his job in
7 providing me with documents that I had
8 made a public records request for, and
9 that's all he did.

10 CHAIRMAN KORGE: Okay.

11 MR. GIBBS: And I really don't like
12 the fact that just because I'm seen with
13 somebody, that that means that something
14 terrible is going on.

15 CHAIRMAN KORGE: Okay, thank you.

16 MR. GIBBS: Thank you.

17 MR. ECHEMENDIA: Madam City
18 Attorney, now that he's testified as a
19 witness, I'll cross-examine him after
20 Eric.

21 MS. HERNANDEZ: Okay --

22 MR. GIBBS: I am testifying --

23 MS. HERNANDEZ: Gentlemen --

24 MR. GIBBS: -- only to clarify --
25 excuse me --

1 may feel good at the time, it delays the
2 process and doesn't really help anybody,
3 so if you could restrain yourselves,
4 we'd all appreciate it very much. Thank
5 you.

6 Go ahead.

7 MR. ECHEMENDIA: Mr. Riel, did
8 Wally Carlson assist you in drafting the
9 recommendation?

10 MR. RIEL: He is a member of the
11 Planning Department Staff.

12 MR. ECHEMENDIA: I mean, please.
13 City Attorney, can he answer the
14 question, did he draft -- did he --

15 MR. RIEL: That's my answer.

16 MR. COE: This has been asked and
17 answered. Let's move on.

18 MS. HERNANDEZ: I'm sorry, what was
19 the question and what was the answer?

20 MR. ECHEMENDIA: He says he's --
21 I'm asking him if Wally helped draft the
22 recommendation, and he says the answer
23 is, he's a member of Planning Staff. If
24 that means that all the Planning Staff
25 has been involved in drafting the

1 recommendation -- Is that what that
2 means?

3 MR. RIEL: Yes.

4 MR. ECHEMENDIA: Thank you. What
5 is the purpose of the PAD regulations?
6 Is it to allow for transfer of density
7 and intensity towards major corridors?

8 MR. RIEL: I refer to the Staff
9 Report for that question.

10 MR. ECHEMENDIA: Okay. What is the
11 GRID and what is its purpose?

12 MR. RIEL: The GRID?

13 MR. ECHEMENDIA: The GRID, the
14 exemption of concurrency.

15 MR. RIEL: Gables Redevelopment
16 Infill District?

17 MR. ECHEMENDIA: Right.

18 MR. RIEL: A traffic exemption
19 district.

20 MR. ECHEMENDIA: Where else in the
21 City would multi-family projects be more
22 appropriate than on a major
23 transportation corridor, in close
24 proximity to public transportation?

25 MR. RIEL: Could you repeat the

1 question?

2 MR. ECHEMENDIA: Where else in the
3 City would multi-family projects be more
4 appropriate than on a major
5 transportation corridor, in close
6 proximity to public transportation?

7 MR. RIEL: I mean, that's very -- I
8 don't know how I could answer that.

9 MR. BEHAR: Excuse me,
10 Mr. Chairman, but I'm getting a little
11 bit confused and perhaps annoyed. Is
12 this the time where these questions are
13 asked of the Planning Director?

14 MS. HERNANDEZ: Well --

15 MR. RIEL: Yes.

16 MS. HERNANDEZ: -- what the cross
17 examination is most appropriate is
18 specific areas in the report, and what I
19 would prefer, if possible, if counsel
20 can refer to the page on the report that
21 he's referring to, Santiago, so that --
22 so that both the Chair and the Board
23 members, as well as Mr. Riel, can refer
24 to the page that you're coming from, and
25 then that way he can view it in the

1 context in which it was written.

2 MR. ECHEMENDIA: I will -- I have
3 one or two more questions. They're all
4 relative to his -- they all emanate from
5 his recommendation, and I would like --

6 MS. HERNANDEZ: I understand --

7 MR. ECHEMENDIA: -- to specifically
8 refer to the page number.

9 MS. HERNANDEZ: -- but you're
10 losing the Board members here.

11 MR. ECHEMENDIA: I'm sorry. I'll
12 specifically refer to page numbers.

13 MR. COE: If I may also remind the
14 applicant, it is 10 minutes to eight.
15 Under City rules, this meeting ends at
16 nine o'clock.

17 MR. ECHEMENDIA: I understand, and
18 I apologize, Mr. Coe, but there are
19 lawyers in opposition. This is going to
20 end up being appealed. I'm just trying
21 to make a record.

22 MR. COE: I'm just pointing that
23 out, so we don't forget --

24 MR. ECHEMENDIA: Understood.

25 MR. COE: -- the loss of time here.

1 MR. ECHEMENDIA: Understood.

2 Very quickly, where in the Staff
3 Report are the goals and objectives
4 related to urban infill discussed?

5 MR. RIEL: Pages 15 through 32.

6 MR. ECHEMENDIA: I'm not sure they
7 were discussed at all, but fair enough.

8 Page 10 in the recommendation, you
9 indicate that, "Mitigation measures for
10 setback relief are insufficient." What
11 does that mean?

12 MS. HERNANDEZ: Where are you
13 referring to?

14 MR. ECHEMENDIA: Page 10,
15 "Mitigation measures for setback relief
16 are insufficient."

17 MR. COE: Where -- where exactly
18 are you reading?

19 MR. GIBBS: 10 and 11.

20 MR. ECHEMENDIA: I'm sorry, 10 and
21 11 of the recommendation.

22 Thank you, Tucker.

23 MS. HERNANDEZ: Okay --

24 MR. COE: The recommendations.

25 MR. RIEL: In response, the record

1 shows, the Staff Report, I refer to the
2 goals and objectives on Pages 15 through
3 32 in the Staff Report.

4 MR. ECHEMENDIA: Fair enough.

5 Page 10, you indicate that the
6 total square footage permitted increase
7 is 257 square feet, correct?

8 MS. HERNANDEZ: Yes.

9 MR. ECHEMENDIA: Without Med
10 bonuses?

11 MR. RIEL: That's what's indicated
12 in the Staff Report.

13 MR. ECHEMENDIA: So the requested
14 change does not increase the permitted
15 square footage, but the changes from
16 commercial to residential, how does this
17 not provide adequate transition between
18 existing and proposed uses?

19 MR. RIEL: Again, it's in the
20 record, the goals and objectives, in the
21 Staff Report. Pages 15 through 32 are
22 referenced.

23 MR. ECHEMENDIA: Fair enough. So
24 the project would be the same size with
25 commercial uses today, without a public

1 hearing approval; is that correct?

2 MR. RIEL: I can't make that
3 determination, because I have not drawn
4 another site plan.

5 MR. ECHEMENDIA: You don't want to
6 refer to your recommendation again?
7 It's in your recommendation.

8 MR. RIEL: Repeat the question,
9 please.

10 MR. ECHEMENDIA: So a project of
11 the same size with commercial uses can
12 be built as-of-right today, but for that
13 257 square feet, right?

14 MR. RIEL: I have not designed a
15 site plan, so I cannot answer that in
16 terms of specifics, because it deals
17 with a lot of different issues.

18 MR. ECHEMENDIA: Fair enough. Page
19 11, additional traffic improvements are
20 required to mitigate the impacts. When
21 was this comment drafted?

22 MR. RIEL: As a part of the
23 development of the Staff recommendation.

24 MR. ECHEMENDIA: Did you receive a
25 letter dated March 5th, 2008, which

1 reflects the coordination with the
2 Public Works Department on the
3 additional traffic improvements, where
4 they were okay with what we were
5 proposing as mitigation?

6 MR. RIEL: I'm sure it's a part of
7 the record if I had received it.

8 MR. ECHEMENDIA: On Page 13.
9 Density, size, area and massing is not
10 compatible with adjacent residential
11 neighborhood. What is located on U.S.
12 1, Mr. Riel?

13 MR. RIEL: What is located on U.S.
14 1? A lot of uses are located on U.S. 1.

15 MR. ECHEMENDIA: Generally
16 commercial, right?

17 MR. RIEL: It's commercial.

18 MR. ECHEMENDIA: On South Alhambra
19 Circle?

20 MR. RIEL: I think the zoning map
21 would indicate the zoning districts on
22 U.S. 1.

23 MR. ECHEMENDIA: Okay. I -- You
24 all have been very indulgent. We have
25 taken a while. I have many more

1 questions, but I will waive these
2 questions for now, in light of the late
3 hour. This is a recommending body.
4 We're going to be in front of
5 Commission. We'll make our record
6 there.

7 Mr. Behar, I apologize, and, you
8 know, what is important is -- and just
9 for your understanding, and hopefully --
10 you know, we appreciate your patience,
11 but because this is quasi-judicial and
12 because it's going to be on appeal, we
13 do have to make a record. We're sorry
14 that it's a bit burdensome, and so let
15 me wrap up. We will reserve some time
16 for rebuttal, if there is any. I
17 suspect there may not be.

18 But going into the five requests,
19 if we can go to that final slide,
20 please, in our presentation.

21 Application 5-1 is the change of
22 land use from -- it's a change of land
23 use from commercial to multi-family.
24 Your Staff has not provided any
25 competent substantial evidence that that

1 application, in and of itself, is
2 inconsistent and/or incompatible with
3 the goals, policies and objectives of
4 the Comprehensive Plan. Instead, what
5 they've done is given you a
6 recommendation on the site plan, on the
7 project, and incidentally, it's
8 interesting that Mr. Riel failed to
9 show, as he was going through the 3-D,
10 purposefully or otherwise, the amenities
11 and how that transitioned down. He
12 stayed at where it was at about 37 feet,
13 but it transitions down even more.

