

CITY OF CORAL GABLES
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
CORAL GABLES CITY HALL
405 BILTMORE WAY, COMMISSION CHAMBERS
CORAL GABLES, FLORIDA
WEDNESDAY, FEBRUARY 11, 2009, 6:03 P.M.

Board Members Present:

Tom Korge, Chairman
Eibi Aizenstat, Vice-Chairman
Jack M. Coe
Jeffrey Flanagan
Pat Keon
Javier Salman

City Staff:

Eric Riel, Jr., Planning Director
Walter Carlson, Assistant Planning Director
Lourdes Alfonsin Ruiz, Assistant City Attorney
Jill Menendez, Administrative Assistant
Catherine Swanson, Interim Assistant City Manager
Edward Weller, Building & Zoning Director
Martha Salazar-Blanco, Zoning Official
Kevin Kinney, Parking Director

Also Participating:

Mario J. Garcia-Serra, Esq.
On behalf of the Applicant
John Fullerton, Architect
Hector Hernandez, Architect
William Schiff

CORAL GABLES

2

1 THEREUPON:

2 The following proceedings were had:

3 CHAIRMAN KORGE: All right, we have

4 a quorum. Let's get rocking and

5 rolling. We're all set, everybody.

6 Do you want to call the roll,

7 please?

8 MS. MENENDEZ: Eibi Aizenstat?

9 MR. AIZENSTAT: Here.

10 MS. MENENDEZ: Robert Behar?

11 Jack Coe?

12 MR. COE: Here.

13 MS. MENENDEZ: Jeff Flanagan?

14 MR. FLANAGAN: Here.

15 MS. MENENDEZ: Pat Keon?

16 Javier Salman?

17 MR. SALMAN: Here.

18 MS. MENENDEZ: Tom Korge?

19 CHAIRMAN KORGE: Here.

20 The first item on the agenda would

21 be approval of the minutes of the

22 January 14th meeting.

23 MR. COE: So moved, Mr. Chairman.

24 CHAIRMAN KORGE: There's a motion.

25 MR. AIZENSTAT: Second.

3

1 CHAIRMAN KORGE: A second. Any

2 changes, discussion or questions?

3 Hearing none, I'll call the roll.

4 MS. MENENDEZ: Jack Coe?

5 MR. COE: Here -- oh, yes.

6 MS. MENENDEZ: Jeff Flanagan?

7 MR. FLANAGAN: Yes.

8 MS. MENENDEZ: Javier Salman?

9 MR. SALMAN: Yes.

10 MS. MENENDEZ: Eibi Aizenstat?

11 MS. AIZENSTAT: Yes.

12 MS. MENENDEZ: Tom Korge?

13 CHAIRMAN KORGE: Yes.

14 The second item on the agenda,

15 Application Number 02-08-051-P, Change

16 of Land Use and Planned Area Development

17 Site Plan Review, for The Palace at

18 Coral Gables, at 83 Andalusia Avenue.

19 MR. CARLSON: Good evening.

20 Yes, the first item before you this

21 evening, public hearing item before you

22 this evening, is The Palace at Coral

23 Gables.

24 MR. COE: Excuse me, Mr. Carlson,

25 before you --

4

1 MR. CARLSON: Yes.

2 MR. COE: -- give your

3 presentation, if I may, can you

4 clarify -- This was up before us a long

5 time ago, and I believe this was passed

6 a while back at the City Commission. So

7 what exactly are we doing now that

8 wasn't done before?

9 MR. RIEL: I don't believe this

10 application was before the Board. There

11 was some text amendments completed about

12 a year and a half ago.

13 MR. COE: I believe The Palace had

14 come up before and it passed the City

15 Commission, if I'm not mistaken.

16 MR. GARCIA-SERRA: Maybe if I could

17 help to clarify what it was.

18 Let me introduce myself first.

19 Mario Garcia-Serra, with offices at 1221

20 Brickell Avenue, representing the

21 applicant, The Palace Group, on this

22 application, and Judge, what previously

23 came before the City Commission were the

24 RFP, because this is in response to a

25 request for proposals from the City,



1 which The Palace Group was awarded. So
2 that RFP award went up before the City
3 Commission and was approved, sometime in
4 2005. Then, after that, we entered
5 into -- excuse me, 2006.

6 After that, we entered into lease
7 negotiations, which took some time, and
8 then that lease was approved by the City
9 Commission in 2007.

10 So it's been before the City
11 Commission twice before for approval,
12 and that might be what you're
13 remembering.

14 MR. COE: Okay, thank you.

15 CHAIRMAN KORGE: It's all yours.

16 MR. CARLSON: Thank you. Thank
17 you. I have a brief PowerPoint
18 presentation which will frame up the
19 findings of Staff's report, which is
20 before you, and I'll run through this
21 and then I know the applicant has a
22 detailed presentation of the project
23 itself, so I will go through mine first.

24 What is before you this evening are
25 two requests from the applicant. The

1 first request is a change of land use, a
2 change land use -- it's from "Commercial
3 Mid-Rise Intensity" to "Commercial
4 High-Rise Intensity," and this change of
5 land use is required to permit the
6 proposed nine-story senior living
7 facility.

8 The second portion of this
9 application which is before you is the
10 PAD site plan review, and that's for a
11 proposed senior living facility
12 consisting of 243 senior living units
13 and a separate 565-space parking garage.

14 This property is located one block
15 west of Douglas Road and consists of two
16 separate parcels, and both parcels face
17 onto Andalusia Avenue.

18 The majority of the property is
19 owned by the City and is currently used
20 for public parking. It consists of
21 Parking Lot Number 9 and Garage Number
22 5.

23 The former Melody Inn restaurant is
24 also a part of the project site.

25 And the project site has 337 public

1 parking spaces now located on it.

2 The entire site currently has a
3 "Commercial Mid-Rise Intensity" land use
4 designation, which allows for a maximum
5 eight-story development on the property.
6 The site is zoned Commercial, which is
7 the appropriate zoning designation for a
8 senior living facility.

9 The project consists of two
10 separate structures, a nine-story senior
11 living facility and an eight-story
12 parking garage.

13 The senior living facility is
14 located on the north side of Andalusia
15 Avenue, and a new parking garage is
16 located on the south side.

17 The senior living facility contains
18 243 senior living units and also has
19 ground floor retail.

20 The new parking garage contains 565
21 parking spaces, and this includes the
22 337 public replacement spaces and 228
23 spaces for the senior living facility.

24 That is eight more parking spaces
25 than is required by Code for the senior

1 living facility.

2 The proposed project was reviewed
3 by the Board of Architects five times
4 and has received preliminary design
5 approval and approval for architectural
6 bonuses.

7 Here is the configuration of the
8 property. The property is on both sides
9 of Andalusia Avenue, with the senior
10 living facility located on the north
11 side of Andalusia and the parking garage
12 located on the south side. It's
13 within -- it's in close proximity to the
14 intersection of Miracle Mile and Douglas
15 Road.

16 Permitted building height on the
17 property is eight stories and 97 feet.
18 The proposed senior living facility
19 project has a height of nine stories and
20 101 feet. The additional height
21 resulting from the change of land use
22 will be one story and a total of four
23 additional feet.

24 Any changes to the PAD site plan,
25 including height, would require review

9

1 and approval at public hearings before
 2 both the Planning and Zoning Board,
 3 yourselves, and the City Commission.
 4 The Staff found that the proposed
 5 project is consistent with the goals,
 6 objectives and policies of the City's
 7 Comprehensive Plan.
 8 The project fulfills the Zoning
 9 Code's site plan review criteria and PAD
 10 objectives.
 11 The proposal adds a senior housing
 12 facility to the downtown area, which has
 13 been a long-standing objective of the
 14 City.
 15 And the proposed project is only
 16 four feet taller than currently allowed
 17 as-of-right on the property.
 18 The proposed public realm
 19 improvements are in compliance with and
 20 in excess of the City's Master
 21 Streetscape Plan.
 22 There are no variances required or
 23 requested for this project.
 24 All public replacement parking
 25 spaces are being provided within this

10

1 project.
 2 There are eight additional parking
 3 spaces provided above what the Code
 4 requires for the senior living facility.
 5 And any changes to the PAD site
 6 plan would require review and approval
 7 at public hearings.
 8 The Planning Department is
 9 recommending approval of the application
 10 with three conditions of approval. The
 11 first is conformance with the site plan,
 12 landscaping plan and all representations
 13 and exhibits prepared and submitted by
 14 the applicant.
 15 The second is that no gates or
 16 other devices would be installed that
 17 would restrict vehicular access to the
 18 public replacement parking spaces in the
 19 new parking garage.
 20 And finally, the installation of
 21 the traffic improvements identified in
 22 the traffic study, which would be
 23 subject to review and approval by the
 24 City's Public Works Director.
 25 And that would conclude Staff's

11

1 presentation, and I believe the
 2 applicant has a detailed presentation on
 3 the project itself.
 4 MR. RIEL: Do you want to show them
 5 the 3-D?
 6 MR. CARLSON: Ah, yes, excuse me,
 7 I'm sorry. Let's see if I can --
 8 We have a brief video here of the
 9 project itself.
 10 CHAIRMAN KORGE: This is your
 11 massing study?
 12 MR. RIEL: Yes. We do it for all
 13 applications.
 14 MR. CARLSON: This is the massing
 15 study in the context of the surrounding
 16 development.
 17 MR. AIZENSTAT: Any narration for
 18 what we're seeing or --
 19 MR. COE: And The Palace is the
 20 whole green structure?
 21 MR. RIEL: The Palace is the whole
 22 green, and the gray or bluish colored
 23 buildings are the existing --
 24 MR. COE: Buildings.
 25 MR. RIEL: -- infrastructure or

12

1 buildings, and it's up-to-date in terms
 2 of any new or previous approvals.
 3 CHAIRMAN KORGE: And the red areas,
 4 are they --
 5 MR. RIEL: Red is basically --
 6 that's the underlying land use, red
 7 meaning commercial, yellow meaning
 8 single-family.
 9 MR. SALMAN: Those red areas are
 10 vacant or uncovered by buildings.
 11 MR. CARLSON: They are uncovered by
 12 structures.
 13 MR. GARCIA-SERRA: That concludes
 14 your presentation?
 15 MR. CARLSON: That concludes our
 16 presentation. Thank you.
 17 MR. GARCIA-SERRA: Good evening,
 18 Mr. Chair and Members of the Board.
 19 Mario Garcia-Serra, with offices at 1221
 20 Brickell Avenue, representing The Palace
 21 Group, which is the City's selected
 22 bidder to develop this site as a senior
 23 housing facility, and let me turn your
 24 attention to the screen over here, where
 25 we have our PowerPoint presentation, and

1 there you have a picture of the site,
2 which my client has entered into a
3 lease, a long-term lease, with the City
4 of Coral Gables.

