

**City of Coral Gables City Commission Meeting
Agenda Item E-1
January 22, 2013
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Maria Anderson

Commissioner Rafael “Ralph” Cabrera, Jr.

Commissioner Frank Quesada

City Staff

City Manager, Patrick Salerno

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Planning and Zoning Director, Ramon Trias

City Architect, Carlos Mindreau

Public Speaker(s)

Jorge Alvarez, Applicant

E-1 [Start: 9:30:40 a.m.]

Board of Architects Appeal – Application No. AB 12-11-0424

Mr. Jorge Alvarez, representing Dade Medical College, the Applicant, has filed an appeal to the Coral Gables City Commission, from a decision of the Board of Architects at its regular meeting of November 29, 2012, wherein the Board denied Application No. AB 12-11-0424, in connection with a building sign (Dade Medical College) located above the sixth floor of the building located at 95 Merrick Way.

Mayor Cason: We’ll go back to Item E, Public Hearings, Mr. City Manager please present Agenda Item E-1, which is an appeal.

City Manager Salerno: Yes Mayor. Item E-1 is Board of Architects appeal – Application No. AB 12-11-0424. Mr. Jorge Alvarez, representing Dade Medical College, the Applicant, has filed an appeal to the Coral Gables City Commission, from a decision of the Board of Architects at its regular meeting of November 29, 2012, wherein the Board denied Application No. AB 12-11-0424, in connection with a building sign (Dade Medical College) located above the sixth floor of the building located at 95 Merrick Way. Mr. Mayor, I think the City Attorney wants to provide some comments before the hearing starts.

Mayor Cason: Alright and then we have to swear in – do we have speaker cards?

City Clerk Foeman: No, Mr. Mayor.

Mayor Cason: OK.

City Attorney Leen: This is an appeal from a Board of Architect's decision and just as a general matter of course the Commission can affirm, modify, override, or remand the decision. The reason why I wanted to make a couple of comments is that, interesting procedural came up which, I gave an opinion on and I just wanted to give the Commission the benefit of that opinion, and that is that oftentimes, or probably every time all applications for these types of approvals have to go through many different steps. In this case the step that you are reviewing at this moment is the design review of the Board of Architects; however, City Zoning staff has opined that this application, this proposed sign that you are reviewing does not meet the zoning criteria in the Zoning Code. Now they haven't made a final decision yet, but that's my understanding from them is that it doesn't meet it in their opinion. Just so you know, generally a zoning decision, what happens is the zoning staff will – once this goes for zoning review, zoning staff will make a decision that's appealable to the Board of Adjustment if the applicant doesn't like that. Alternatively, they might be able to seek a variance, but the issue before you, we just want to make you aware before you review this matter, which you are certainly able to do and you can review the design review now and then have them go back and do their zoning review, but we just wanted to make it – I just wanted to make it clear so you understand that this is just the first step and any approval here does not mean that this sign would go up as design, if it doesn't meet the Code, then it can't be approved ultimately unless there is a variance.

Commissioner Quesada: OK, let me just make sure I understood you correctly. So, Zoning hasn't ruled on this yet?

City Attorney Leen: No. Usually most applications go to the Board of Architects first and they get that approval before they continue. There is some sense to that because before you begin a variance procedure you may want to know if your design has been approved by the Board of Architects, because that can be an expensive procedure. At least since I've been City Attorney we haven't had a situation where the Board of Architects has rejected a design and that's been

appealed before the Zoning review has occurred. Normally they go back and forth and eventually it gets approved and then it goes for zoning review, so this is just an A-typical situation.

Commissioner Quesada: And if it doesn't meet the zoning requirements they are going to request a variance and that will come back to us.

Vice Mayor Kerdyk: No. Not necessarily. That's the problem is that it does not come back to us unless it's appealed by the Board of Adjustments decision. The fact is that, as I understand, it goes to the Board of Adjustments for a yes or no, and then if they get yes, then it doesn't come back here unless the City appeals it back to the City Commission.

Commissioner Quesada: If they get a no?

Vice Mayor Kerdyk: If they get a no then they could appeal it to the City Commission.

Commissioner Quesada: So it can come back to us.