14 But solely looking at the issue of
15 the land use application, the
16 redesignation from commercial to
17 multi-family and from existing
18 commercial lots to multi-family, there
19 is nothing in the record, in the
20 recommendation, in and of itself, that
21 speaks to the proposed plan amendment as
22 being inconsistent. Rather, everything
23 revolves around the proposed project.

24 I would submit to you, we would
25 urge you, respectfully implore you, to

1 recommend for approval on the land use
2 application.

3 The zoning is the next one. The
4 zoning is a mirror image of the land use
5 application except that the standard is
6 less deferential to you guys. It's
7 competent substantial evidence. We
8 believe there's nothing in the
9 recommendation, there is no competent
10 substantial evidence, that treats the
11 rezoning application by itself, in
12 isolation, that is, the redesignation
13 from commercial to multi-family, not
14 looking at the site plan but simply
15 looking at the rezoning application by
16 itself, and nor is there any comment
17 that states that a legitimate public
18 purpose is being furthered. Rather, it
19 is clearly arbitrary and capricious. We
20 would be hopeful that you would approve
21 or recommend for approval on the
22 application for rezoning.

23 The Staff recommendation does treat
24 the PAD, the site plan and the
25 conditional use. We would argue that it

1 does bear the public interest -- it does
2 meet the public interest test. It was
3 articulated and amplified on, in terms
4 of that criteria, by Bob Chisholm and
5 Matt, as well as, to a large extent, by
6 Joaquin Vargas, in terms of the
7 transportation.

8 On the conditional use, we don't
9 believe that the Med bonus, as
10 articulated by our experts, is against
11 the public welfare, and therefore meets
12 that standard, as well.

13 So, with that -- and thank you for
14 your indulgence. We know it's taken a
15 little while. It's a long project.
16 It's taken us approximately three years
17 to get here. So, with that, we'd like
18 to reserve a little time for rebuttal,
19 and thank you for your indulgence.

20 MR. RIEL: Mr. Chair, I would like,
21 also, the opportunity to ask their team
22 some questions, as well, whenever it's
23 appropriate.

24 CHAIRMAN KORGE: Okay.

25 Mr. Gibbs, do you want to give us

1 your presentation now?

2 MR. GIBBS: Good evening. My name
3 is Tucker Gibbs, with law offices at
4 2980 MacFarland Road, in Coconut Grove,
5 and I'm here representing the Riviera
6 Neighborhood Association, and I'm going
7 to be mercifully brief, and I said 10
8 minutes, and it's not going to be the
9 half hour that they promised.

10 So I'm going to tell you that the
11 Riviera Neighborhood Association is
12 bounded by, as I think you all know,
13 U.S. 1, Maynada, Sunset and Red Road,
14 and this property is in the heart of our
15 neighborhood and its development will
16 impact the immediate single-family
17 neighbors, as well as their entire
18 neighborhood, because of the sheer size,
19 the bulk, the massing, the height, the
20 placement on the property, and the
21 virtual intensity of this project.

22 Such a massive project is not
23 warranted so close to a solid,
24 longstanding single-family neighborhood.
25 Yes, the RNA has met with the developer

1 on many occasions to try and reach an
2 understanding regarding this
3 development, but despite both sides'
4 best efforts, we cannot support this
5 overwhelming development.

6 You have a Professional Planning
7 Staff that has prepared a report that I
8 have to say is amazing, and I mean that
9 in the most complimentary sense. I have
10 been representing clients as an
11 objector's attorney and as a developer's
12 attorney for 20 years -- and as a
13 municipal attorney, for 20 years, over
14 20 years, and I've got to tell you
15 something. I have never, ever seen a
16 report that has been so thorough and
17 so clear as this report. I'm absolutely
18 and utterly amazed. I may not be so --
19 so vociferous about it if it was against
20 me. I'd be scared to death. And
21 obviously they are, because this report
22 does the job. And because of that, I
23 could sit here, and I've got pages and
24 pages of what I could say about this
25 project, but it's eight o'clock. You've

1 got one hour to hear from a lot of
2 people who actually live in the
3 neighborhood and who are concerned, and
4 so I'm going to leave you with one
5 thing, and that is, when you talk about
6 all the standards of review and you talk
7 about the land use change and the zoning
8 change, and you talk about the PAD, you
9 all are the Local Planning Agency. You
10 all also are the Planning Board. You
11 have the right to make a recommendation
12 based on your Professional Staff. Your
13 Professional Staff is paid by the City
14 of Coral Gables. Your Professional
15 Staff does not have an axe to grind.

16 I've got a professional planner
17 here for my clients, they've got their
18 architects and planners, but the Staff
19 is your Staff, and they're not biased.
20 Despite the best efforts of the
21 opponents here, they are not biased, and
22 they're presenting to you their best
23 efforts as your Professional Staff, and
24 they don't have an axe to grind, and
25 therefore, I think you should look at

1 that report for what it is, your Staff's
2 report.

3 You've got half the City Staff
4 sitting there, from the Building
5 Department, to the Architect for the
6 City, to the Public Works Department,
7 and they all helped produce this
8 document.

9 So I'm going to leave you with
10 something about the PAD, because that's
11 the issue. It's what's going to be
12 built there. The land use change allows
13 them to do this. Don't kid yourselves.
14 These guys are coming here to you and
15 asking to change the land use and the
16 zoning because of what it gives them.
17 It allows them to build this project.
18 That's why they're doing it. If they
19 could build an as-of-right project,
20 they'd do it, but they're not doing it.
21 They're coming here and asking you for
22 something. That's because they want to
23 build this project. So it all goes back
24 to the project.

25 The PAD. The PAD is a great idea.

1 It's a great concept. It allows
2 flexibility in development. But here,
3 it's not being used for flexible
4 development. They're taking the PAD,
5 they're taking the Mediterranean
6 bonuses. They're trying to grab every
7 ounce and every little square foot of
8 land here. It is like the old saying,
9 you've got a one-pound bag of sand, a
10 bag for sand, and you're going to put
11 five pounds' worth of sand in it, and
12 that's the problem here. So, instead of
13 the PAD being used for flexibility in
14 development and building a wonderful
15 project for the neighborhood, it's being
16 used instead to maximize the
17 development, and the result is the
18 project that your Professional Staff has
19 said is too big, too massive, and too
20 close to a single-family residential
21 neighborhood.

22 The report is clear and thorough.
23 We urge you to follow its
24 recommendations and vote to recommend
25 the denial of every single one of the

1 applications. Thank you very much.

2 CHAIRMAN KORGE: Thank you.

3 Now, we can either take questions
4 from the Board now or we can hear from
5 the public.

6 MR. COE: Let's hear from the
7 public.

8 MS. HERNANDEZ: Yeah.

9 CHAIRMAN KORGE: Let's hear from
10 the public and then we'll proceed with
11 questions from the Board and then
12 discussion.

13 MR. AIZENSTAT: Tom, if I may, just
14 one second.

15 Liz? If I can ask the City
16 Attorney, I received at my home a letter
17 from the Riviera Neighborhood
18 Association. I live at the very far
19 extreme, by Sunset and Veronese. Do I
20 have any type of conflict by sitting on
21 the Board?

22 MS. HERNANDEZ: Based on opinions
23 of the Ethics Commission and the
24 Attorney General's Office, the number of
25 households in the area indicates that

1 you do not have a conflict and you're
2 compelled to vote on this matter.

3 MR. AIZENSTAT: Okay. Thank you.

4 CHAIRMAN KORGE: Would you call the
5 first witness, please?

6 MS. HERNANDEZ: Mr. Chairman, as
7 you start to call, she needs to change
8 paper.

9 MR. COE: Mr. Chairman, can we take
10 a five-minute break?

11 MR. SALMAN: Can we take a
12 five-minute break, Mr. Chair?

13 CHAIRMAN KORGE: We'll take a
14 five-minute break and come back, and
15 each witness needs to be sworn in.

16 (Thereupon, a recess was taken.)

17 CHAIRMAN KORGE: Yes, I know
18 there's a time limit.

19 We have to limit public input, no
20 more than three minutes per speaker,
21 because we're running out of time and --

22 MR. COE: They need to get sworn
23 in.

24 CHAIRMAN KORGE: Yes, they'll be
25 sworn in. And I just remind everybody

1 that your written comments have been
2 provided to us and, you know, we do look
3 at them and consider them thoroughly.

4 Would you call the first speaker,
5 please?

6 MS. MENENDEZ: Joyce Newman.

7 CHAIRMAN KORGE: Please state your
8 name and address for the record and then
9 you'll be sworn in.

10 MS. NEWMAN: Joyce Newman. I live
11 at 1212 Santana Street. I am here as
12 the president of the Riviera
13 Neighborhood Association.

14 Do I --

15 (Thereupon, Ms. Newman was duly
16 sworn by the court reporter.)

17 MR. COE: Tell him to swear them
18 all in.

19 MS. NEWMAN: Our mission is to
20 preserve and protect the --

21 CHAIRMAN KORGE: Excuse me.
22 Apparently I'm getting a consensus here
23 for swearing everybody in at the same
24 time.

25 MR. COE: Swear them all at once.

1 CHAIRMAN KORGE: After this
2 witness, okay?

3 MS. NEWMAN: Our mission is to
4 preserve and protect the environment and
5 the quality of life in and around the
6 Riviera subdivision, within the City of
7 Coral Gables. We communicate with about
8 800 households.

9 On behalf of the Riviera
10 Neighborhood Association, I want to
11 thank our members for participating in
12 this process. I also wish to take this
13 opportunity to thank the City,
14 especially Planning and Zoning, and this
15 Board.