5 And the site is composed of the
6 City parking lot located behind the Ross
7 Dress for Less, this parking lot right
8 here, and the City's parking garage on
9 the south side of Andalusia, right here.

10 As part of this lease agreement and
11 in order to make it a better project, my
12 client has acquired this site, which is
13 the location of the old Melody Inn
14 restaurant, and as part of our lease
15 agreement with the City, when we take
16 possession of the property, we will also
17 be conveying the Melody Inn site to the
18 City. So the Melody Inn site would be
19 conveyed to the City and become part of
20 the project site.

21 I'm accompanied today by Jacob and
22 Helen Shaham, the principals of The
23 Palace Group, as well as Moshe Melnik,
24 of The Palace Group, John Fullerton and
25 Hector Hernandez, our project architects

1 from Fullerton Diaz, and Tim Plummer,
2 our traffic engineer.

3 This project is the result of a
4 long-time goal of the City to provide
5 housing for its senior residents. Coral
6 Gables, as we all know, has a large
7 population of seniors who have been
8 long-time residents of the City, but now
9 that their children have moved out of
10 their house and their need for health
11 care and other assistance has increased
12 with age, have found it difficult to
13 stay residing in Coral Gables because of
14 the lack of any housing options which
15 cater to their needs.

16 In response to this situation, the
17 City issued a request for proposal in
18 2005, offering up this site on a
19 long-term lease basis, on the condition
20 that the public parking which is
21 currently provided in this site be
22 replaced.

23 So, as part of our proposal, and
24 the architects will go into more detail,
25 we are building a new parking garage

1 where the current parking garage stands,
2 and that parking garage will have
3 capacity to replace the 337 parking
4 spaces that there presently are between
5 the parking lot and the parking garage,
6 as well as accommodate the additional
7 spaces that are then needed for our
8 required parking for the senior housing
9 facility.

10 The parking garage will have a
11 total of 337 public parking spaces and
12 then the balance of the spaces -- the
13 total number spaces is 560 some -- are
14 going to be the required parking for our
15 facility.

16 Once the RFP was awarded in 2006,
17 to The Palace Group, we entered into
18 negotiations with the City on the lease.
19 That lease was finalized in 2007, and so
20 as Judge Coc was remembering, up until
21 now we've done the procurement and
22 proprietary approvals. What we're doing
23 now, essentially, are the design and
24 land use, zoning and construction
25 approvals, is what we're presently in

1 right now.

2 Before I defer to John Fullerton to
3 give you the presentation on the plans,
4 I want to tell you something about The
5 Palace Group, because I sincerely think
6 that this is the perfect match between
7 senior housing developer and city.

8 The Shahams have been in the senior
9 residential community business since
10 1980, and based on personal experience,
11 I can tell you that this is more to them
12 than just a business, it is their
13 calling in life, and this has been
14 evidenced by their success that they've
15 had.

16 At present, they operate seven
17 retirement communities in the South
18 Florida area, and another two are in the
19 development stage, including this one,
20 and they also have a retirement
21 community in Tel Aviv, Israel.

22 All of their communities have been
23 recognized for their high standards of
24 living, quality of care, and excellence
25 in management.

17

1 In short, as I said before, this is
 2 a perfect match between city and
 3 developer, and this development promises
 4 to be the flagship of The Palace
 5 communities, which are all
 6 internationally recognized for their
 7 quality.

8 Now, with that said, John, if you
 9 can just walk --

10 MR. COE: Excuse me one second,
 11 before John gives his presentation.

12 Is the applicant going to accept
 13 the conditions of approval --

14 MR. GARCIA-SERRA: Yes.

15 MR. COE: -- from Staff?

16 MR. GARCIA-SERRA: We are in
 17 agreement with all the conditions of
 18 approval proposed by Staff.

19 MR. FULLERTON: Good evening,
 20 Members of the Board. My name is John
 21 Fullerton, of Fullerton Diaz Architects,
 22 and I'm happy and privileged to be here
 23 to represent Mr. and Mrs. Shaham and The
 24 Palace Group, and I'll walk you briefly
 25 through the project, and if you have any

18

1 questions I'll be able to -- hopefully
 2 be able to answer them.

3 Obviously, you're familiar with the
 4 site at this point. I think it's been
 5 mentioned a few times. These are some
 6 panoramic shots of the streetscape that
 7 we're looking at.

8 The top panorama is actually -- the
 9 top panorama shows the street from --
 10 looking north, from west on your
 11 right -- on your left, to east on your
 12 left -- on your right.

13 This is the Melody Inn property
 14 right now and this is that parking lot,
 15 and down there -- way down there is Ross
 16 Dress For Less. The other side of the
 17 street and the Parking Garage Number 5
 18 that we're going to demolish is on the
 19 second panorama shot.

20 Do you want to go to the site plan?

21 Well, this is the zoning map, and
 22 this is where the site is, over here,
 23 the parking garage on the south side of
 24 Andalusia and the main property on the
 25 north.

19

1 This is an artist's rendering of
 2 our proposal for the Mediterranean
 3 expression of this building. This will
 4 be the main building, as we're looking
 5 north, at the south facade of the
 6 building.

7 And this is the parking structure.

8 We'll talk a little bit more about
 9 this in the plan, but on each of these
 10 structures we've arranged a ten to
 11 twelve-foot enclosed -- not enclosed,
 12 sorry, a covered loggia on the street to
 13 front the retail on the ground.

14 We have about -- almost close to
 15 4,000 square feet of retail on the
 16 parking garage side and about close to
 17 9,000 on the north side, under the main
 18 building.

19 So -- and these are some of the
 20 materials we're using. I think this
 21 might be unnecessary at this time, but
 22 we are using one of South Florida's best
 23 interior designers, as well, and he's
 24 done several projects for the Shahams in
 25 the past. His name is Jeffrey Howard,

20

1 and he does a lot of hospitality and
 2 residential type interior design.

3 These are some inspirational shots
 4 of things we took from the local
 5 surroundings, and we borrowed -- we kind
 6 of were inspired by some of the
 7 architectural elements that are
 8 contained in some of these photographs.

9 And proportions and massing and material
 10 selections are obviously very important,
 11 and they were very important to the
 12 Architects' Board, with whom we met, I
 13 think -- well, Wally says five times; I
 14 could have sworn we were there 10 or 12,
 15 but anyway, it was a good relationship,
 16 a good growing process, bringing this
 17 project to what it is today.

18 So this is the site plan, showing
 19 the parking structure on the south side
 20 of Andalusia. North would be straight
 21 up. Andalusia is one-way, traveling
 22 east. The ground floor of the main
 23 tower or the main building is on the
 24 north side of the street and goes from
 25 the alley, which is right behind the

1 stores on Miracle Mile -- and this is
 2 the Ross Dress for Less space, this is
 3 the alley that leads into that and
 4 travels to the west.
 5 You can see this is a loggia that
 6 we planned underneath the main entrance
 7 or the main access to the retail space,
 8 and all these spaces along here are
 9 various retail spaces that are available
 10 for lease.
 11 On the west half of the building,
 12 roughly, we have a home care facility
 13 and facilities there for kitchen -- for
 14 services to the kitchen, which is on the
 15 second floor. I'll show you that in a
 16 minute.
 17 The main entrance lobby is here,
 18 and we have a connection to the main --
 19 to the parking garage over here, which
 20 is a street crossing. We're hoping to
 21 do a special treatment to the pavement
 22 so that we can -- so that cars, as they
 23 pass there, will know that this is a
 24 place to slow down and watch out for
 25 pedestrians.