Vice Mayor Kerdyk: It can come back to us with another appeal through the Board of Adjustments, but we lose control of it and the issue is – this is the first time we've ever had this, it's been like this. The issue is that – let me just be perfectly frank with everybody, where I'm sort of uncomfortable here is that, you know I've always been very strong on signs, I think everybody up here that has been with me, I am very interested to see what happens on the zoning and to go forward now may give a false solution to the Board of Adjustment should it go into that, that we are agreeing with the sign issue since we will not get another bite at the apple. So, I have an issue and I'd like to hear the presentation and go forward, but that's my....

Commissioner Cabrera: Does your issue, does your concern stem more from the aesthetics of the sign?- or the actual zoning and/or – well zoning?- I guess would be my question. For you is it more of an aesthetic issue or more of a zoning?

Vice Mayor Kerdyk: Well, I think that aesthetically everybody has opinions about aesthetics, I mean each one of us have different opinions of building houses and stuff. For me I think it really falls into line with zoning. Is the sign big enough?- is the sign small enough?- does it meet our criteria?- and it has always been my measuring stick is, does it fit inside that Zoning Code?- and he is saying it does may or may not. I feel more comfortable if we had an overall view of it, maybe it does and we can have that discussion after it's been vetted through Zoning.

Commissioner Cabrera: You know, it's funny – you know I concur with everything you've said, and I too I try to be a stickler for signage. The issue here though is as we view the two photographs, by the way, I'm very familiar with this building my office used to be there, but as you view the photograph you see that the signage location suggested by the Board of Architects actually causes the building to have an architectural modification to it. You see the three panels on the left photograph, they seem to go away on the suggested Board of Architects approval for recommendation for the signage, so I'm actually interested in talking a little bit about that as to

how we end up as a Board of Architects modifying the architectural elements, external architectural elements of this building to justify the signage where its being recommended.

Commissioner Anderson: Any concerns on sight lines? I was curious because that also besides altering – actually I do like the Board of Architect’s suggestion. I know they lose a tile and I’m not crazy about the proposed one, but I understand that the sight lines are lost; sometimes you can’t see the sign from certain angles, so I was just wondering if sight lines were any concern?

Mayor Cason: Why don’t we let Mr. Alvarez make his presentation and then we can have some discussion.

Commissioner Anderson: I understand that. I actually I was asking Bill that, is that something that would be of a concern to you?- just curious.

Vice Mayor Kerdyk: I don’t know. That’s a good question. Actually if these are the two alternatives, I think there was another alternative too that was on another side of the building and that was a sight line issue too. I don’t know. That’s an architectural issue; are we as a City trying to adhere to the Zoning Code?- or are we trying to embellish the architectural, not the architectural, the sight line for buildings? I think I know my answer to that, but I’m not sure, everybody has to answer that question themselves.

Commissioner Anderson: Sure. I understand. I was just curious. I know you are a stickler for the sign code, that’s alright.

Mayor Cason: One thing, is that the zoning issue that this is too big? What’s the issue? Do we know?

Commissioner Cabrera: No, it’s an aesthetic.

Mr. Alvarez: I will address that as part of my comments.

Vice Mayor Kerdyk: Sorry about that.

Mayor Cason: Go ahead.

Commissioner Quesada: Hold on before we go into the substantive aspect and the procedure aspect something that Bill brought up, and it’s something obviously I’ve never had the experience. So the question is for Commissioners Anderson, Cabrera and Kerdyk, have we ever seen, have you guys ever seen since you’ve been on the Commission, a signage issue or any kind of issue come back twice before the Commission?- once on aesthetic reasons Board of Architects and an appeal for zoning issues?

Vice Mayor Kerdyk: I can’t remember one.

Commissioner Cabrera: To the best of my knowledge I don’t ever remember even seeing an appeal from the Board of Architects.

Vice Mayor Kerdyk: You're right. I've seen Board of Adjustment...

Commissioner Anderson: Not Board of Architects.

Vice Mayor Kerdyk: Zoning signage we've seen appeals.

Commissioner Quesada: So from a procedural issue we are talking about something that rarely occurs.

Commissioner Cabrera: First time in 12 years for me.

Vice Mayor Kerdyk: Yes, first time.

Mayor Cason: It would seem to me that at least, if you look at the one on the left, if the issue of this is too big we are not quite sure how it's going to look if it has to shrink, so it's kind of hard to – it would seem to me that zoning ought to go first.