16 Our association is respectful of
17 everyone attending this meeting tonight.

18 The Riviera Neighborhood
19 Association wishes to support the
20 findings of the Professional Staff of
21 the City of Coral Gables Planning
22 Department. Thank you.

23 CHAIRMAN KORGE: Thank you.

24 Will you call the names of all the
25 people who are witnesses and they will

1 stand and be sworn in at the same time?

2 MS. MENENDEZ: Eric Aserlind, Maria
3 Gonzalez, Cathy Burnweit, Lisa
4 DeTournay, Stuart Rich, Michael Cohen,
5 Josie Ramirez, Sandra Levinson, Amado
6 Acosta.

7 CHAIRMAN KORGE: Would the reporter
8 swear them all in at the same time,
9 please?

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

12 CHAIRMAN KORGE: Call the next
13 witness, please.

14 MS. MENENDEZ: Eric Aserlind.

15 CHAIRMAN KORGE: Please state your
16 name and address for the record.

17 MR. ASERLIND: My name is Eric
18 Aserlind, A-S-E-R-L-I-N-D. I live at
19 6304 Caballero Boulevard.

20 I'm not an expert witness. I have
21 no qualifications except being a
22 resident of the City.

23 Last weekend, my wife and I did a
24 quick survey, an informal survey of the
25 green space currently in place at what

1 we call -- what's being discussed today,
2 and our findings or at least -- I'm not
3 going to bore you with the numbers. We
4 looked at trees and diameters and
5 things, but essentially there are 344
6 trees and/or palm clusters on that site,
7 and that doesn't even take into account
8 count the hundreds of feet of shrubs and
9 other landscaping along the public
10 right-of-way and along the front of the
11 buildings. I won't even bore you with
12 the different species of trees.

13 The purpose -- This survey wasn't
14 supposed to be scientific or even
15 exhaustive. In fact, if anything, this
16 probably under-represents what's
17 actually there, because we did this from
18 public access, adjoining properties. We
19 didn't enter any restricted spaces to do
20 this. And the purpose was just to look
21 at -- give some indication of the amount
22 of free-standing tree canopy that will
23 be sacrificed if this development is
24 realized in this scale.

25 I appreciate the fact that

1 Mr. Chisholm addressed that, and I
2 feel -- you know, I feel that they have
3 looked at it. I was concerned that
4 hadn't been looked at in detail, and
5 evidently they've put a lot of thought
6 into it.

7 The plans indicate -- The plan that
8 we had the opportunity to see early on
9 was that all the trees, including the
10 five royal palms along U.S. 1, would be
11 removed and replaced by approximately
12 144 trees, by my count -- again, this is
13 not scientific, it's not sworn -- and
14 replaced with concrete planter boxes
15 like you find in the shopping malls and
16 in office buildings. A lot of these are
17 sacrificed because of the reduced
18 setbacks along streets, particularly
19 Caballero.

20 In a time when citizens and
21 governments are urged to think green,
22 you know, the effect on the canopy
23 should be considered. We've already
24 had -- starting in 1992, Hurricane
25 Andrew effectively helped us remove some

1 of this canopy. It's kind of ironic
2 that last -- you know, you're looking at
3 this, considering these plans right now,
4 and just last weekend, Miami-Dade County
5 was giving away two trees per family to
6 try to encourage residents to help
7 preserve their neighborhood tree canopy.

8 Thank you.

9 CHAIRMAN KORGE: Thank you.

10 Call the next witness, please.

11 MS. MENENDEZ: Maria Gonzalez.

12 CHAIRMAN KORGE: Please state your
13 name and address for the record.

14 MS. GONZALEZ: Maria Gonzalez. I
15 live at 6300 Caballero Boulevard. I'm
16 the closest house to the project.

17 MR. COE: Speak in the microphone.

18 MS. GONZALEZ: I'm sorry. I've
19 never spoken before so many people
20 before.

21 Okay, I would like to speak about
22 some of the flaws in the parking plans.
23 Parking in the area is already an issue.
24 I don't know if you -- I mean, right
25 beside my property, even before we add

1 the 10 city blocks' worth of
2 residents -- I live in -- like I told
3 you, I live right beside the project.
4 Right now, on a daily basis, there are
5 cars parked on the swale next to my home
6 from 7:00 a.m. to workday end. When I
7 arrive home, like at six o'clock,
8 they're still parking there. When I
9 leave, there are already two in there,
10 and I leave like about 7:20.

11 The new development will have four
12 times the square footage, but only twice
13 the parking. It would not be a stretch
14 to foresee that those of us who live in
15 the neighborhood will have people
16 parking on our lawns.

17 Realistically, underground parking
18 will not be used when there are free
19 spaces in the area, the spaces which are
20 meant for use by park patrons.
21 Displaced Jaycee Park users, as well as
22 visitors to the new condos and
23 businesses who do not want to go
24 underground to park at sites a long walk
25 away, will park in the swale on our

1 houses, an unacceptable situation, one
2 which occasionally happens even now.

3 In addition, the underground garage
4 makes it impossible to have trees in the
5 area. It is laughable to think that
6 container plants will be adequate
7 replacement for a tree canopy, but that
8 is what the present AMACE plan calls
9 for.

10 I just want you to look -- I mean,
11 I don't know if the City can pass by
12 there, but right now there is problems
13 with the parking in the area. So when
14 they build what they plan to build,
15 there probably will be more parking
16 problems. I will be having, in my lawn,
17 people parking.

18 Thank you.

19 CHAIRMAN KORGE: Thank you.

20 Call the next witness, please.

21 MS. MENENDEZ: Cathy Burnweit.

22 CHAIRMAN KORGE: Please state your
23 name and address for the record.

24 MS. BURNWEIT: Cathy Burnweit, 6304
25 Caballero.

1 I am not anti-development. I think
2 the buildings that are there now are
3 awful and they should be redeveloped.

4 That being said, this plan that is
5 proposed now is deficient on so many
6 levels, and I'm just going to talk about
7 one deficiency. The plans as stated now
8 are an invitation to tragedy. They have
9 the service entrance on Caballero,
10 across from the Jaycee Park, for 95 new
11 residents and all of the businesses.
12 That means that waste removal trucks,
13 recycling and delivery vehicles are
14 funneled into the project where kids are
15 crossing the street to go to the park.

16 I am a pediatric surgeon at Miami
17 Children's and a member of the trauma
18 team there, and I have seen firsthand
19 the interactions of trucks with kids,
20 and in every single case, the kid loses.

21 I'm going to tell you about
22 Michael, a patient of mine. His parents
23 have allowed me to talk about him. He
24 was hit by a garbage truck in Nassau at
25 age 12 and was air-lifted here, nearly

1 dead. He ended up losing his right leg
2 at the hip, left leg at the hip. His
3 scrotum and testicles were avulsed. His
4 testicle that was left was transposed
5 into his right remaining thigh, and he
6 has a colostomy for life.

7 Do not -- do not cry about Michael.
8 He is a happy, friendly, funny kid, and
9 he plays -- despite his 20-odd
10 surgeries, he plays tennis, in his
11 wheelchair, okay? But cry for the
12 potential kids getting hit by these
13 service trucks that are going to die or
14 be brain-damaged. Cry for the mothers
15 who are never going to hear, "Ma, let's
16 go find my prom dress this weekend."
17 Cry for the dads who are not going to
18 hear, "Daddy, I love you."

19 This is a huge issue, okay? It
20 doesn't take a genius to figure out that
21 you do not put service trucks into the
22 spaces where kids are playing, and
23 that's what this project is doing. It
24 is directing the trucks right across
25 from Jaycee Park, and you're not going

1 to be able to turn left at Caballero,
2 because there's no light there. So
3 these trucks are going to lumber down
4 Hardee, right where the free parking for
5 the park is, where the kids are going to
6 jump out of the cars, because those
7 trucks are going to go to Mariposa to
8 turn left, south, at the light.

9 But thoughtful planning is not a
10 big issue here. It's not a hallmark of
11 this project. Perhaps the only entity
12 to benefit, besides this private
13 industry, is my trauma program, with its
14 increased amount of children.

15 The neighborhood will not benefit,
16 and some of the neighbors may pay with
17 the blood of their children, and it will
18 not -- this tragedy won't be an
19 accident. It will be a foreseen, direct
20 consequence of myopic planning, and who
21 is going to tell a devastated parent,
22 "Yeah, we thought it might be a problem,
23 but we let them build it there anyway"?

24 Thank you. Thanks for the floor.

25 CHAIRMAN KORGE: Thank you.

1 MS. BURNWEIT: I have pictures of
2 Michael, not his real name, and I'll
3 just pass that out, at admission and
4 during his rehab.

5 CHAIRMAN KORGE: Would you call the
6 next witness, please?

7 MS. MENENDEZ: Lisa DeTournay.

8 CHAIRMAN KORGE: Please state your
9 name and address for the record.

10 MS. DeTOURNAY: Yeah, Lisa
11 DeTournay, 6308 Caballero. I am the
12 third house from the proposed project.

13 In looking at the scope of this
14 project and the architectural designs,
15 I've realized that the public street we
16 all have the benefit of using will be
17 obliterated by the AMACE project. The
18 proposed development appears to go right
19 to the street on U.S. 1. That means
20 that the right-of-way, the street
21 parallel to U.S. 1, will be removed from
22 the public's use. This is now
23 City-owned property, and apparently will
24 be appropriated for private use. Public
25 property should not be used for private

1 gain.