1 And then here we have a
 2 walk-through, a very generous, wide
 3 walk-through that takes people from this
 4 loggia here, under cover, to a place
 5 here where they can go across and take
 6 the paseo directly to Miracle Mile. So
 7 we're encouraging that movement between
 8 Miracle Mile and the parking structure
 9 in that way.
 10 This is also -- along the alley
 11 here is another drop-off point or
 12 pick-up point for vehicles to access the
 13 main lobby of the building. This main
 14 lobby has a monumental staircase that
 15 brings you up to the common areas of the
 16 facility above. And that's also where
 17 we pick up the elevators, and any other
 18 kinds of services that we pick up have
 19 to be done downstairs at the main
 20 entrance.
 21 All of the back-of-the-house
 22 facilities are back here. We have
 23 generators and transformer vaults and
 24 service back here, as well as over here.
 25 I'm hitting you, Hector, with my

1 pointer.
 2 And we have service and other
 3 mechanical facilities there.
 4 So this is the second floor. Can
 5 you zoom in on this a little bit now?
 6 The second floor has all the common
 7 amenities that will be shared by the ALF
 8 tenants and the ILF group, the
 9 independent living facilities as well as
 10 the assisted living facilities.
 11 The main lobby, again, leading up
 12 from the ground floor main entrance.
 13 This is the cover. It's an encroachment
 14 that we're asking for over the public
 15 right-of-way, which is the drop-off
 16 point, the front drop-off point for the
 17 hotel -- I mean, for the facility.
 18 This is the concierge location, so
 19 this is kind of the main hub of the
 20 common areas. To the right side of the
 21 hub is the residential lounge. This is
 22 a large space here that's treated like
 23 the participants' living room, and they
 24 have a small bar there, maybe a piano,
 25 various places where they can go to sit

1 and enjoy their friends or read a book
 2 or whatever. It will all be furnished
 3 beautifully. It has -- I'm not sure if
 4 you're familiar with what they have down
 5 in Kendall, but this is just a
 6 beautiful, beautiful area, with the most
 7 wonderful amenities and interior design
 8 that you can imagine.
 9 There's a small cafe on this side,
 10 which is also served by this bar area,
 11 so it's double service, on the back
 12 side.
 13 Then we have outdoor seating in the
 14 terrace, a covered terrace, all the way
 15 around here, which allows the
 16 participants to go out and get fresh air
 17 under cover and enjoy the outside.
 18 We have computer rooms, libraries,
 19 various other components of extra-
 20 curricular kinds of activities that
 21 people would like to have.
 22 There we have the administrative
 23 facilities. We have game rooms, card
 24 rooms, arts and craft rooms, and so
 25 forth. So there's lots of activities

25

1 going on in here.

2 To the west side, we have the main

3 dining room, which is -- serves close to

4 300 seats, right in here, it's a private

5 dining area, and this is a small lobby

6 which is accessible to and used by the

7 service people, and this is the service

8 elevator going up to the kitchen, which

9 serves the restaurant.

10 Outside dining or outside sitting

11 is right here, overlooking the street.

12 Then we have this beautiful large

13 theater, which seats about 200 seats,

14 depending on how the seating is

15 arranged, for movies, dramatic readings,

16 any kinds of activities that they would

17 all join in together for.

18 Here is the assisted living

19 facilities for dining and activities,

20 and they get to their floor by way of

21 this elevator here.

22 Okay.

23 And the garage on the other side is

24 just a very simple ramp along the alley,

25 along the alley here, and conventional

26

1 parking.

2 This is the floor which is where

3 the ALF will be. The residents of ALF

4 will be on this floor. This is the

5 third-floor space, which has the outdoor

6 terraces and things like this around it.

7 You can see the massing of the

8 building is articulated in such a way as

9 to break down the feeling of the mass of

10 the building. We have nearly 20 feet of

11 setback on this area of the building,

12 and this part here projects out to our

13 property line on both ends, so we just

14 have this very narrow element here which

15 projects to the street, this large

16 setback area here, and then this one

17 also -- You'll see that the massing of

18 the building is well broken down on both

19 sides, and we have several different

20 types of units for both the ALF and the

21 ILF units.

22 This is the upper -- a typical

23 floor above the fourth -- or the fourth

24 and above, and this is typical ILF

25 facilities. We have two-bedroom

27

1 apartments on the ends and then

2 one-bedroom apartments. We have other

3 two-bedroom apartments at various

4 locations. So we have a wide variety of

5 studios, one-bedrooms and two-bedrooms.

6 And again, the massing, these are

7 the elements that project out toward the

8 property line on both ends, and then the

9 mass in the middle does, and then this

10 one is the part that's set back for

11 roughly 20 feet. This is -- the

12 pedestal is at the property line and

13 covers this loggia which extends the

14 length of the building and provides

15 cover for all of the detail and access

16 to the main entrance of the building.

17 That's the canopy which projects

18 over the drop-off point. It's -- it's

19 cantilevered and held up with tension

20 cables so that we don't have columns

21 coming out to the street.

22 And this is the parking garage,

23 which we had a lot of conversation at

24 the Architects' Board about parking

25 garages and how they become massive

28

1 elements, and we worked very hard with

2 them and they were very helpful in

3 delineating how this could be done in a

4 friendly way to the street.

5 We have setback areas at both

6 corners. We have the loggia here,

7 again, that protects the shopper, and

8 this projects out to the property line

9 and then steps back slightly here and at

10 these points here, where the elevator

11 and stairways are. So we kind of broke

12 up the massing.

13 As the sun passes across the facade

14 of this building, you'll see a lot of

15 shadows and shaded areas which kind of

16 help define the building and the

17 details.

18 This is just kind of a cross-

19 section, looking west from the end of

20 Andalusia, and this is the west -- the

21 east elevation of the main building and

22 the east elevation of the parking

23 structure.

24 I'm here to answer any questions.

25 That concludes my statements.

1 (Ms. Keon arrived during Mr.
 2 Fullerton's presentation.)
 3 CHAIRMAN KORGE: I have one I'm
 4 really curious about. How will this
 5 public-private parking garage be
 6 managed?
 7 MR. GARCIA-SERRA: The parking
 8 garage itself is going to be split into
 9 two different sections, the public
 10 parking section, which is going to be
 11 the lower floors, with the 337 spaces
 12 which are available for public parking,
 13 and then above that are going to be the
 14 other parking which is going to be
 15 required for the -- for the senior
 16 living facility.
 17 There will be a gate in between
 18 those two sections, so that the
 19 residents have their secure access to
 20 their parking, and then the public
 21 parking will be your usual sort of
 22 public parking garage setup, with an
 23 entrance with a gate where you get a
 24 ticket, and, you know, on the way out,
 25 another gate where you have to pay

1 before that one is lifted up, in order
 2 to get out.
 3 But there are going to be standard
 4 City rates and hours of operation and so
 5 forth, so it will be like any other City
 6 parking garage except newer and with a
 7 component -- with a private component on
 8 the upper floors.
 9 CHAIRMAN KORGE: Pardon me?
 10 MR. GARCIA-SERRA: Except newer
 11 than the usual parking garage and with a
 12 private component on the upper levels.
 13 CHAIRMAN KORGE: Will that -- will
 14 the revenues go to the City, or are they
 15 factored into your lease and collected
 16 by you, by your client?
 17 MR. GARCIA-SERRA: You know, I
 18 think perhaps Kevin, or maybe Cathy --
 19 MS. SWANSON: Hi. I'm Cathy
 20 Swanson, I'm Development Director, and
 21 we were negotiating on behalf of the
 22 City.
 23 It all gets loaded into the total
 24 development and then the City gets a
 25 base rent and a participation rent in

1 the project. We don't segregate the
 2 parking revenues from the rest of the
 3 revenue of the project and all of the
 4 obligations of operation have to be
 5 approved by the Parking Director. So
 6 the lighting, the method of operations,
 7 how that's served is regularly reviewed
 8 by our Parking Director.
 9 CHAIRMAN KORGE: Are the parking
 10 rates the same? Will they always be the
 11 same as the City rates?
 12 MS. SWANSON: They have the
 13 obligation to keep them equal to City
 14 rates.
 15 CHAIRMAN KORGE: Okay.
 16 MS. SWANSON: Both permit parking,
 17 because there will be permit there, as
 18 well as hourly parking.
 19 CHAIRMAN KORGE: Okay, thank you.
 20 MR. SALMAN: Through the Chair.
 21 A couple of quick questions. The
 22 Melody Inn site includes the building
 23 and the parking to the west of it --
 24 MR. GARCIA-SERRA: Right.
 25 MR. SALMAN: -- correct, up to

1 where my shoe repair guy is, right?
 2 MR. GARCIA-SERRA: Exactly.
 3 MR. SALMAN: Okay. He's staying,
 4 right?
 5 MR. GARCIA-SERRA: He's staying,
 6 despite --
 7 MR. SALMAN: That's very important.
 8 I can't afford new shoes these days.
 9 I've got to resolve the old ones.
 10 MR. GARCIA-SERRA: His commitment
 11 to his clients is exceptional --
 12 MR. SALMAN: Okay.
 13 MR. GARCIA-SERRA: -- because we
 14 approached him and we offered him a
 15 handsome amount, I would say, to acquire
 16 his site, but he still refused, and I
 17 guess part of that was his commitment to
 18 his clients.
 19 MR. SALMAN: Never mess with a
 20 mender of soles.
 21 The second question I have, and
 22 this is particular to the development of
 23 the paseo and the connection. Thank
 24 you, and thank you, Eric, from the
 25 Planning Department, for the work in

33

1 developing that connection. I think the
2 paseo can be very successful.

3 However, I see that the pavement
4 and improvements stop at the building
5 line. Can it continue all the way to
6 Miracle Mile, rather than leave a gap?

7 MR. GARCIA-SERRA: Putting an
8 improvement, you're saying, in the
9 alley?

10 MR. SALMAN: Carry the improvement
11 out, from the alley all the way to
12 Miracle Mile, rather than have it end at
13 the back of the alley buildings.