City Attorney Leen: Mr. Mayor if I may, you may very well want to hear from the applicant's attorney on this issue, but that's the reason why I raised the procedural issue because there is a hypothetical element to what you are doing almost like an advisory opinion, which you can do. They certainly preserve their rights by appealing the Board of Architect's decision, that's why that underlying decision as to should this go to zoning first?- should this be staged?- should this be abated?- should you rule now?- that's ultimately for you to decide, and I just wanted to alert you to that so you knew that while you were listening to this.

Vice Mayor Kerdyk: I just was saying in fairness to the applicant here is if they've been through a process here and it just keeps on going and going and going. At some point whether it's today or whether it's two weeks from now or four weeks from now when Zoning opines on it, we need to have some clarity here for the applicant so they can make some decisions.

Commissioner Quesada: But Mr. City Attorney your concern is if we say yes, we agree with the DMC (Dade Medical Center) request of signage location that it's almost like a per say approval of the zoning, is that the feeling you get from....?

City Attorney Leen: There is one concern about that, and also that let's say, I think the Mayor suggested this, but let's say it comes back with a smaller sign and you don't like the design at that point you may want to send it back for Board of Architect's review at that point. All these things tie together and that's why you have to make a judgment here as to whether you think...

Commissioner Quesada: But procedurally this process should be one that only comes before us once so that it doesn't take three years to get a sign or it doesn't cost thousands of dollars for an applicant to get a sign, I mean that's the frustration that a lot of people have with the City is the back and forth. Obviously, you guys have done the right thing, you've done what you are supposed to do up to this point. This is just a unique situation that we need to work our way through to make it easier for applicants in the future.

City Attorney Leen: Well Commissioner, you may want to consider adopting a rule that when there are multiple approvals the appeals to the Commission come at one time, so you are reviewing them all at the same time.

Vice Mayor Kerdyk: Make sense.

Commissioner Quesada: Makes a lot of sense.

Vice Mayor Kerdyk: Makes a lot of sense.

Mayor Cason: Go ahead.

Mr. Alvarez: Good morning everyone. Mr. Mayor, members of the City Commission, Mr. Manager, Mr. City Attorney, Mr. Clerk, thank you for giving me the time. This has been obviously a process. Wanted to tell you a little bit about how we got here, if you afford me that luxury. Dade Medical is a Miami based company founded in 1999, throughout the years we added allied health programs and a nursing program and now have six campuses throughout South Florida, all the way from Jacksonville to West Palm Beach to Hollywood to Miami Lakes, Miami, and Homestead. In the Jacksonville market we acquired a college that had a Master's and Doctorate level designation and we had an approval from the Department of Education to change the name to University of Southern Most Florida. So Dade Medical College continues as a parent company and the University of Southern Most Florida is a wholly owned affiliate taking us to Master's and Doctorate. Now we have an opportunity to look at a number of different areas throughout South Florida as we continue to grow through word of place, the first major expansion is the university and consequently where to place the corporate office of Dade Medical College since we have grown over the years. We have about 80 employees in the same office building that we've had for about 15 years. So in doing so I was really happy when our owner who is a Coral Gables resident as myself decided to come into the business district here in downtown Coral Gables for both projects. So we are bringing the Dade Medical College corporate office to 95 Merrick, which is the building in question, which is the entire penthouse floor and we will be bringing 80 employees and growing to the Downtown Business District. Now the university has already opened its office at 178 Giralda, it's an admissions office and right across the street at 2222 Ponce, we lease 3 entire floors, which are going to be the actual campus of the university, and we expect within this year to have 200 students. Our students are an average age of 34 years old, 85 percent women, all professional, and we are convinced and excited that's going to bring a really interesting mix to the downtown core and having all these students and corporate people, which are all again managers, directors, attorneys, CPA's, etc., and all of a sudden forming a vibrant community in that area. Now I've had the pleasure and the honor of serving on City Boards for 12 years, we didn't do this lightly as far as bringing an appeal, because I understand the time and effort it takes to be on a Board, the volunteer hours and we respect the process of the Board of Architects went through to get here, but it is a long process. We signed this lease over 8 months ago, and should be, actually moving in if I'm not