2 This reminds me the of Publix
3 incident years ago, where they had a bid
4 to enlarge the Monza Publix, and they
5 wanted to take over the alleyway, which
6 was also fought by the RNA and
7 successfully defeated.

8 And that's about it. Well, thank
9 you. I also want to say that in looking
10 at all the viewings that we've seen
11 today, the majority of the houses in the
12 neighborhood are single-story. There
13 are very few that are two-story. And
14 this is a beautiful project, well
15 designed, but I think it belongs in a
16 downtown renovation area, in some larger
17 city, but in a downtown area, not
18 residential. I, by the way, have a
19 single-story home, myself, with a
20 two-story tower.

21 Thank you.

22 CHAIRMAN KORGE: Thank you.

23 Would you call the next witness,
24 please?

25 MS. MENENDEZ: Stuart Rich.

1 CHAIRMAN KORGE: Please state your
2 name and address for the record.

3 MR. RICH: My name is Stuart Rich,
4 1222 Aduana Avenue, and this is going to
5 be really short, and I appreciate the
6 Planning Department. I just got some
7 evidence to sort of confirm their
8 contention that overflow parking seems
9 to be an inevitable result of
10 overdevelopment, because my son and I
11 and others have noticed parking along
12 Caballero, particularly at the foot of
13 Manati, and it's an in-line parking.

14 I've got some pictures here, and
15 I've got five copies of this, so I'll
16 leave it with the clerk for your
17 inspection later. This shows -- well,
18 that's the address, it's Manati and
19 Caballero. There's seven cars right
20 here. They're all parked heading in.
21 And while we were there, just by
22 coincidence, a lady pulls up, in Car --
23 I'm calling it Car Number 7. She jumps
24 out of the car, crosses, cuts through
25 the park, and we're observing this, and

1 my son can testify, also, that this is
2 exactly what happened, and she proceeds
3 to enter the parking lot at BMI. That's
4 the gigantic building on Dixie Highway,
5 which I'm sure at the time that it was
6 designed, everybody said, "Don't worry,
7 there's plenty of parking."

8 Anyway, a couple days later, my son
9 was able to enter the building, and he's
10 got some photographs of the parking at
11 that building. This is the underground
12 section. You can see it's full.

13 This is another shot of Manati and
14 Caballero, a different day, also full,
15 so it isn't like just once in a blue
16 moon. And lastly, the second story or
17 above-deck parking at the BMI building,
18 also very, very full.

19 So, anyway, that's all I have to
20 say. Thank you very much.

21 CHAIRMAN KORGE: Thank you.

22 Call the next witness, please.

23 MS. MENENDEZ: Michael Cohen.

24 CHAIRMAN KORGE: Please state your
25 name and address for the record.

1 MR. COHEN: My name is Michael
2 Cohen, C-O-H-E-N. I live at 1201
3 Aduana.

4 I come here as a concerned citizen.
5 I've lived in my house since 1976. I'm
6 not a new neighbor, and -- but this is a
7 beautiful project. I might want to buy
8 one there, but not where it's going to
9 be. If it was somewhere else, it would
10 be beautiful.

11 I think that it's going to be
12 creating a lot of problems, and the
13 problems are with the traffic. Aduana
14 is a shortcut to the highway. We get
15 quite a few cars coming up Maynada,
16 Aduana and on Manati, and most probably
17 not on Hardee, because you've got the
18 roundabout there. They come up Aduana
19 and they get on the highway.

20 You're going to have the service
21 entrance on Caballero. You're going to
22 have service trucks coming in there.
23 There's people with kids. If you've
24 got -- If any of you have been driving
25 down Aduana, there's several families

1 that have these little Slow Down figures
2 so that cars won't hit their children.
3 Like the doctor said, you know, we don't
4 want to -- you make a decision. You
5 have to make a decision between the
6 developer -- and his business is to make
7 money. The architect, he's doing
8 business to make money. The lawyers
9 make money. But we're not here to make
10 money. We live there, and we want to
11 live in quiet habitation. We don't want
12 more problems than we've got now.

13 When you bring in 95 families --
14 and I'm sure they're not going to be
15 cheap apartments. They're going to have
16 maids. They're going to come during the
17 day. They've got cars. They may have
18 other helpers that come, so you get more
19 and more traffic, plus you've got the
20 businesses, and with the apartments
21 there, they're 7/24. At the moment,
22 most of the places there are business.
23 They're only there five days a week, and
24 they're there eight or nine hours a day,
25 and the rest of the time it's quiet.

1 The weekends, there's very little there.

2 So you're just asking for trouble,
3 you know, and we're the people that's
4 going to have to shoulder it. So
5 basically, I'm here to ask you to deny
6 the change of zoning and also to deny
7 the project as it is, in its present
8 condition. We can't stop them building
9 there. Most probably, maybe if it was
10 two stories and a lot less, there may be
11 a lot less traffic, maybe we would be
12 more open to, you know, think about it.

13 Thank you very much, gentlemen and
14 ladies. Good evening.

15 CHAIRMAN KORGE: Thank you.

16 Call the next witness, please.

17 MS. MENENDEZ: Josie Ramirez.

18 CHAIRMAN KORGE: State your name
19 and address for the record.

20 MS. RAMIREZ: Josie Ramirez, 1200
21 South Alhambra Circle, Coral Gables.

22 First of all, I want to thank you
23 for your attentiveness, despite the
24 length, and I appreciate your being here
25 at a late hour, for no remuneration.

1 We're not against development. I'm
2 here as a board member of the RNA, and
3 we have like 800 members. It's a great
4 organization, and we certainly didn't
5 set out to hurt Mr. Guerra or his team.
6 He's spent a tremendous amount of money,
7 because all those very, very qualified
8 people cost a lot of money.

9 Unfortunately, we believe that the
10 present zoning would have created a
11 project that he could have had built
12 already and walked away profitably, but
13 as these things go on and on and on,
14 three years, it's become a much more
15 expensive project for him, and
16 unfortunately, the pro forma becomes the
17 driver, and you get to a point where
18 it's a lose-lose. I'm here to make sure
19 the neighborhood doesn't lose.

20 Many of us, this is our single
21 largest investment. I don't think they
22 would appreciate if anyone went to
23 Journey's End and decided to do an urban
24 infill project of 85 units. This is my
25 home, and I, along with 800 other

1 residents, believe that it should not be
2 built as designed, and there should be
3 no variance on the present zoning.

4 Thank you very much.

5 CHAIRMAN KORGE: Thank you.

6 Call the next witness.

7 MS. MENENDEZ: Sandra Levinson.

8 CHAIRMAN KORGE: Please state your
9 name and address for the record.

10 MS. LEVENSON: My name is Sandra
11 Levenson. I live at 918 Alfonso Avenue.
12 My husband and I have been Coral Gables
13 property owners since 1989.

14 I'm like most of the other people
15 here, the average citizens who are not
16 public speakers. You know, to get in
17 front of a microphone is terrifying, but
18 I'm here tonight to speak against this
19 massive development called the AMACE
20 project, that's proposed at the end of
21 the Mahi Waterway, bordered by South
22 Alhambra and Caballero.

23 This development is completely out
24 of character and totally, completely out
25 of scale -- to me, scale means three,

1 four and five-story buildings along the
2 Mahi Waterway that dwarf the Waterway.
3 Even their own pictures show the
4 shadows covering almost the whole
5 Waterway.

6 Although there are commercial
7 zoning and commercial buildings along
8 U.S. 1, none of the buildings adjoin,
9 dominate or overflow into single-family
10 residential neighborhoods. None of
11 these projects empty tremendous amounts
12 of traffic onto residential streets.

13 In our neighborhood, we have
14 existing parks, one just across the
15 street from the project, churches,
16 schools, synagogues, and many other
17 green areas with open spaces and large
18 tree canopies. We don't want to see
19 these areas lost.

20 In one of the slides that was shown
21 for the Planned Area Development
22 application, it says that a PAD allows
23 for greater congruous, landscaped open
24 space. In looking at all of the
25 renderings that I've seen, by the

1 architect and whoever, just one of these
2 adjoining single-family homes has more
3 green space than is shown in this entire
4 project.

5 If you have a six-foot setback on
6 the Mahi Waterway, in 1992, when
7 Hurricane Andrew hit, we had a
8 eight-foot water surge up the Mahi
9 Waterway, you know. So we're restricted
10 to a 35-foot setback, the people who
11 live along the Mahi Waterway. It's
12 really -- We also have a very peaceful
13 and special sanctuary along the Mahi
14 Waterway, one that's protected by
15 Florida Statute and provides refuge for
16 the manatees six months a year, in the
17 exact location of this project.

18 We ask that you not approve the
19 various zoning changes requested that
20 would be so detrimental to so many
21 residents and so much marine life.

22 To think that a concrete jungle
23 could possibly be built in this serene
24 setting, this jewel that Coral Gables
25 has, it boggles your mind.

1 I have a lot of other things I'd
2 like to say here but, you know, I won't
3 go into it. There is nothing small-
4 scale about this project, as they've
5 suggested. It's not small-scale, and
6 red tile roofs and bougainvillea do not
7 Mediterranean make.

8 I'll just add one more thing. All
9 of the renderings that I've seen, of all
10 of the drawings, they show U.S. 1 with
11 one car here, maybe a truck here. They
12 don't show six lanes of bumper-to-bumper
13 traffic, probably at least eight hours
14 of the day.

15 I think that's it.

16 CHAIRMAN KORGE: Thank you very
17 much.

18 MS. LEVINSON: I'll give my last
19 statement. I ask, as a resident of the
20 City of Coral Gables, that the Planning
21 and Zoning Board not permit this sort of
22 intrusion into the residential
23 neighborhoods that Coral Gables is so
24 proud of.