14 MR. GARCIA-SERRA: I think,
15 design-wise -- design-wise, we don't
16 have a problem with that, as long as
17 Public Works is okay with it.

18 So we can, if you want, do a sort
19 of continuous --

20 MR. SALMAN: I just don't want it
21 to be discontinuous. That's my concern.
22 And also, the other issue is one of
23 signage. If you're going to be inviting
24 these kinds of people, that you subject
25 any kind of signage to the review of the

34

1 City and the approval, but that you will
2 provide the signage in accordance to
3 whatever standard they set up, because
4 the connection from Miracle Mile to that
5 parking facility is critical to the
6 development of both your project and
7 Miracle Mile in the long term.

8 MR. GARCIA-SERRA: Yeah, we can
9 comply with the signage requirements. I
10 suppose it would be the usual paseo sort
11 of sign that you see around Miracle
12 Mile.

13 MR. SALMAN: More or less.

14 MR. FULLERTON: Before we jump too
15 quickly to agree, I think -- We don't
16 know who belongs -- who that property
17 belongs to, and I think we'd have to
18 just make sure that we can --

19 MR. COE: The City owns that.

20 MR. RIEL: The City does own it.
21 The City does own it.

22 MR. SALMAN: I believe that they
23 do. Thank you, Eric.

24 MR. GARCIA-SERRA: The alley, of
25 course, is City property, and then also

35

1 the paseo is also, interestingly enough,
2 City property, too. I think there was a
3 deed exchanged and conveyed to the City
4 sometime in the seventies, giving the
5 actual cut-out of the paseo to the --
6 conveying that cut-out to the City.

7 MR. SALMAN: Well, those are my two
8 comments.

9 MR. AIZENSTAT: A question for you.
10 The reason that you're asking to go to
11 high-rise from mid-rise is only because
12 of the four feet?

13 MR. GARCIA-SERRA: That's exactly
14 where I was going right now. I was
15 going to explain my rationale for the
16 two requests that we have, yeah. And
17 the two requests that we have are for
18 the Comp Plan amendments -- the first
19 one is for the Comp Plan amendment to
20 change it from medium-rise intensity to
21 high-rise intensity, and if you look on
22 the map right there, we're right now
23 medium-intensity, which is the sort of
24 lighter shade of red, and we're asking
25 for high-intensity, which is the darker

36

1 shade of red.

2 But the reason that we're asking
3 for it -- it's not as dramatic a change
4 as that would lead you to believe, and
5 the reason we're asking for it,
6 basically, there's a quirk in the City
7 of Coral Gables Comprehensive Plan,
8 which you're working on right now. The
9 City of Coral Gables Comprehensive Plan
10 regulates height not only by linear
11 feet, but also by stories.

12 Under the medium-intensity
13 designation, you would be limited to 97
14 feet and eight stories. Now, in order
15 to make this project economically
16 viable, because it is a relatively small
17 site and it's an expensive sort of
18 project to do, we needed to put in nine
19 stories in those 97 feet. Now, any
20 architect will tell you, nine stories
21 within 97 feet is -- possible. Why the
22 Coral Gables Code regulates both by
23 linear feet and stories, I really don't
24 know, myself. I do know that as part of
25 your EAR and Comprehensive Plan rewrite,

1 you are proposing to amend the
 2 Comprehensive Plan so that it's only a
 3 linear foot limitation and not a story
 4 limitation.
 5 That's something that was
 6 contemplated at the time of the RFP and
 7 communicated to all the bidders, that
 8 the limitation by which they should
 9 govern themselves was the linear foot
 10 limitation and not the story limitation.
 11 So, basically, we're asking for
 12 this amendment to the Comprehensive Plan
 13 so as to put nine stories within that
 14 building envelope, but it's not exactly
 15 97 feet. It's actually -- if you look
 16 at our proposed plans, it's 101 feet.
 17 As we were elaborating the plans,
 18 we realized that due to the requirements
 19 of height for the first floor ground
 20 retail and the second floor assembly
 21 spaces, we were going to have to put in
 22 extra height on those floors, and so the
 23 height required for those floors because
 24 of life safety issues, you know,
 25 different ducts and so forth and those

1 sort of issues, as well as wanting to
 2 keep the height of the units at a fairly
 3 acceptable height by today's standards,
 4 we needed those four extra feet.
 5 So, basically, we're asking for the
 6 Comp Plan amendment to get the nine
 7 stories, whereas right now only eight
 8 are permitted, and to basically ask for
 9 four extra linear feet of height. 97
 10 are permitted right now, and we're
 11 looking for 101. So that's why we're
 12 asking for the Comp Plan amendment.
 13 The PAD approval is being
 14 requested, basically, for setback
 15 relief. As -- if we can go, Hector, to
 16 the site plan.
 17 As John -- and actually, let's go
 18 about one more slide. We need to show
 19 them where we have a zero-foot setback
 20 on the main building. I think
 21 that one -- that one will do it, yes.
 22 As John was mentioning in his
 23 presentation, on the main building, on
 24 the north side of Andalusia, if you look
 25 at the four corners -- if you look at

1 the four corners of the building, here
 2 in the southwest, here in the southeast,
 3 northeast and northwest, you'll notice
 4 that a small portion of the building
 5 touches the property line on each
 6 corner.
 7 Otherwise, there is a 20-foot
 8 setback -- otherwise, there's a 20-foot
 9 setback from the property line on this
 10 portion of the building.
 11 Now, the reason for that, number
 12 one, we do have the benefit of being
 13 able to get a few more units on each
 14 floor, probably around four more units
 15 on each floor. And then it also serves
 16 the benefit, of course, of breaking up
 17 the massing of the building on the side
 18 of the building. The Board of
 19 Architects is very big on there not
 20 being just a straight plane, but some
 21 sort of break-up, and so basically
 22 that's how we provide it on the main
 23 building.
 24 Where we actually go to zero
 25 setback is in just these four relatively

1 small areas on the main building.
 2 Now, let's talk about the parking
 3 garage, which is on the south side of
 4 Andalusia. There, we basically have a
 5 zero-foot setback all around the
 6 building. Now, this zero-foot setback
 7 has to do, a great extent, with the
 8 design of the parking garage, a fairly
 9 large parking garage on a fairly small
 10 space. We're putting almost 600 parking
 11 garage -- 600 parking spaces in this
 12 garage, and then when you kind of
 13 consider the driveway width and
 14 everything else, in order to make it
 15 feasible, we had to go to the property
 16 line on all sides.
 17 Now, this is something that's
 18 pretty common in many parking garages
 19 and is even illustrated, really, by the
 20 parking garage that exists on the site
 21 right now.
 22 Hector, if we can go to the picture
 23 showing the parking garage.
 24 The City's parking garage, which
 25 exists on the site right now, goes even

41

1 beyond the property line. It goes
 2 beyond the property line and encroaches
 3 into the right-of-way, I would
 4 estimate -- what is it, about five feet,
 5 Hector, probably?
 6 MR. HERNANDEZ: Five feet.
 7 MR. GARCIA-SERRA: Yeah, five feet.
 8 So, when they constructed the City
 9 parking garage, they sort of had a same
 10 issue, in that in order to accommodate
 11 the parking spaces -- no, not this one,
 12 the picture of the existing parking
 13 garage. In order to accommodate the
 14 spaces and the driveway and whatever
 15 else, they had to not only go to the
 16 property line, but actually encroach
 17 into the right-of-way.
 18 As you can see here -- oops, bring
 19 it back, okay -- the property line is
 20 here, here's the sidewalk, that's part
 21 of the right-of-way, and you'll see that
 22 starting with the second floor, the
 23 whole structure encroaches into the
 24 sidewalk probably about five feet, and
 25 the alley on the other side of the

42

1 property.
 2 What we are proposing, basically,
 3 is to come up to this line here, and we
 4 will also still provide a sort of
 5 covered walkway arcade around the
 6 building within the property line. So
 7 that sort of the effect that this gives
 8 right now, providing shade for people
 9 who are walking around the parking
 10 garage, is still there.
 11 MR. AIZENSTAT: How are you going
 12 to treat the encroachment for the cover
 13 on the main building?
 14 MR. GARCIA-SERRA: Okay, I think
 15 you're referring to the porte-cochere
 16 that John was referring to?
 17 MR. AIZENSTAT: Yeah.
 18 MR. GARCIA-SERRA: Basically, what
 19 we're doing, the driveway cuts through
 20 the sidewalk, and so we wanted to
 21 provide a porte-cochere that would
 22 essentially go into the public
 23 right-of-way --
 24 MR. AIZENSTAT: The center.
 25 MR. GARCIA-SERRA: -- and provide

43

1 shade and so forth.
 2 MR. AIZENSTAT: In the center of
 3 the building.
 4 MR. GARCIA-SERRA: Correct, in the
 5 center of the building.
 6 Maybe if we go to the rendering, we
 7 can --
 8 MR. AIZENSTAT: Do you not have to
 9 go for any variance or anything on that?
 10 MR. GARCIA-SERRA: For that, that
 11 is an encroachment into the public
 12 right-of-way, so we have to go to the
 13 City Commission for an encroachment into
 14 the right-of-way approval.
 15 MR. AIZENSTAT: But only because,
 16 at the beginning of the presentation,
 17 there was no variances or anything that
 18 you were requesting.
 19 MR. GARCIA-SERRA: Correct.
 20 MR. AIZENSTAT: So I just want to
 21 be clear on that.
 22 MR. GARCIA-SERRA: Correct. We
 23 aren't requesting any variances.
 24 MR. COE: It's not a variance.
 25 MR. GARCIA-SERRA: And here is the

44

1 porte-cochere -- and also we'll have a
 2 sign there -- to serve as a drop-off
 3 area.
 4 MR. AIZENSTAT: And then on your
 5 parking spaces that you're providing,
 6 are you doing any lifts or tandem
 7 spaces?
 8 MR. GARCIA-SERRA: No, no
 9 mechanical spaces.
 10 MR. AIZENSTAT: Just straight spaces.
 11 MR. COE: None of those lifts.
 12 MR. AIZENSTAT: Just one suggestion
 13 would be, where the Post Office is now,
 14 that's a heavily used area, in parking
 15 and so forth. People park there and go
 16 there. I would encourage both the City
 17 and the developer to find a way to make
 18 that work, back and forth, and I would
 19 also encourage not only pavers where the
 20 crossing is between the building and the
 21 parking, but today there's a lot of
 22 signal flashing that's being used on
 23 Ponce and in the Grove, when people are
 24 there, actually crossing. I actually
 25 like that system.