mistaken next week or so, and we are still dealing with the signage issue. Now we understand it's very important and that's why we are here. As far as cost is concerned, obviously there is a cost to file an appeal and there is also a cost for mailing and there are a number of issues that have to come on board, but before we got here we went in front of the Board of Architects three times and an additional two times informally, meaning we met with them without a vote just to try to gauge their interest and work with them. We've been over a four month period working with the Board of Architects trying to come up with something that works, so this is by no means was it something arbitrary on our end or capricious or something that wasn't thought through; and if you look at the three buildings the 178 Building and the 2222 Building, they are catty-corner to each other and have a direct front vision to the corporate office on Merrick. So what we are trying to build here is a corporate branding, a corporate image that you are seeing the university on one end, you are seeing the campus on another, and you are seeing the Dade Medical College sign on the top from that corner it brings again, it brings excitement, it brings what we are trying to do to life in that area. The building itself, the 95 Merrick when we went in front of the Board there was a number of issues that came up. Initially, they thought about the Galliano side, which has zero visibility because it's surrounded by buildings. They thought about the sign that was referenced here at the Commission bringing it down lower; again, the owner of the building had an issue because it defaces the actual design, the original design of the building, and you can only see it if you are standing right in front of it; and we finally decided on the one that you see that's all the way across the top of Dade Medical College. Now the zoning issue that the City Attorney brought up and we've had multiple meetings with zoning, we've had multiple meetings with zoning officials, we've had Mr. Trias, again this entire process has been very accessible and very open with us. We met with him as recently as this past Friday to come up with these things now. You are right Mr. City Attorney, what we are looking for here is that we are just following the process. This vote by you today just allows us to go through the process, it allows us to begin the process, we are not looking for anything else, we are just hoping you help us continue the steps of this process. Now it's not that onerous of a difference. I know you have to follow the Code, but the bottom line is that at one point the Board of Architects had us space out the letters, thinking it would look nicer that way. That is when you space out the letters that's what takes it significantly over Code; the Code is...details are not but 72 square feet, if you space out the letters that they want it, it takes it almost to 100 square feet, that was the issue and that was the problem with Zoning. When we bring it back to the original that you are seeing right now it's slightly over. It goes from, I think, the 72 allowable to 80 allowable. So when you think about again the scheme of things, that's something that we can work with Zoning, we can work with our sign company representatives here, we can work with our architects who make all of this work. We already made it work with 178. At 178 Giralda, it's a sign that goes all the way across the top and, we worked diligently with the City departments to make sure it fell under Code. So we are not here in any way cutting corners, trying to in any other way being defiant, we will continue to work as we have up till now with the process, we are just hoping that you allow

us to go forward, because again we will be moving in, in the next week or so to a building that still doesn't have our name. Other than that we are open to any other questions you may have.

Commissioner Quesada: What's your primary objection to the Board of Architect's suggestion?

Mr. Alvarez: There are sight line issues where basically, like I mentioned earlier, you literally have to stand right in front of the building to look up to see it. When the shot that you have here, the photo you have here from Giralda, that's where our admissions office is and where the campus is going to be.

Commissioner Quesada: I saw the trees are in the way there.

Mr. Alvarez: Exactly – and also another picture I didn't have. When you look at it from the old diner, Gables Diner, it has the exact same sight line and then when you look at it from Galliano there is no sight line, it's just a building. So basically again, looking at this and being very thoughtful in the process and looking at all the different types of alternatives, the one that made the most sense is, we are going to be in the penthouse floor and we have a significant part of this building is to have a significant presence in the building and to have a significant presence in the community.

Commissioner Quesada: When looking at, I have it listed here as Exhibit "B", the Application of Appeal, the picture that has the building as seen from Giralda on page 7 of 8. On page 8 of 8, I have the pictures of the University of Southern Most Florida and the USMF Building is there, 2222 Ponce and 178 Giralda. Does Dade Medical College have a logo?- or is it just...

Mr. Alvarez: No, Dade Medical College logo is the letters in blue.

Commissioner Quesada: Just the letters in blue. I personally like – I thought the logo looks nice and the idea on page 8 what you guys have, I think looks nice it just seems so plain, but if that's the logo it is what it is.