25 CHAIRMAN KORGE: Thank you.

1 MS. LEVINSON: Thank you.

2 CHAIRMAN KORGE: Next witness?

3 MS. MENENDEZ: The last speaker is
4 Amado Acosta.

5 CHAIRMAN KORGE: Please state your
6 name and address for the record.

7 MR. ACOSTA: Amado Acosta, 1225
8 South Alhambra Circle. We live within a
9 thousand feet of the proposed
10 development.

11 Several times today, we have heard
12 the word or the statement, "public
13 welfare," right? We have heard from
14 both parties and the City, "public
15 welfare."

16 I just want -- and I actually need
17 for this Board and for the record to
18 show that the City of Coral Gables
19 Commission, on January the 9th, 2007, by
20 unanimous vote, and I mean that,
21 unanimous vote, and this is significant,
22 recommended to the Planning Department
23 that a special study be conducted of the
24 area that was described by Attorney
25 Tucker Gibbs, the area between Sunset,

1 U.S. 1, Maynada and Red Road, and I will
2 be giving you a handout of newspaper
3 articles and a DVD of that City
4 Commission, where all the items come out
5 as to why the needs for that area.

6 Very simply, it is bound by U.S. 1,
7 where there is a potential for
8 commercial development; Red Road, where
9 there is already commercial development;
10 and Sunset, all the way to Nervia, where
11 there's also the potential for
12 commercial development.

13 Therefore, the Commission in its
14 infinite wisdom recognized the potential
15 for damage to our neighborhood,
16 irreparable damage. Once a project is
17 built, it will remain there. The effect
18 on the neighborhood will be irreparable.

19 So my message today is simple.
20 Please recognize that the City
21 Commission voted for a special study,
22 which is pending budget approval with
23 the Planning Department. Mr. Riel knows
24 about that, he has it on his list of
25 things to do, but simply with the budget

1 cutbacks, it hasn't been done. But the
2 fact remains that our neighborhood is a
3 fragile neighborhood and that a project
4 of this nature needs to be closely -- be
5 closely looked at, as your very capable
6 and Professional Staff -- not only the
7 Planning Department, but as I understand
8 it, the team that went along with the
9 Planning Department has recommended to
10 you.

11 So I will plan to give this as
12 handouts. I hope -- I urge you to take
13 a look at them when you get a chance,
14 and please keep this in mind. Thank
15 you.

16 CHAIRMAN KORGE: Thank you.

17 Is that the last witness?

18 MS. MENENDEZ: Yes, it is.

19 CHAIRMAN KORGE: Okay. We'll close
20 the public hearing, open it for
21 questions and discussion by the Board.

22 MR. COE: Do you want a motion
23 first, Mr. Chairman?

24 MS. HERNANDEZ: Well --

25 MR. RIEL: Mr. Chair, I also would

1 like -- I would like to also ask the
2 applicant some questions.

3 MS. HERNANDEZ: Okay.

4 CHAIRMAN KORGE: Okay.

5 MR. RIEL: Whenever appropriate.

6 CHAIRMAN KORGE: This is the best
7 time, then.

8 MR. ECHEMENDIA: We're going to
9 waive our rebuttal. I mean, it's a long
10 night, you guys have indulged us. I
11 don't know that Eric has a right to ask
12 us any questions, and I would object, so
13 I think we're done.

14 MS. HERNANDEZ: Typically, there
15 are no -- I mean, if there are questions
16 that you would like the Board to ask of
17 the applicant, that would be the
18 appropriate fashion to --

19 MR. RIEL: Okay, then, I'd like to
20 just make some closing comments. Is
21 that appropriate?

22 MS. HERNANDEZ: Yes, that would be
23 the appropriate --

24 Now, Mr. Chair, when we -- I think
25 that it would be wisest to deliberate

1 first and then make a motion -- first of
2 all, convene as the LPA after you've
3 deliberated and then make a motion as
4 the Local Planning Agency, incorporate
5 all the evidence, exhibits, the
6 applications and everything that's been
7 presented here tonight into that record,
8 so that you have a motion or
9 recommendation on that, close those
10 proceedings, and then move on to the
11 quasi-judicial matters. That would be
12 my recommendation.

13 CHAIRMAN KORGE: Okay, well, I'll
14 follow your recommendation.

15 Let's start with the deliberations
16 and discussion, open the floor for
17 discussion and also for questions of the
18 applicant or the Staff. Is there any
19 discussion by the Board members?

20 MR. AIZENSTAT: I would like to ask
21 a question, if I may, to the applicant.

22 There's been a lot of talk about
23 as-of-right, what you can do as-of-
24 right, and you're talking about, you
25 could do about 300,000 square feet

1 as-of-right. Would the parking that
2 you'd have to put within that 300,000
3 square feet allow you to do 300,000
4 square feet on that site? Have you
5 looked into that? Have you studied
6 that?

7 MR. POLAK: Currently, in looking
8 at the site, it's a difficult question
9 to answer, because we'd be -- have to
10 look at it under the current Code, not
11 under the old Code, but under the
12 current Code you have several options
13 available to you. You have the option
14 of tandem parking, which increases your
15 allowable parking. You have, also,
16 mechanical parking systems, which would
17 also increase your parking, and you
18 would also have the ability, technically
19 speaking, to go more than one level
20 below grade, which would also allow you
21 to add to your parking.

22 I believe the issue at hand, with
23 the 300,000 square feet, is really an
24 issue on how the FAR was calculated for
25 the commercial portion of the project.

1 I don't know -- so to answer your
2 question really quickly, it's that I
3 believe that it is possible, unlike --

4 MR. BEHAR: But Matt, let me
5 interrupt you, with all due respect.
6 I've known you and Bob for many, many
7 years. I am an architect, I am a
8 qualified professional, and Santiago,
9 you and I have known each other, also,
10 for a long time, and I would
11 respectfully disagree with you, because
12 if you are, as-of-right, developing
13 300,000 square feet today, minimum,
14 you're required to have a thousand
15 parking spaces, and if that massing of
16 that structure is limited to what I
17 believe it is, permitted by Code, it
18 would be theoretically, maybe, possible.
19 But physically? Matt, in South Florida,
20 going more than one level down, I bet
21 you your client would not instruct you
22 to go down more than one level.

23 So to come in and answer his
24 question, realistically, chances are
25 you're not going to be able to do that.

1 So "as-of-right" should not be,
2 probably, a terminology that should be
3 used, because you're not going to get
4 that.

5 MR. POLAK: Right. I believe -- I
6 believe the issue is -- with all due
7 respect to you, Robert, too, is that we
8 are right now at 270,000 square feet,
9 and we have the parking to support that.
10 To go to -- we clearly can make 188,000
11 square feet work on that. My response
12 to that is, I agree that going more than
13 one level underground becomes
14 prohibitively expensive. But I would
15 also tell you that there are projects in
16 South Florida that go more than one
17 level underground. Some of them are
18 more successful than others, but they do
19 do it. I'm not advocating that that's
20 something we would do. What I'm
21 saying --

22 MR. BEHAR: And we saw one in
23 Dadeland that went up for about a year
24 and a half, with scuba diving, trying to
25 seal the hole, so --

1 MR. POLAK: Right. That's
2 absolutely correct, but again, they did
3 go more than one level underground.

4 MR. AIZENSTAT: So it would be
5 almost -- it would be very difficult?

6 MR. POLAK: It would be difficult,
7 very difficult. We're not advocating
8 it. We're just pointing out an error in
9 the calculation of the FAR. It's not
10 1.5. It's probably not 3.0. It's
11 probably someplace between those two
12 numbers.

13 MR. AIZENSTAT: Thank you.

14 The other question I'd like to ask
15 is to the president of the homeowners'
16 association, if I may ask you a
17 question. Right now, the -- please.
18 Right now, the property is zoned, for
19 the most part, commercial, correct, as
20 the zoning?

21 Eric, am I correct, the zoning as
22 it stands now is commercial?

23 MR. RIEL: Yes.

24 MR. AIZENSTAT: What they're
25 proposing is to do residential. As

1 president of the homeowner -- of the
2 association there, do you see a problem
3 with allowing residential instead of
4 commercial on that property if it were
5 maybe of a different mass or a different
6 scale?

7 MS. NEWMAN: You know, I really
8 don't want to comment. My profession is
9 nursing. I happen to be president of
10 the homeowners' association, but --

11 MR. AIZENSTAT: Well, how do your
12 members feel?

13 MS. NEWMAN: We defer -- well,
14 first, we defer to our attorney on
15 decisions, and we have a team that looks
16 at the plans and assesses them.

17 MR. AIZENSTAT: Maybe I should ask
18 your attorney, then.

19 MS. NEWMAN: Thank you.

20 MR. AIZENSTAT: Mr. Gibbs, could
21 you --

22 MR. GIBBS: I'm sorry, could you
23 repeat the question?

24 MR. AIZENSTAT: Right now the
25 zoning on that property is commercial.

1 MR. GIBBS: Part of it, yes.

2 MR. AIZENSTAT: A great majority of
3 it.

4 MR. GIBBS: Right.

5 MR. AIZENSTAT: They're proposing
6 to do residential, a vast majority of it
7 to be residential. Do your clients have
8 an objection to having that property
9 residential as opposed to commercial?
10 Do you see a benefit? Do you see an
11 adverse reaction?