45

1 MR. GARCIA-SERRA: For pedestrian
2 safety.
3 MR. AIZENSTAT: Yeah.
4 MR. GARCIA-SERRA: So the flashing
5 yellow lights, like we have sort of in
6 the circle here by --
7 MR. AIZENSTAT: Yeah, you know, and
8 here, you might have some elderly people
9 crossing, and that is a busy one-way
10 street that goes through there.
11 MR. GARCIA-SERRA: Of course,
12 that's acceptable to us.
13 MR. AIZENSTAT: Thank you.
14 MR. GARCIA-SERRA: That's pretty
15 much my presentation. You know, we have
16 the whole team here for any questions.
17 I'd like to reserve a little time for
18 rebuttal, if necessary, and of course,
19 that's -- that is The Gables Palace.
20 CHAIRMAN KORGE: Okay, well, if
21 there are no more questions of the
22 applicant, we'll open it for public
23 comment. Are there any people listed
24 for public comment?
25 MS. MENENDEZ: We have one speaker.

46

1 MR. FLANAGAN: Actually,
2 Mr. Chair -- I mean, I'll wait for
3 public comment, but I have a couple
4 questions of the applicant.
5 CHAIRMAN KORGE: Oh, I'm sorry. I
6 thought everybody was finished.
7 We'll call you in just a minute,
8 sir. He has some more questions.
9 MR. FLANAGAN: Mr. Garcia-Serra,
10 I'm just trying to be clear as to the
11 reason for the land use change.
12 MR. GARCIA-SERRA: Uh-huh.
13 MR. FLANAGAN: It's a combination
14 of height, stories and density? Am I
15 understanding the density part?
16 MR. GARCIA-SERRA: We also have --
17 We also, as a result of the Comp Plan
18 amendment, will have a higher permitted
19 density, and I think the project as
20 proposed, you probably had it during the
21 zoning analysis, has a certain number
22 of -- It benefits, probably about -- is
23 it 20 some units extra, I think, from
24 the density, from the Comp Plan
25 amendment? Thirty, perhaps?

47

1 MR. FLANAGAN: As I understand,
2 right now you're allowed 120 per acre,
3 and by going to the next highest or the
4 next category, you get 180 per acre, but
5 you actually --
6 MR. GARCIA-SERRA: But we don't max
7 out that 180.
8 MR. FLANAGAN: You don't max it
9 out. You end up at 252, total.
10 MR. GARCIA-SERRA: Okay, but 243 is
11 permitted right now, so it looks like
12 we're getting how many extra?
13 MR. FLANAGAN: I get 193 -- I
14 think -- According to the report I have,
15 193 is permitted now, and I'm not
16 questioning -- I don't have an issue
17 with the density, because of it being an
18 ALF. I have no problem with that. I
19 just -- When I was trying to analyze
20 this earlier, the four feet kind of hit
21 me. I said, you know, out of so many
22 stories, you know, can we find a way to
23 not go that extra four feet, especially
24 when I look at the second floor, which
25 appears to be about 17 feet in height

48

1 and -- I mean, maybe Mr. Fullerton could
2 tell us if this is the absolute minimum
3 we can go and there is absolutely no
4 additional factor where we can shave off
5 some inches or a foot on each floor or
6 something of that nature.
7 But in my thought process, that
8 becomes a little more irrelevant if it
9 is also truly a factor of number of
10 stories, and then obviously with the
11 density, if the density is the issue.
12 MR. FULLERTON: Well, in a project
13 of this status and this type, I think
14 the minimum standard ceiling height for
15 these units needs to be where we planned
16 it, at nine feet. That's kind of a
17 minimum standard these days among most
18 of these residential units, residential
19 types of units in condominiums and
20 apartments and everything today.
21 The other part of it is the height
22 required to get trucks underneath the
23 building and so forth. We have a
24 16-foot floor -- I mean, sidewalk to
25 floor height, but there's a structure

49

1 below that which needs to be exceeded,
 2 at least 14 feet. So we're kind of
 3 stuck there, and then we have a big
 4 requirement -- well, a requirement for
 5 height on the common areas, which
 6 there's a lot of air conditioning, a lot
 7 of services in the ceiling, and they're
 8 large spaces, which then also requires
 9 some fairly good-sized spaces, so we
 10 think we've pared it down. We tried to
 11 get it as close to 97 feet as we
 12 possibly could, and I thought we'd kind
 13 of lucked out by only exceeding it about
 14 four feet.

15 MR. FLANAGAN: Good. Thank you.

16 CHAIRMAN KORGE: Well, in that
 17 regard, it seems to me that the four
 18 feet isn't the issue, but going to the
 19 next highest density, I mean, the
 20 highest -- from mid-rise to high-rise,
 21 which would allow future development at
 22 that site to be -- How high would it be,
 23 a high-rise?

24 MR. RIEL: In terms of height?

25 CHAIRMAN KORGE: Maximum that would

50

1 be --

2 MR. RIEL: Sixteen stories, 190
 3 feet.

4 CHAIRMAN KORGE: Yeah.

5 MR. RIEL: But again, the approval
 6 is tied to the site plan.

7 CHAIRMAN KORGE: Oh, I understand
 8 that, and therefore, if it's built at
 9 all, it will be at that height and it
 10 will be there for a generation, so --
 11 and the only reason why I don't -- I'm
 12 not overly concerned about it is that
 13 the City owns the land, and
 14 consequently, when the lease ends, the
 15 City controls that height, even though
 16 it would be permitted at a much higher
 17 level, but otherwise I think that would
 18 be a real problem. The extra four feet
 19 doesn't seem to be --

20 MR. RIEL: And it's my guess that
 21 if the project doesn't go forward, which
 22 we hope doesn't happen, obviously, the
 23 City would go back and, you know,
 24 probably revert the property back to the
 25 mid-rise land use.

51

1 CHAIRMAN KORGE: Right, well, is
 2 the change in land use conditioned on
 3 approval of the entire project or --

4 MR. RIEL: Yes.

5 CHAIRMAN KORGE: -- does that occur
 6 automatically, regardless?

7 MR. RIEL: Yes.

8 CHAIRMAN KORGE: Yes, it --

9 MR. RIEL: It occurs with it, yes.
 10 That's part of it.

11 CHAIRMAN KORGE: Only with it?

12 MR. RIEL: Yes.

13 CHAIRMAN KORGE: So, if for
 14 whatever reason, this project isn't
 15 built, it will automatically revert?

16 MR. RIEL: I wouldn't say it would
 17 automatically revert. We would probably
 18 process an application to revert it back
 19 to it. There's no reverter clause, as I
 20 understand it.

21 CHAIRMAN KORGE: But here's the
 22 reason I'm asking, is, we've got -- all
 23 but one parcel belongs to the City. The
 24 Melody Inn site belongs to the
 25 applicant. Assuming, for the sake of

52

1 argument, that at the end of all this,
 2 the project doesn't work and the
 3 applicant is unable to build it. We can
 4 change the height on -- back to mid-rise
 5 on the City's property --

6 MR. RIEL: Correct.

7 CHAIRMAN KORGE: -- but we -- are
 8 we going to have difficulty with the
 9 Melody Inn site?

10 MR. SALMAN: It's conveyed to the
 11 City.

12 MR. COE: The Melody Inn site is
 13 too small to build any structure.

14 MR. RIEL: Yeah. You need at least
 15 20,000 square feet --

16 CHAIRMAN KORGE: So it won't
 17 matter?

18 MR. RIEL: -- to build the site.

19 MR. COE: You're not going to build
 20 much of anything on that.

21 MR. FULLERTON: And 200 feet
 22 frontage.

23 MR. RIEL: Right. You need 200
 24 feet frontage and 20,000 square feet.

25 CHAIRMAN KORGE: All right, good

1 enough. Thank you. I'm sorry for
 2 taking so long with that.
 3 Well, it's open for the public
 4 comment now. Would you come forward,
 5 please? State your name and address for
 6 the record, and you'll be sworn in.
 7 MR. SCHIFF: My name is William
 8 Schiff. I live at 236 Candia Avenue,
 9 and I am a member of the Senior Citizens
 10 Advisory Board.
 11 CHAIRMAN KORGE: Thank you.
 12 MR. SCHIFF: As such, I --
 13 CHAIRMAN KORGE: You need to be
 14 sworn in first.
 15 MR. SCHIFF: I can't hear you.
 16 THE COURT REPORTER: Will you raise
 17 your right hand?
 18 MS. KEON: You need to be sworn in.
 19 (Thereupon, Mr. Schiff was duly
 20 sworn by the court reporter.)
 21 MR. COE: Sir, could you speak into
 22 the microphone? I don't know if it's
 23 on.
 24 MR. SCHIFF: All right. It's right
 25 here. Okay? I've been -- My assignment