Mr. Alvarez: It is. And again going forward to that, the only issue the Board of Architects had again, and I know zoning is not in their purview, the only issue they had was that there was a slight elevation in the plain from the Dade and the College and the Medical. So it was purely aesthetic in nature, there wasn't any other issue that they came up with. Now they didn't have the opportunity to go out and look at it and I wish they would have, because if you go out again to Giralda and stand and look and see that, then we can envision this, especially at night just having a beautiful presence, a statement name, you know a big corporate impact, what we are trying to do the excitement of the students and the corporate employees and everybody there together.

Mayor Cason: Does your picture on the left, the one that you like, is that scaled to the zoning requirements?- or is this the 80 foot?

Mr. Alvarez: This is the one that falls in at about 72 total that its allowed including spacing and this one brings it to, if I'm not mistaken, our sign guy is here, to about 79-80 square feet. Now

the difference is also here it includes the large spacing in between and that's something that we can work on throughout the process. So it's not going to be significantly changed, Mayor to your point, again when you are talking about the 72 square feet to 79-80 square feet, it's really a minor, minor between spacing and everything else, it's going to be very minor difference.

Mayor Cason: So you are going to jam the letters up closer?- how would you get that extra...?

Mr. Alvarez: What we would do – yes, we could bring it closer to the plain and we could put the letters, especially the Medical just so it reads a little easier. So again, you are not really going to have a major difference as your concern as far as that you will be allowing us to go forward something that has been changed drastically; it's going to be very minor.

Mayor Cason: You don't have a photo of what it would look like, if it met zoning?

Mr. Alvarez: No, we don't have that photo. Yet again, we went through so many different variations with the Board that this is the one that came closest where we needed to be at.

Commissioner Cabrera: In the event we were to approve this today, I'd like to hear from staff, I'd be interested in hearing from staff as to how they would manage this process.

Commissioner Anderson: That's a good point.

Vice Mayor Kerdyk: Good question.

Commissioner Cabrera: Could we do that? Mr. Alvarez please don't leave, stay with us.

Mayor Cason: Mr. Manager, you have somebody who could address that?

City Manager Salerno: I'm not sure I understand the question, could that be clarified.

Commissioner Cabrera: OK. In the event this application should move forward, approval by the Commission today, I would be interested in knowing from staff, for those of you in the audience and those that are watching at home, there are two staff members sitting here that probably would work through the process with the applicant, and Mr. Trias and Mr. Mindreau are here and so I'm taking the liberty of asking them to join us to speak to us on this item, and that's the request that I've just made.

City Manager Salerno: OK. I think I can answer that question.

Commissioner Cabrera: Mr. Manager, I appreciate it, but I'd like to hear from Mr. Trias and Mr. Mindreau, given the fact that one is a zoning expert, a planning expert, and the other one is an architect, so please indulge me.

City Manager Salerno: Yes, I understand, and they can clarify. If the item is approved it would then go back to staff in Zoning, in the Planning and Zoning Division, they would review it for its applicability for zoning, since they have preliminarily indicated that it exceeds the Code requirement, so they would likely identify that it is beyond what is authorized. From there the

applicant would have an opportunity to take it to the Board of Adjustment, if the Board of Adjustment approves it that is the end of the matter, unless potentially the City appealed the matter, which the staff could, and bring it back, or if they were denied at the Board of Adjustment based upon a recommendation from staff that it exceeded the Code, then the applicant can take appeal directly to the Commission.

Mr. Alvarez: Or if I may, Mr. Manager, or we may be able to continue to work with staff to try to come into within the zoning restrictions.

City Manager Salerno: That's always the case, but the process – you always have that option to modify the plan, correct, but that's the process for staff.

Commissioner Cabrera: I appreciate the procedural outline the Manager just provided, that's exactly the reason I brought them up, so that there could be some workable solution between you and them, that's the only reason I asked for this.

Mr. Alvarez: I appreciate that.

Mayor Cason: Go ahead.