12 MR. GIBBS: Well, no, the issue for
13 us -- and you have to understand, our
14 position is, you have a set of plans
15 that's before you. You have a proposal
16 that's before you. That's what we have
17 been dealing with. So, the issue of
18 whether or not we prefer commercial or
19 residential, we really haven't gone into
20 that in detail. What we've talked about
21 is this project, because that's the one
22 that's been in front of us. So, no
23 offense, it's kind of unfair for us,
24 right now, in this public hearing, to be
25 thrown that and said, "Well, would you

1 prefer residential?" Yeah, my clients
2 would prefer single-family residential,
3 right up and down there. I mean, I'm
4 not going to be cute and try to --

5 MR. AIZENSTAT: No, no, I understand.

6 MR. GIBBS: -- give you that as the
7 answer, but I mean, we don't know. They
8 may have a plan -- and this is one of
9 the things we've discussed with them,
10 "Show us something less."

11 MR. AIZENSTAT: So you have --
12 That's what I was trying to get. You
13 have discussed something?

14 MR. GIBBS: We've talked to them
15 about our concerns about the density.
16 We've talked to them about our concerns
17 about the intensity of the project. All
18 the issues that are brought up by your
19 Staff, we've talked to them about, and
20 this is the result.

21 MS. MORENO: Well, there's a member
22 of the association or one of the
23 residents who testified that he'd rather
24 see commercial because there was a
25 nine-to-five use, five days a week.

1 MR. GIBBS: There you go.

2 MR. AIZENSTAT: That's why I was
3 asking.

4 MR. GIBBS: And until our board
5 sits down and talks about it and deals
6 with it on that level, we really can't
7 give you an answer, except on this
8 project, we're with Staff's
9 recommendation.

10 MR. AIZENSTAT: Lastly, I would
11 actually like to hear from the traffic
12 individual for the City, just to hear
13 what your comments are on the traffic
14 study that was done, as to how the
15 project is laid out before us presently.

16 MR. PLUMMER: For the record, Tim
17 Plummer, with David Plummer &
18 Associates, 1750 Ponce de Leon
19 Boulevard.

20 We worked quite a bit with the
21 applicant and the applicant's traffic
22 consultant. We went through many
23 iterations of the study. We have worked
24 back and forth with them on a mitigation
25 plan with the Public Works Department,

1 and we're comfortable with the
2 mitigation plan that's in front of you,
3 that those will mitigate the traffic
4 impacts to the project.

5 (Thereupon, Ms. Moreno left the
6 Commission Chambers.)

7 MR. AIZENSTAT: So you are
8 comfortable with that?

9 MR. PLUMMER: Yes. Thank you.

10 CHAIRMAN KORGE: What about the --
11 If you're heading west, or south, I'm
12 not sure which it is, on Dixie Highway
13 at Caballero, there's -- I don't
14 remember, is there a left-turn lane
15 available at --

16 MR. PLUMMER: There is a left-turn
17 lane.

18 CHAIRMAN KORGE: At Caballero?

19 MR. PLUMMER: Yes.

20 CHAIRMAN KORGE: But no traffic
21 light?

22 MR. SALMAN: No light.

23 MS. KEON: No light.

24 MR. PLUMMER: There's no signal.
25 It's unsignalized.

1 CHAIRMAN KORGE: Right. Would
2 there be, as part of this, to include a
3 signal, or not?

4 MR. PLUMMER: No, they have not
5 gone through a signal warrant analysis.
6 What the recommendation has been, based
7 on their analysis, they've identified
8 that the level of service is not good at
9 that intersection. There's not many in
10 this County on U.S. 1 where the level of
11 service is very good on U.S. 1.

12 They've agreed to -- once the
13 project is open, to monitor it and go
14 through the process of an analysis
15 again, and if there needs to be signal
16 timing adjustments -- or actually,
17 potentially looking at a signal and how
18 to improve the level of service, they
19 would do that.

20 CHAIRMAN KORGE: Thank you.

21 MR. SALMAN: Tim, one quick
22 question.

23 MR. PLUMMER: Sure.

24 MR. SALMAN: That left turn, that's
25 not signalized --

1 MR. PLUMMER: Correct.

2 MR. SALMAN: -- forces you to cross
3 three lanes of traffic, sit in the median and
4 hope for a break to get in. I've done it
5 before --

6 MR. PLUMMER: Yeah. I have, too.

7 MR. SALMAN: -- and it's quasi-
8 suicidal, but I mean --

9 MR. PLUMMER: Right. Well, I --

10 MR. SALMAN: And the point here
11 is -- the point here is that we're going
12 to have people turning down Caballero,
13 going to the service area, and they're
14 going to be forced out, most probably,
15 through the neighborhood. Is that
16 correct?

17 MR. PLUMMER: If they want to go
18 south on U.S. 1, they have the option of
19 going north on Caballero and making that
20 left turn, which I don't think many
21 people will do. The other option is,
22 it's a little bit counterintuitive, but
23 to go further south down Mariposa Court,
24 in that alleyway, trying to get to the
25 signal at Mariposa, to cross where there

1 is a traffic signal. It's another
2 option.

3 MR. SALMAN: So they're going to
4 drive by Jaycee Park, turn up Mariposa,
5 get the light between the Citibank and
6 the --

7 MR. PLUMMER: Or the alley, right.

8 MR. SALMAN: Right, and go --

9 MR. PLUMMER: And get in that to go
10 south.

11 The other potential is, and they've
12 recognized it, is to go east into the
13 neighborhood and then south and work
14 your way over the bridge and go around
15 that way, if you want to go south, but
16 to go around the canal to get to U.S. 1
17 if your destination -- It isn't going to
18 happen.

19 MR. SALMAN: Well, I'm thinking
20 that's what they're going to end up
21 doing; I just wanted to hear it from
22 you. Okay, so we're going to be putting
23 this traffic, probably --

24 MR. PLUMMER: Some of that traffic
25 will go in the alley and on Hardee.

1 MR. SALMAN: Thank you.

2 MR. AIZENSTAT: Eric, what I
3 wanted to ask you before, when you were
4 doing your presentation, was, you have a
5 model of scaling of buildings, and
6 there's -- about a block down from where
7 this is being proposed, or two blocks
8 down, next to JJ'S Diner, there's a new
9 project that's being built right there.
10 Do you have that project, as to the
11 mass, as to how it equates to this
12 project?

13 MR. RIEL: That project is not
14 coming through my department for review,
15 so I'm not aware of the details of that
16 project. My understanding, it's
17 probably a by-right project.

18 MR. SALMAN: It's building by
19 right.

20 MR. AIZENSTAT: Yeah, it is by
21 right, but to me, that looks like a big,
22 massive project that's taking up from
23 block to block, so I just wanted to see,
24 to scale, opposed to this project, as to
25 what it looked like.

1 MR. RIEL: I don't have any
2 information regarding that project.

3 CHAIRMAN KORGE: Anything else from
4 the Board?

5 MS. KEON: I have a question.

6 CHAIRMAN KORGE: Yes, Pat.

7 MS. KEON: One of the neighbors
8 said -- or maybe it was Mr. Tucker that
9 said, with the change of land use, they
10 would then, by right, be able to do
11 this. Is that true? Is that so?

12 MR. RIEL: They could construct
13 pursuant to the underlying commercial
14 and --

15 MS. KEON: Yeah, and the rezoning,
16 and those two -- those two items alone
17 could then give them the right to --
18 if -- I mean, because there's five
19 applications here.

20 MR. RIEL: There's five requests.

21 MS. KEON: There's five items.

22 MR. RIEL: Right.

23 MS. KEON: Can those items alone
24 provide them with rights that they --

25 MR. RIEL: They can develop under

1 the parameters, the current parameters,
2 of the Zoning Code, based upon the
3 current land use and zoning
4 designations.

5 MR. AIZENSTAT: Under the new
6 Zoning Code?

7 MR. RIEL: Under the new Zoning
8 Code.

9 MS. KEON: The new Zoning Code.

10 MR. ECHEMENDIA: Can I just
11 clarify, for the record? I just want to
12 make -- but in effect, it's a
13 down-zoning. We're going from
14 commercial to multi-family, so we would
15 be allowed, as-of-right -- if we wanted
16 to do a mixed-use development, we'd
17 still have to go through a PAD, through
18 this Board, but the as-of-right, in
19 effect, would be, we would have
20 down-zoned from commercial to
21 multi-family residential.

22 CHAIRMAN KORGE: Anybody else?

23 MR. BEHAR: Yes. Let me start by
24 saying that I do believe that this is
25 the right place for a mixed-use project,

1 okay? I have several fundamental
2 problems today with the project that is
3 being proposed.

4 (Thereupon, Ms. Moreno returned.)

5 MR. BEHAR: The scale, Bob, I heard
6 you saying, "Give us an example," which
7 I may not agree with your analogy of the
8 Eiffel Tower, because the Eiffel Tower
9 is in a big, open public space. So that
10 may not be the correct -- but
11 nevertheless, you put it on the record.

12 I just cannot see a five-story,
13 whether it's a small portion of the
14 building or not, on the streetscape
15 along Caballero or along Alhambra. I
16 think that if the project was reduced in
17 scale, for the first portion of the
18 streetscape, I could see that being more
19 appropriate and compatible with the
20 neighborhood.

21 I also think that the access, the
22 service access, perhaps should be looked
23 at, not as dramatically as one of the
24 speakers said, but I think we should
25 look at it, because everything is going

1 to be funneled at that point, and I
2 think to have two means of egress and --
3 egress and access to this point, to that
4 project, is not sufficient.