1 through the Board was to track the --
 2 everything from the RFP up to today. So
 3 I've been following what's been going
 4 on. I have no other interest in it
 5 except that I'm a Board member. But
 6 I've been impressed with several things.
 7 First of all is the professionalism
 8 of this group from The Palace, and the
 9 fact that they're trying to do
 10 everything right, and knowing what they
 11 have done in other areas, you know that
 12 you're going to get a first-class
 13 operation, and that's very important,
 14 since we live in the City of Coral
 15 Gables.
 16 Another thing to consider is that
 17 we in the City now have an aging
 18 population. The Baby Boomers are upon
 19 us. And since I'm way past that age, I
 20 don't have to worry about it. But this
 21 should be a total success for the City
 22 if carried out, and the way it has been
 23 modified several times -- I've seen --
 24 This is, I think, the fourth drawing
 25 that I have seen and the changes that

1 Mr. Fullerton and his company have made
 2 to satisfy various needs with the City,
 3 and I am totally impressed by what's
 4 going on and I would like you to
 5 consider that as part of your reasoning
 6 to go ahead and pass their request,
 7 because it's going to be a wonderful
 8 thing for City of Coral Gables.
 9 Thank you.
 10 CHAIRMAN KORGE: Thank you, sir.
 11 Anybody else? Anybody else from
 12 the public who wishes to speak at this
 13 time?
 14 No? Then we'll close the public
 15 portion of the meeting and open it for
 16 either a motion or discussion.
 17 MR. COE: I have a question,
 18 Mr. Chairman. Perhaps the Assistant
 19 City Attorney can answer it.
 20 Do we need to make two motions? Is
 21 there an LPA aspect to this?
 22 MR. RIEL: Yes.
 23 MS. ALFONSIN RUIZ: Yes.
 24 MR. RIEL: It's Staff's preference
 25 that you do.

1 MR. COE: I will move the change of
 2 land use as recommended by the -- by
 3 Staff, and including the conditions of
 4 approval which the applicant has stated
 5 it will accept.
 6 CHAIRMAN KORGE: Is there a second
 7 for the motion?
 8 MR. AIZENSTAT: Can we --
 9 MR. SALMAN: I would ask for a
 10 friendly amendment before I second.
 11 MR. COE: I have no problem with
 12 that. Assuming that the representation
 13 that it's all City-owned property is
 14 accurate, then there's no problem.
 15 MR. SALMAN: Okay. So, as long as
 16 the extension of the paseo improvements
 17 extend to Miracle Mile, we have Eibi's
 18 crosswalk --
 19 MR. COE: If it runs into non-City-
 20 owned property, some other private
 21 property owner, obviously that's not
 22 going to work.
 23 MR. SALMAN: Okay.
 24 MR. COE: Okay? Subject to that, I
 25 have no problem.

57

1 MR. SALMAN: Then I'll second it.
 2 CHAIRMAN KORGE: Okay, a motion and
 3 second. Is there any discussion on the
 4 motion?
 5 MS. KEON: I have one question. Is
 6 the only way that you can allow for that
 7 additional height by a land use change?
 8 There's not another means of doing that?
 9 You can't provide a variance? You can't
 10 do anything else? You have to
 11 provide -- you have to go to high-
 12 density?
 13 MR. RIEL: It's the only way you
 14 can do it, yes.
 15 MS. KEON: It's the only way that
 16 you can do it?
 17 MR. RIEL: Yes.
 18 MR. COE: You can't have a variance
 19 on a Planned --
 20 MS. KEON: If The Palace or if this
 21 provider were to sell its interest -- Is
 22 this -- Is it transferable? Can they
 23 sell -- if The Palace maybe sells their
 24 whole structure to some other operator,
 25 is that also -- Is this assignable?

58

1 MR. RIEL: From the regulatory
 2 standpoint, yes, it is. Obviously,
 3 whoever takes the approval would have to
 4 take the conditions that relate to the
 5 property, from the ownership side --
 6 CHAIRMAN KORGE: Well, that depends
 7 on what the City's bargain with the
 8 applicant --
 9 MR. RIEL: That's what I say, there
 10 are two things, regulatory versus the
 11 ownership.
 12 MS. SWANSON: We have several pages
 13 that anticipate, with a 99-year lease,
 14 if they were to sell their interest, the
 15 process that it would have to go
 16 through, including full City approval,
 17 City Commission approval for it. We
 18 have to approve the operator, because
 19 that's such a critical part of that. We
 20 have to approve their financial
 21 strength, how they're going to manage
 22 the property, and so the City has the
 23 right not to accept a group that they
 24 wanted to sell to.
 25 CHAIRMAN KORGE: Any more

59

1 discussion or questions?
 2 Hearing none, let's call the vote,
 3 please.
 4 MS. MENENDEZ: Jeff Flanagan?
 5 MR. FLANAGAN: Yes.
 6 MS. MENENDEZ: Pat Keon?
 7 MS. KEON: Yes.
 8 MS. MENENDEZ: Javier Salman?
 9 MR. SALMAN: Yes.
 10 MS. MENENDEZ: Eibi Aizenstat?
 11 MR. AIZENSTAT: Yes.
 12 MS. MENENDEZ: Jack Coe?
 13 MR. COE: Yes.
 14 MS. MENENDEZ: Tom Korge?
 15 CHAIRMAN KORGE: Yes.
 16 Now, a motion, I guess, is in order
 17 for the second part of this, which is
 18 the --
 19 MR. COE: Planned Area Development,
 20 the site plan review.
 21 CHAIRMAN KORGE: The Planned Area
 22 Development.
 23 MR. COE: I move the City's
 24 recommendation on that, as well,
 25 Mr. Chairman, and I don't think there's

60

1 any -- and any conditions that apply to
 2 the PAD.
 3 CHAIRMAN KORGE: Is that right,
 4 there are no conditions?
 5 MR. RIEL: Well, there's two
 6 conditions, which the applicant has
 7 agreed to.
 8 MR. COE: Right.
 9 CHAIRMAN KORGE: Okay, subject to
 10 those conditions.
 11 MR. COE: Correct.
 12 CHAIRMAN KORGE: Is there a second
 13 for this portion?
 14 MR. SALMAN: Second.
 15 CHAIRMAN KORGE: A second. Any
 16 discussion or questions?
 17 Hearing none, let's call the vote.
 18 MR. RIEL: And I assume that second
 19 includes the amendment?
 20 MR. SALMAN: Including the
 21 amendment.
 22 MR. RIEL: I want to make sure to
 23 clarify it for the record.
 24 CHAIRMAN KORGE: Call the vote,
 25 please.

1 MS. MENENDEZ: Pat Keon?
 2 MS. KEON: Yes.
 3 MS. MENENDEZ: Javier Salman?
 4 MR. SALMAN: Yes.
 5 MS. MENENDEZ: Eibi Aizenstat?
 6 MR. AIZENSTAT: Yes.
 7 MS. MENENDEZ: Jack Coe?
 8 MR. COE: Yes.
 9 MS. MENENDEZ: Jeff Flanagan?
 10 MR. FLANAGAN: Yes.
 11 MS. MENENDEZ: Tom Korge?
 12 CHAIRMAN KORGE: Yes.
 13 MR. RIEL: And this will go to the
 14 Commission on March 10th.
 15 CHAIRMAN KORGE: Thank you very
 16 much.
 17 MR. GARCIA-SERRA: Thank you very
 18 much, and have a good night.
 19 MR. SALMAN: John, you did a great
 20 job. It's a beautiful building.
 21 MR. FULLERTON: Thank you very
 22 much. Thank you.
 23 MR. COE: Another good job, John.
 24 CHAIRMAN KORGE: All right. One
 25 more item on the agenda, and that is a

1 Zoning Code Text Amendment, Article 5,
 2 "Signs," regarding political signs; is
 3 that correct?
 4 MR. RIEL: That's correct. Let me
 5 just make some introductory comments,
 6 and I'll turn it over to the City
 7 Attorney's Office and Building and
 8 Zoning, Martha Salazar-Blanco, the
 9 Zoning Official.
 10 On December 20th, this was
 11 presented to the Board. It went to the
 12 Commission on first reading. Since the
 13 time it went to the Commission, various
 14 changes were -- additional changes were
 15 identified, which in the opinion of the
 16 City Staff necessitated coming back to
 17 the Planning and Zoning Board.
 18 When the Board did review it, you
 19 did recommend unanimous approval, and
 20 I'll turn it over to the City Attorney's
 21 Office and, as I said, Martha Salazar-
 22 Blanco to provide you some overview of
 23 the changes.
 24 Staff recommends approval of the
 25 changes as noted.