5 One fundamental, major problem that
6 I have is, I cannot see putting a bridge
7 over a public right-of-way to serve a
8 private development. That's -- I cannot
9 understand that. I know you're
10 proposing that. It's very convenient to
11 have that, but I don't see -- I cannot,
12 at no point, be able to support that --
13 that request.

14 Is it a right project for the area?
15 In concept, it is, and I think that we
16 know that the quality of life improves
17 when you have a place to live, work and
18 play. But is this the right project for
19 the area? My opinion, it's too big, too
20 massive for that area.

21 CHAIRMAN KORGE: Eric, did you
22 have something you wanted to add?

23 MR. RIEL: Yeah, I just wanted to
24 clarify a couple things for the record,
25 if I could.

1 I'd like to ask the applicant if we
2 could have a copy of their PowerPoint so
3 we could have it available for the
4 record, and I just want to clarify a
5 couple issues.

6 The record will indicate and the
7 file will indicate that there has been
8 more than one zoning analysis completed
9 on the project, and the latest one that
10 was completed -- I believe there were
11 five or six, but the record will
12 indicate that was conducted on April
13 18th, 2008, where at that time the
14 project was determined to satisfy the
15 PAD requirements; therefore, it could be
16 scheduled for a consideration before the
17 Board.

18 And also, the project, as well as
19 the site plan, the plan submitted, does
20 include an increase in density, increase
21 in land use, variations in setbacks, and
22 variations in the minimum open space.

23 Also, the record -- I'd like to
24 note for the record, the Board of
25 Architects approval was four-two, rather

1 than five-two, stated by the applicant,
2 for the Mediterranean bonuses.

3 And the record will also indicate
4 that Staff has requested that the
5 applicant provide attainable or
6 affordable housing.

7 That's all I have, Mr. Chair.

8 CHAIRMAN KORGE: Thank you.

9 Anybody else?

10 MR. COE: Mr. Chairman, at this
11 time, I move that we extend the meeting
12 20 minutes.

13 CHAIRMAN KORGE: There's a motion
14 to extend the meeting.

15 MR. BEHAR: I'll second it.

16 CHAIRMAN KORGE: Seconded. Any
17 discussion? No? Let's call the
18 question, please.

19 MS. MENENDEZ: Jack Coe?

20 MR. COE: Yes.

21 MS. MENENDEZ: Pat Keon?

22 MS. KEON: Yes.

23 MS. MENENDEZ: Cristina Moreno?

24 MS. MORENO: Yes.

25 MS. MENENDEZ: Javier Salman?

1 MR. SALMAN: Yes.

2 MS. MENENDEZ: Eibi Aizenstat?

3 MR. AIZENSTAT: Yes.

4 MS. MENENDEZ: Robert Behar?

5 MR. BEHAR: Yes.

6 MS. MENENDEZ: Tom Korge?

7 CHAIRMAN KORGE: Yes.

8 Okay. Any more questions,
9 comments, discussion by the Board?

10 MS. MORENO: I have just a couple.

11 CHAIRMAN KORGE: Cristina.

12 MS. MORENO: Yeah. I'm looking at
13 the CLU -- the Comprehensive Land Use
14 Plan Goals, Objectives and Policies, and
15 they start on Page 14 of 32, and the
16 Staff, in great detail, goes into the
17 reasons why those are not satisfied, but
18 I think more telling is the testimony of
19 the residents.

20 The doctor very dramatically
21 indicated why she felt that the access
22 point would pose a problem to the health
23 of the neighborhood and of the children,
24 and having worked with -- in schools as
25 a volunteer, I know that it has always

1 been a concern of schools, where trucks
2 are in the neighborhood of children. I
3 cannot imagine what it would be like in
4 a public park with an access point in
5 front of it. Hopefully we wouldn't have
6 a case like Michael's, but it's
7 certainly a dangerous place to have an
8 access point.

9 I'm also not convinced that the
10 neighbors -- or that we can find, based
11 on the testimony we have before us, that
12 it would be better for this to be
13 residential, as less intensive, when
14 it's multi-family residential, than
15 commercial, because at least one person
16 testified that the commercial use would
17 at least be limited to business hours
18 and would not impact residents at the
19 time that they are most at their homes,
20 which is on weekends and after 5:00.

21 I'm also persuaded by the testimony
22 of the residents that they already have
23 overflow parking, and the reality is
24 that any time you're near any of these
25 projects, there is overflow parking,

1 because our parking codes never require
2 enough parking for the types of
3 automobile uses that we have.

4 So I don't see how we can, based on
5 the testimony we have before us, find
6 that this is a change that is consistent
7 with the Comprehensive Land Use Plan.

8 CHAIRMAN KORGE: Thank you.

9 Anybody else?

10 MR. COE: Mr. Chairman, if I may, I
11 just want to echo Ms. Moreno's comments.
12 This is a massive plan. I am certainly
13 not opposed to development in a
14 reasonable scale, and I just don't think
15 this development is within reasonable
16 scale. I think the testimony that we
17 have heard this evening is overwhelming
18 to the extent of the dangers created by
19 this plan to the health, safety and
20 welfare of the adjacent areas, to the
21 people using the park, to the children
22 using the park.

23 The traffic issues that are being
24 created here, I do not think the
25 applicant has properly addressed, and

1 I'm quite concerned by that. To talk
2 about, "There's a small percentage
3 increase in traffic," defies logic.
4 We've heard numerous testimony about
5 that, and anybody who is familiar with
6 South Dixie Highway during normal hours
7 can take cognizance of the fact of the
8 traffic situation.

9 If this project was reduced in
10 scale, I would be for it. The way it
11 stands now, I just think it's an
12 overwhelming project that is
13 incompatible with the area.

14 MR. SALMAN: And I just wanted to
15 add something new. First of all, the
16 project is beautiful. You did a great
17 job, and I have the highest respect for
18 everyone there who worked at it. But
19 the City of Coral Gables is about
20 patterns of landscape, of open area, and
21 of density, and where we have high
22 density, we give it a lot of space,
23 and -- or we try to, especially in a
24 suburban environment.

25 You mentioned the Biltmore. The

1 Biltmore has huge amounts of space
2 around it. That's why it stands as an
3 icon. So, again, I think that that was
4 a bit of a stretch.

5 But also, it's about the pattern of
6 boundaries that we have. You know, that
7 two-foot knee wall, that may seem
8 insignificant, but none of the houses
9 sit on two-foot knee walls. You're
10 setting up a boundary at the edge of
11 your property, right next to a park,
12 that is totally foreign to the
13 surrounding pattern of open and green
14 space.

15 Likewise, the heights, the
16 floor-to-floor heights of the building,
17 are much more in tune with the
18 commercial, for the residential portion,
19 where you have 13 foot, than you would
20 have for the surrounding residential
21 area, where typically the floor-to-floor
22 heights are much less.

23 And so it's a beautiful project. I
24 agree that you've done a great job in
25 trying to get that density in there.

1 It's just, I don't think it's compatible
2 with the area. I would back the change
3 to use -- as to the change of use to
4 residential. I think that was well
5 thought out and appropriate, but
6 unfortunately, the height, the size and
7 the density of it is what's gotten you
8 this level of reaction, I think.

9 So, with that, I'm ready to go.

10 CHAIRMAN KORGE: Thank you.

11 I'll just make one -- well, two
12 comments. First, the architecture is
13 stunningly beautiful, I think, and it
14 would seem a lot more massive with
15 different architecture, I believe. It
16 really helps to reduce the feeling of
17 massiveness, though it is a massive
18 project.

19 I have, you know, similar concerns
20 to the other Board members here. One
21 thing that strikes me is that the
22 commercial aspect of the project, if
23 it's serviceable on the Caballero side,
24 that's a real -- that, to me, is a real
25 problem. If only residential were

1 serviced on that side, there wouldn't be
2 trucks coming and going of the same
3 concern that we would with the
4 commercial, I believe, but I could be
5 wrong about that.

6 In any event, if there are no more
7 comments or questions, we can close the
8 discussion and open -- We'll open the
9 LPA portion of this meeting?

10 MS. HERNANDEZ: Yes, sir.

11 CHAIRMAN KORGE: Okay. We'll do
12 that, and then do we take -- Do we bring
13 it to a vote now?

14 MS. HERNANDEZ: You take a motion.

15 CHAIRMAN KORGE: Take a motion and
16 bring it to a vote?

17 MS. HERNANDEZ: Yes.

18 CHAIRMAN KORGE: Okay.

19 MR. COE: Five separate motions?

20 CHAIRMAN KORGE: I'll take a
21 motion.

22 MS. HERNANDEZ: What we're going to
23 do is, we're going to do five separate
24 motions.

25 For purposes of brevity, do I have

1 a consensus that we can just agree that
2 all the testimony and exhibits that have
3 been introduced this evening will
4 consist part of the record for each of
5 the five matters before the Board?

6 MR. ECHEMENDIA: (Nods head).

7 MS. HERNANDEZ: Thank you. I
8 appreciate that. Okay, so now --

9 CHAIRMAN KORGE: Okay,
10 so everybody --

11 MR. RIEL: That was a yes, for the
12 record.

13 MS. HERNANDEZ: Yes.

14 CHAIRMAN KORGE: For the record,
15 everybody has agreed to incorporate, in
16 each of the five votes, the testimony
17 and evidence submitted previously.

18 So what's the first one that we're
19 voting on?

20 MR. COE: Mr. Chairman, if I may,
21 I'll move that we approve Staff's
22 recommendation to deny Number 1, which
23 is a change of land use from "Commercial
24 Use, Low-Rise Intensity," to
25 "Residential Use (Multi-Family) Low-Rise

1 Intensity."

2 MS. HERNANDEZ: And to accept the
3 findings of fact that have been
4 submitted as part of the report?

5 MR. COE: I thought that's already
6 agreed to as --

7 MS. HERNANDEZ: No, they only did
8 the exhibits and testimony.

9 MR. COE: Well, accept, yeah, the
10 findings of fact as set forth in the
11 Planning Department's Staff Report.

12 CHAIRMAN KORGE: Is there a second
13 for that motion?

14 MS. KEON: I'll second it.

15 CHAIRMAN KORGE: Second.

16 MS. MORENO: We're also accepting
17 the testimony proffered at this hearing.

18 MR. COE: Correct.

19 CHAIRMAN KORGE: Yes, that's
20 already been agreed to.

21 Is there any discussion on this
22 motion?

23 No discussion? Please call the
24 roll.

25 MS. MENENDEZ: Pat Keon?

1 MS. KEON: Yes.

2 MS. MENENDEZ: Cristina Moreno?

3 MS. MORENO: Yes.

4 MS. MENENDEZ: Javier Salman?

5 MR. SALMAN: No.

6 MS. MENENDEZ: Eibi Aizenstat?

7 MR. AIZENSTAT: Yes.

8 MS. MENENDEZ: Robert Behar?

9 MR. BEHAR: Yes.

10 MS. MENENDEZ: Jack Coe?

11 MR. COE: Yes.

12 MS. MENENDEZ: Tom Korge?

13 CHAIRMAN KORGE: Yes.

14 MS. HERNANDEZ: Okay, we're going
15 to close the Local Planning Agency
16 meeting and we're going to reopen the
17 meeting of the Board.

18 CHAIRMAN KORGE: Okay, the Board
19 meeting is reopened. I'll take a motion
20 for Item Number 2.

21 MS. MORENO: Excuse me.

22 CHAIRMAN KORGE: Yes.

23 MS. MORENO: Before we take the
24 motion, Liz, I'm sorry, if we have
25 denied the change in the Comprehensive

1 Land Use Plan, aren't we required to
2 deny all of the other four motions?

3 MS. HERNANDEZ: Yes.

4 CHAIRMAN KORGE: We still have to
5 vote.

6 MS. MORENO: Okay.

7 MR. COE: We cannot lump them
8 together?

9 MR. BEHAR: You cannot lump them.

10 MS. HERNANDEZ: They're separate --
11 They're separate applications --

12 MR. COE: Okay.

13 MS. HERNANDEZ: -- and the
14 applicant has not asked to consider -- I
15 don't believe that they would meet the
16 technical requirements -- let me take
17 off my glasses -- of the application
18 process without the change in the land
19 use plan. I don't think that they can
20 stand on their own.

21 CHAIRMAN KORGE: Well, let's go
22 ahead and take the vote, in any event.

23 MR. COE: Well, I'll make a motion,
24 then, Mr. Chairman, that we approve
25 Staff's recommendation denying the

1 change of zoning from "CL, Commercial
2 Limited, to "MF2," Multi-Family 2
3 District, and incorporate the basis of
4 the --

5 CHAIRMAN KORGE: Findings.

6 MR. COE: -- the Staff Reports,
7 Findings of Fact and Analysis, and the
8 testimony that we've heard this evening.

9 CHAIRMAN KORGE: Is there a second
10 for that motion?

11 MR. AIZENSTAT: I second.

12 CHAIRMAN KORGE: Seconded. Any
13 discussion? No discussion?

14 MR. BEHAR: Let me ask a question.
15 At this point, it was just the zoning
16 change, not the specific project, or the
17 specific project is --

18 MR. SALMAN: That's right, just the
19 zoning change.

20 MS. MORENO: Just the zoning.

21 MR. COE: It's the zoning change,
22 yes. Not the project, the zoning
23 change. You can't do the project
24 without the zoning change.

25 MR. BEHAR: Okay.

1 CHAIRMAN KORGE: Any more
2 discussion or questions?

3 Call the roll, please.

4 MS. MENENDEZ: Cristina Moreno?

5 MS. MORENO: Yes.

6 MS. MENENDEZ: Javier Salman?

7 MR. SALMAN: No.

8 MS. MENENDEZ: Eibi Aizenstat?

9 MR. AIZENSTAT: Yes.

10 MS. MENENDEZ: Robert Behar?

11 MR. BEHAR: No.

12 MS. MENENDEZ: Jack Coe?

13 MR. COE: Yes.

14 MS. MENENDEZ: Pat Keon?

15 MS. KEON: Yes.

16 MS. MENENDEZ: Tom Korge?

17 CHAIRMAN KORGE: Yes.

18 A motion for Item Number 3, PAD
19 Review. Do you want to make that
20 motion, too? You're on a roll.

21 MR. COE: Mr. Chairman, if I may,
22 then, I'll move that we adopt Staff's
23 recommendation that we deny the PAD
24 Review pursuant to Zoning Code Article
25 9, "Planned Area Development," Section

1 9-1 through 9-10, entire property
2 excluding a portion of Lot 8 and a
3 portion of the area designated as the
4 University Waterway, Block 208, Second
5 Revised Plat of Coral Gables Riviera
6 Section, Part 14, and incorporate the
7 findings and analysis of the Planning
8 Staff's report, and incorporate the
9 testimony that we've heard this evening.

10 CHAIRMAN KORGE: Is there a second
11 for that motion?

12 MS. MORENO: I'll second.

13 CHAIRMAN KORGE: Seconded. Any
14 discussion or questions?

15 Call the roll, please.

16 MS. MENENDEZ: Javier Salman?

17 MR. SALMAN: Yes.

18 MS. MENENDEZ: Eibi Aizenstat?

19 MR. AIZENSTAT: Yes.

20 MS. MENENDEZ: Robert Behar?

21 MR. BEHAR: Yes.

22 MS. MENENDEZ: Jack Coe?

23 MR. COE: Yes.

24 MS. MENENDEZ: Pat Keon?

25 MS. KEON: Yes.

1 MS. MENENDEZ: Cristina Moreno?

2 MS. MORENO: Yes.

3 MS. MENENDEZ: Tom Korge?

4 CHAIRMAN KORGE: Yes.

5 Mr. Coe?

6 MR. COE: Okay. Mr. Chairman, I
7 move that we adopt the Staff's
8 recommendation to deny site plan review
9 for entire proposed project, entire
10 property legally described in the Staff
11 Report, including PAD parcel and
12 commercial property located on the
13 southwest corner of South Alhambra
14 Drive/U.S. 1 intersection, and
15 incorporate the Staff analysis and
16 recommendations contained in the Staff's
17 report and the testimony heard this
18 evening.

19 CHAIRMAN KORGE: Is there a second
20 for that motion?

21 MS. MORENO: I'll second.

22 CHAIRMAN KORGE: Seconded. Any
23 discussion or questions regarding this
24 motion?

25 Will you call the roll, please?

1 MS. MENENDEZ: Eibi Aizenstat?
2 MR. AIZENSTAT: Yes.
3 MS. MENENDEZ: Robert Behar?
4 MR. BEHAR: Yes.
5 MS. MENENDEZ: Jack Coe?
6 MR. COE: Yes.
7 MS. MENENDEZ: Pat Keon?
8 MS. KEON: Yes.
9 MS. MENENDEZ: Cristina Moreno?
10 MS. MORENO: Yes.
11 MS. MENENDEZ: Javier Salman?
12 MR. SALMAN: Yes.
13 MS. MENENDEZ: Tom Korge?
14 CHAIRMAN KORGE: Yes.
15 MR. COE: And finally,
16 Mr. Chairman, I move that we adopt the
17 Staff's recommendation to deny
18 Conditional Use Special Location Review,
19 to allow Mediterranean architectural
20 bonuses adjacent to "SFR," Single-Family
21 Residential ("R," Residential), "MF-1,"
22 Multi-Family 1 Duplex District zoned
23 property, and incorporate the Staff's
24 recommendations, analysis and the
25 testimony heard this evening.

1 CHAIRMAN KORGE: Is there a second
2 for that motion?

3 MS. MORENO: I'll second.

4 CHAIRMAN KORGE: Seconded. Any
5 questions or discussion?

6 Would you call the roll, please?

7 MS. MENENDEZ: Robert Behar?

8 MR. BEHAR: Yes.

9 MS. MENENDEZ: Tom -- Jack Coe?

10 MR. COE: Yes.

11 MS. MENENDEZ: Pat Keon?

12 MS. KEON: Yes.

13 MS. MENENDEZ: Cristina Moreno?

14 MS. MORENO: Yes.

15 MS. MENENDEZ: Javier Salman?

16 MR. SALMAN: Yes.

17 MS. MENENDEZ: Eibi Aizenstat?

18 MR. AIZENSTAT: Yes.

19 MS. MENENDEZ: Tom Korge?

20 CHAIRMAN KORGE: Yes.

21 That concludes this matter. I
22 don't think we have anything else on the
23 agenda. When's the next meeting?
24 You'll let us know?

25 MR. RIEL: I'll let you know.

1 MR. GUILFORD: Mr. Chairman,
2 Members of the Board, we want to thank
3 you for taking the time to listen to our
4 application this evening.

5 CHAIRMAN KORGE: Thank you.

6 MS. MORENO: Thank you.

7 (Thereupon, the meeting was
8 adjourned at 9:15 p.m.)

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C E R T I F I C A T E

STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

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

I further certify that all witnesses were duly sworn by me.

DATED this 19th day of May, 2008.

JOAN L. BAILEY, RDR, FPR

Notary Commission Number DD 64037
Expiration June 14, 2011.