1 MS. ALFONSIN RUIZ: The reason why
 2 it's mainly before you again is that
 3 there were no restrictions for signage,
 4 political signage, in commercial or
 5 industrial areas. We have added
 6 restrictions by stating that there's
 7 only one sign allowed per issue or per
 8 candidate. The size of the signage is
 9 also another restriction.
 10 The other issue that we addressed
 11 was, there was no identifying factor for
 12 the construction material and the
 13 maintenance of the signs while they are
 14 up, both in commercial, residential and
 15 at campaign headquarters. We've added
 16 that language.
 17 And we've also added language as to
 18 prohibitions on signs, illuminated
 19 signs, neon signs, balloons, banners,
 20 things of that nature. And, as Judge
 21 Coe indicated, blimps over property.
 22 CHAIRMAN KORGE: No American flags,
 23 huh?
 24 MS. ALFONSIN RUIZ: No flags. No
 25 flags announcing a candidate or an

1 issue. An American flag would be a
 2 separate matter.
 3 MR. SALMAN: Issue.
 4 MS. ALFONSIN RUIZ: That's a
 5 separate matter.
 6 The political signs definition was
 7 also rearranged, to make it meet what
 8 the requirements are.
 9 MR. SALMAN: And those requirements
 10 include those of the State and other
 11 regulating agencies?
 12 MS. ALFONSIN RUIZ: Absolutely.
 13 MR. SALMAN: Okay. That was my
 14 comment.
 15 MR. WELLER: Do I need to be sworn
 16 in? Do I need to be sworn in?
 17 CHAIRMAN KORGE: Wait, wait, wait,
 18 wait. We're not -- we're not ready --
 19 We're not ready for public comment.
 20 Was there any additional
 21 presentation on this you wanted to make
 22 or --
 23 MR. RIEL: I don't know --
 24 MS. ALFONSIN RUIZ: Well,
 25 that's --

65

1 MR. RIEL: He's obviously not
 2 Martha, but --
 3 MS. ALFONSIN RUIZ: Right.
 4 MR. RIEL: It's Ed Weller, the
 5 Director -- the Building and Zoning
 6 Director.
 7 CHAIRMAN KORGE: Yeah, okay.
 8 MS. ALFONSIN RUIZ: Ed Weller was
 9 going to address some issues as to --
 10 CHAIRMAN KORGE: Are you finished?
 11 MS. ALFONSIN RUIZ: Yes.
 12 CHAIRMAN KORGE: You don't need
 13 to --
 14 MR. COE: I don't think he needs to
 15 be sworn.
 16 CHAIRMAN KORGE: You don't need to
 17 be sworn in for legislative matters.
 18 MR. WELLES: For the record, my
 19 name is Ed Weller. I'm the Director of
 20 Building and Zoning.
 21 The only thing that I wanted to add
 22 is that this ordinance is consistent
 23 with the Dade County ordinance as it
 24 relates to commercial campaign and
 25 political signs, which is going to help

66

1 a lot, because it will help us with
 2 facilitating the Code Enforcement
 3 portion of this ordinance.
 4 I mean, that's really the only
 5 thing that I wanted to mention for the
 6 record. I don't know if Martha has any
 7 issue --
 8 MS. SALAZAR-BLANCO: Basically,
 9 that's it.
 10 CHAIRMAN KORGE: When will it be in
 11 effect?
 12 MS. SALAZAR-BLANCO: Like Lourdes
 13 was saying, we added the sections that
 14 she mentioned, the commercial portion
 15 and some other things that were not
 16 there before, and I think this will help
 17 Code Enforcement to enforce what we need
 18 to do. And most importantly, we'll be
 19 consistent with Miami-Dade County
 20 standards.
 21 CHAIRMAN KORGE: When does it take
 22 effect?
 23 MR. WELLES: I'm sorry?
 24 CHAIRMAN KORGE: When would this
 25 take effect?

67

1 MS. ALFONSIN RUIZ: It's going back
 2 for first reading to the Commission --
 3 MR. RIEL: It goes back for first
 4 reading, so --
 5 MS. ALFONSIN RUIZ: -- February
 6 24th, and then --
 7 MR. RIEL: March 10th.
 8 MS. ALFONSIN RUIZ: -- it goes for
 9 a second reading March 10th.
 10 CHAIRMAN KORGE: Well, the reason I
 11 ask is because we have an election --
 12 MS. ALFONSIN RUIZ: I know.
 13 CHAIRMAN KORGE: -- coming up in
 14 April.
 15 MS. ALFONSIN RUIZ: Right now,
 16 we're following Miami-Dade County Code,
 17 which is basically the same.
 18 CHAIRMAN KORGE: Okay. Fair
 19 enough.
 20 MR. RIEL: And I don't know if I
 21 missed this from Lourdes, but the
 22 Commission, when they did take it for
 23 first reading, they did change the time
 24 frame, in terms of allowing the signs to
 25 go up, from six months to three months.

68

1 So they made a more restrictive Code, so
 2 I want to note that for the record.
 3 MS. ALFONSIN RUIZ: Yes.
 4 MR. AIZENSTAT: How do they treat
 5 when a property is on the corner and you
 6 have two streets? Are you allowed two
 7 signs, one on each?
 8 MS. SALAZAR-BLANCO: One.
 9 MR. SALMAN: One sign.
 10 MS. ALFONSIN RUIZ: No, one sign
 11 per property.
 12 MS. SALAZAR-BLANCO: One sign per
 13 property --
 14 MS. ALFONSIN RUIZ: One sign per
 15 property per candidate and per issue.
 16 MS. SALAZAR-BLANCO: Right.
 17 CHAIRMAN KORGE: Why is that?
 18 MS. SALAZAR-BLANCO: Why is that?
 19 MR. COE: So you don't have a
 20 proliferation of signs.
 21 CHAIRMAN KORGE: If you've got two
 22 streets, why would you have only one
 23 sign?
 24 MS. SALAZAR-BLANCO: Well, it's per
 25 property and --

1 MS. ALFONSIN RUIZ: It's per --
 2 MS. SALAZAR-BLANCO: We didn't do
 3 it per frontage. We just did it per
 4 property.
 5 MR. COE: It's not by streets, it's
 6 by property.
 7 MS. ALFONSIN RUIZ: It's by property.
 8 CHAIRMAN KORGE: That wasn't my
 9 question. I understand that.
 10 MS. SALAZAR-BLANCO: Why?
 11 CHAIRMAN KORGE: That's very clear,
 12 but why?
 13 MS. SALAZAR-BLANCO: We're just
 14 being consistent with Miami-Dade County
 15 standards, and it's one per property,
 16 and it's --
 17 CHAIRMAN KORGE: I'm not
 18 interested -- I don't mean to be rude,
 19 but I don't care what the County thinks.
 20 Why do you think --
 21 MS. SALAZAR-BLANCO: Well,
 22 personally, what I think, I will answer
 23 that.
 24 CHAIRMAN KORGE: What the City
 25 thinks.

1 MS. SALAZAR-BLANCO: If you have,
 2 let's say, 10 candidates or five
 3 candidates or whoever is going for
 4 elections, and ballots, you're going to
 5 have perhaps 30 on one street, you're
 6 going to have 30 on the other street,
 7 and that, aesthetically, looking at it,
 8 is not very pleasing, to see all this.
 9 I think one per property is more than
 10 enough.
 11 MS. ALFONSIN RUIZ: It also creates
 12 liability issues with somebody that's
 13 driving and looking at signs.
 14 MR. COE: Correct.
 15 CHAIRMAN KORGE: That's not a
 16 legitimate -- that's not legitimate.
 17 MS. ALFONSIN RUIZ: Absolutely.
 18 Absolutely.
 19 CHAIRMAN KORGE: Absolutely not.
 20 You're saying that if you have a sign in
 21 your yard, you're creating a hazard, and
 22 therefore we should just ban all the
 23 signs?
 24 MS. ALFONSIN RUIZ: If you have 10
 25 issues, 10 candidates --

1 CHAIRMAN KORGE: No, I didn't --
 2 MS. ALFONSIN RUIZ: -- that means
 3 you have 20 signs on one side and 20
 4 signs on another.
 5 CHAIRMAN KORGE: What I asked --
 6 What I asked is, when you're on a
 7 corner --
 8 MR. COE: Mr. Chair --
 9 CHAIRMAN KORGE: I'm asking a
 10 question, excuse me.
 11 You're on a corner, on two
 12 streets -- because I live on a corner
 13 street, so I understand the issue.
 14 You're on a corner. You've got two
 15 streets. You want to put a sign facing
 16 one street and a sign facing the other
 17 street, and the answer I'm given is that
 18 it clutters, it's a hazard? I mean,
 19 really, what's the real answer? You
 20 just don't want them?
 21 MS. SALAZAR-BLANCO: Well, no,
 22 that's one of the reasons. Another
 23 reason is, we're also trying to be
 24 consistent with the rest of the sign
 25 provisions that we have in the Code.

1 Real estate signs, we only allow one per
 2 property. We're being consistent with
 3 all the sign provisions of the Code,
 4 so --
 5 CHAIRMAN KORGE: I understand, but
 6 this is fundamentally different from
 7 real estate signs. This is not
 8 commercial. This is political. It's a
 9 different interest --
 10 MR. COE: Well, why not have 10
 11 signs?
 12 CHAIRMAN KORGE: Pardon me?
 13 MR. COE: Why not have 10 signs per
 14 candidate? Why cut it off? Why one?
 15 Why two? Why not 10? You know, what's
 16 the difference?
 17 MS. KEON: The intention of a sign
 18 is to be visible. It's an
 19 advertisement.
 20 CHAIRMAN KORGE: On the street.
 21 That's the point of it.
 22 MR. COE: But why say you should
 23 have one here or one there? The City
 24 has made a determination that one is
 25 sufficient per candidate per property.

73

1 And you say, "Well, if there's two
 2 streets, we should have two." Well, if
 3 you have two, why can't you have 20 or a
 4 hundred per candidate?
 5 CHAIRMAN KORGE: Because there
 6 aren't 20 streets per block.
 7 MR. COE: Why does the streets
 8 have -- Why is the streets the relevant
 9 factor?
 10 CHAIRMAN KORGE: The signs are
 11 advertisements to people who drive by.
 12 MS. KEON: Or walk.
 13 CHAIRMAN KORGE: Or walk. If they
 14 drive by on one street and it's not on
 15 that street, they don't see it. That's
 16 why, if you have a property -- Let me
 17 finish. Don't look at me like I'm an
 18 idiot. We have a property that's --
 19 You've got a property that's a whole
 20 block. You're saying you can only have
 21 one sign on that block, you can't have
 22 one sign on each street. I'm just
 23 asking a very legitimate question.
 24 MR. COE: And if there's three
 25 streets, there should be three signs?

74

1 CHAIRMAN KORGE: One for each
 2 street, yes.
 3 MR. COE: So, in other words, the
 4 criteria shouldn't be properties, it
 5 should be streets?
 6 CHAIRMAN KORGE: That's correct.
 7 That's correct. That was the question I
 8 asked. Why wouldn't it be streets per
 9 property, and the answer I got was,
 10 because everybody else does it that way.
 11 MR. COE: No, because then we'd be
 12 at variance with the Dade County Code.
 13 MS. KEON: That's okay. We
 14 already --
 15 MR. SALMAN: We already are at
 16 variance.
 17 MS. KEON: We already do.
 18 CHAIRMAN KORGE: Yeah, so --
 19 MR. COE: Well, no, this is
 20 consistent with Dade County.
 21 MS. SALAZAR-BLANCO: Also, we have
 22 the waterways, we have the golf courses,
 23 that are also considered --
 24 MR. SALMAN: Public rights-of-way.
 25 MS. SALAZAR-BLANCO: -- public

75

1 right-of-way, so the same question, and
 2 we're going to have it in the front, in
 3 the side street, in the waterways, in
 4 the golf courses.
 5 CHAIRMAN KORGE: Well, I don't
 6 think you get a lot of traffic on the
 7 waterway. On the golf courses, I
 8 suspect that the people who own the golf
 9 courses really don't want to see any
 10 signs. But on the streets, it's a
 11 political sign, and it just seemed to me
 12 reasonable to allow one sign per street.
 13 That's all I'm saying. And the answer I
 14 get back is, "Well, the County does it
 15 that way and that's why we're doing it."
 16 MR. SALMAN: But that would create
 17 more political importance to those who
 18 live on corners, and they would get an
 19 extra vote. Are you saying
 20 that everyone who lives on a corner --
 21 CHAIRMAN KORGE: Listen, I'm done.
 22 I'm done with my questions.
 23 MR. SALMAN: Is that what you plan
 24 to do?
 25 CHAIRMAN KORGE: I've caused enough

76

1 trouble.
 2 MR. SALMAN: Do you live on a
 3 corner here? Is that what you want?
 4 You want an extra vote, right?
 5 CHAIRMAN KORGE: I'm on a corner.
 6 MR. SALMAN: No, I'm sorry, it's
 7 one per lot. One per lot, and that's
 8 it. Sorry.
 9 MR. AIZENSTAT: Let me ask you a
 10 question. I've seen signs for roofing
 11 companies that are doing roofs
 12 throughout the Gables. They've put up a
 13 sign, up by the roof, stating their
 14 name, while they're doing the roof. Is
 15 that something that's allowed?
 16 MS. SALAZAR-BLANCO: No.
 17 MR. AIZENSTAT: Okay.
 18 MS. SALAZAR-BLANCO: It's one sign
 19 that can advertise the contractor, the
 20 architect, everybody in that one sign.
 21 MR. AIZENSTAT: But can they put it
 22 on the roof? Are you allowed -- Is
 23 there anything in here that states that
 24 a sign has to be at ground level?
 25 MS. SALAZAR-BLANCO: On this

1 ordinance, no.
 2 Does it?
 3 MR. WELLER: No.
 4 MR. AIZENSTAT: So, in other words,
 5 if Mr. Korge wanted to be able to see
 6 both sides, he can technically put it on
 7 the roof --
 8 MR. COE: I don't think you can do
 9 that. There's another -- there's
 10 another ordinance.
 11 MS. ALFONSIN RUIZ: But there's a
 12 section that says --
 13 MR. WELLER: Under the campaign
 14 headquarters, I think it limits it to
 15 eight feet.
 16 MS. SALAZAR-BLANCO: No, he's
 17 talking about, is there --
 18 MR. WELLER: Shall not be more than
 19 eight feet.
 20 MR. AIZENSTAT: Should we try to be
 21 very specific as to, it must be at
 22 ground level as opposed to being on
 23 somebody's roof?
 24 MR. COE: But there's another
 25 ordinance that prevents stuff from being

1 put on the roof.
 2 MS. SALAZAR-BLANCO: It does say
 3 here, it says --
 4 MR. WELLER: No more than eight
 5 feet.
 6 MS. SALAZAR-BLANCO: Well, for
 7 campaign headquarter signs, no more than
 8 eight feet above the ground, and
 9 commercial, it just says it can be
 10 attached to the window glass or window.
 11 It has the area that it could be. Let
 12 me see. Single-family residence, five
 13 feet away from the public right-of-way,
 14 but it does not say the --
 15 MR. AIZENSTAT: The height.
 16 MS. SALAZAR-BLANCO: -- height
 17 limitation. That's correct.
 18 MR. AIZENSTAT: Right, so that
 19 would be my question. Could that be a
 20 way that Mr. Korge could get away
 21 with -- or anybody that would want to
 22 have their sign more visible, to go
 23 higher up? And is that something that
 24 would be standard with Dade County? Is
 25 that something that we need to look at,

1 or are we okay with it?
 2 MR. SALMAN: What you need is a
 3 rotating sign on the corner.
 4 MS. ALFONSIN RUIZ: I believe that
 5 in the prohibitions under Subsection E,
 6 it says what's prohibited, and it
 7 includes reflective material, flags,
 8 streamers, movable items, fluttering,
 9 spinning, rotating or similar
 10 attention-getting devices, and I believe
 11 a sign on a roof is definitely -- when I
 12 see it at Tom's house, I will send Code
 13 Enforcement out there to cite him,
 14 because it is an attention-getting
 15 device.
 16 CHAIRMAN KORGE: First you have to
 17 send someone out to my house to put it
 18 up, because I'm not going to do it.
 19 MS. ALFONSIN RUIZ: Right.
 20 MR. COE: Thank you.
 21 CHAIRMAN KORGE: Thank you.
 22 Is there any more discussion? Is
 23 there a motion?
 24 MR. COE: I move the City's
 25 recommendation.

1 CHAIRMAN KORGE: Second?
 2 MR. SALMAN: I'll second it.
 3 Nobody else wants to.
 4 CHAIRMAN KORGE: It's a second.
 5 A motion and a second to approve
 6 the recommended changes in the
 7 ordinance.
 8 MS. KEON: Do you want an
 9 amendment?
 10 CHAIRMAN KORGE: No, I don't want
 11 any amendments.
 12 Any more discussion? Let's call
 13 the roll on this, please.
 14 MS. MENENDEZ: Javier Salman?
 15 MR. SALMAN: Yes.
 16 MS. MENENDEZ: Eibi Aizenstat?
 17 MR. AIZENSTAT: Yes.
 18 MS. MENENDEZ: Jack Coe?
 19 MR. COE: Yes.
 20 MS. MENENDEZ: Jeff Flanagan?
 21 MR. FLANAGAN: Yes.
 22 MS. MENENDEZ: Pat Keon?
 23 MS. KEON: Yes.
 24 MS. MENENDEZ: Tom Korge?
 25 CHAIRMAN KORGE: Yes.

81

1 MR. COE: I thought you were going
 2 to vote against it, Tom.
 3 CHAIRMAN KORGE: That's it for
 4 today?
 5 MR. RIEL: No, I just have one
 6 other item. The April meeting is on
 7 April 8th, which is Easter week, so
 8 we're suggesting you change that meeting
 9 from the 8th to April 15th.
 10 MR. SALMAN: The tax day.
 11 MR. COE: Ooh --
 12 MR. RIEL: So we'll send an e-mail
 13 to your office, indicating that, but
 14 that's our intention.
 15 CHAIRMAN KORGE: Okay. Thank you.
 16 MR. RIEL: That's it.
 17 CHAIRMAN KORGE: Meeting adjourned?
 18 MR. SALMAN: Thank you.
 19 (Thereupon, the meeting was
 20 adjourned at 7:10 p.m.)
 21
 22
 23
 24
 25

82

C E R T I F I C A T E

1
 2
 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
 6
 7 I, JOAN L. BAILEY, Registered Diplomate
 8 Reporter, Florida Professional Reporter, and a
 9 Notary Public for the State of Florida at Large,
 10 do hereby certify that I was authorized to and
 11 did stenographically report the foregoing
 12 proceedings and that the transcript is a true and
 13 complete record of my stenographic notes.
 14
 15 I further certify that all witnesses
 16 were duly sworn by me.
 17
 18 DATED this 13th day of February, 2009.
 19
 20
 21
 22
 23 JOAN L. BAILEY, RDR, PFR
 24 Notary Commission Number DD 64037
 25 Expiration June 14, 2011.

CITY OF CORAL GABLES
PLANNING & ZONING BOARD MEETING
WEDNESDAY, FEBRUARY 11, 2009