Mr. Trias: Good morning Mayor, Commissioner. Again, the only issue that is being appealed is to the aesthetics, which is what the Board of Architects deals with. We have had a chance to work with the applicant several times and they have been very helpful in terms of dealing with the parameters of the dimensions and so on. I would anticipate that to go on if you chose to say that the aesthetics are OK. We would meet with the applicant again, look at the spacing of the letters, look at the spacing of the words, and see if we can get within the 20 percent, there is a 20 percent discrepancy in the dimensions right now, so we would have to work on that. If that were to fail, if we are not able to come up with a sign that is according to the Zoning Code, the applicant always has the opportunity to go for a variance before the Board of Adjustment.

Vice Mayor Kerdyk: Explain to me the 20 percent. What are you saying?- the façade has to be 20 percent?- what exactly is that 20 percent variance?

Mr. Trias: What I said, the zoning allows 72 square feet and the proposed sign is 94 square feet, so it's larger than is allowed by zoning.

Vice Mayor Kerdyk: When I saw it, it was interesting that Frank asked that question, because this looks smaller, maybe Jim did, this looks smaller than when I saw it when you presented it to me, so you've shrunk that sign from the 94 feet.

Mr. Alvarez: I'm sorry Commissioner to interrupt, but the one that the Commissioner alluded to was the one that the Board of Architects suggested we spaced out; the one that comes back in, this one, and again our sign people are here, is still a little bit over Code, but not significantly over, it comes in about 80 square feet.

Vice Mayor Kerdyk: So the 20 percent is....

Mr. Alvarez: Is the original Board of Architects suggestion...

Mr. Trias: If the applicant submits another revised sign, it may be smaller; it may be closer to the zoning requirements.

Mr. Alvarez: We will be more than happy to work with them as we have before on this, if we are allowed to go forward.

Commissioner Quesada: Can I ask. The documentation that we have in our package, it discusses quite a bit of discussion at the Board of Architects meeting, what were some of the concerns that we heard from the Board of Architects?- what was the rationale for moving it?- and what's the response to the sight line issue?

Mr. Trias: The main concern had to do with the façade of the building not being one plain because it has that center bay that protects both, so the sign would be on three different plains.

Commissioner Quesada: Oh, OK. I didn't realize that, but now that you mention it, yes.

Mr. Trias: And that has a second consequence, which is that the spacing of the letters has to be fairly wide because you can't get any closer.

Mr. Alvarez: And that's something that is noticeable if you come right straight up and see it from underneath, from afar that's why you don't notice it because you can't really see a difference because of the difference in plains.

Commissioner Quesada: So you are saying when you are up close you can tell the difference because I guess the word Medical will be protruding further out.

Mr. Alvarez: Yes, you have to be really underneath, but when you are a little bit you know, you can't really notice the difference in plains. So it's purely an aesthetic denial.

Mayor Cason: We'll ask Carlos, do you have anything you want to say.

City Architect Mindreau: The only thing I would say Commissioners, is that the Board's decision was strictly on the aesthetics on how the sign impacts the building from wherever you see it, about a 12 inch difference in that center bay that projects out from the two that forces the distance between the words Dade and Medical and the distance between Medical and College to be greater than that which is normally used when you design signage.

Mayor Cason: Could you get that within the zoning requirements?

City Architect Mindreau: I am sure that changing the size of the letters or the tightness of one letter to the other that you can probably reduce that overall distance. However that doesn't take away the issue of the three plains.

Mayor Cason: So the three plains is really the....

City Architect Mindreau: The three plains and the aesthetics that that creates in the building was strictly the issue for the Board of Architects.

Commissioner Cabrera: Would you agree though with the concerns as it relates to the sight lines from Giralda from the south looking north?

City Architect Mindreau: I've gone to the corner of Ponce and the cross street, Aragon, and you actually see the building, you see that portion of the building where they want the sign, as well as one of the suggestions of the Board of Architects, which is on the side of the building, on the left side or the north side of the building, the northwest side of the building you can see both of those. If you did it on the one side which was one time approved by the Board of Architects, the sign could be exactly as they wanted at the height they wanted on the Giralda side and that was approved by the Board of Architects, but the owners decided they didn't want that, they wanted it on the Merrick side.

Vice Mayor Kerdyk: Let me understand that. So were they having one sign or two signs at that?- could they put two signs on this building, one of one side and one on the other side?

City Architect Mindreau: That's a zoning question and I'm not sure whether – I think they've been given the right to name the building Dade Medical College and by virtue of that they should be able to put one sign on each right-of-way.

Vice Mayor Kerdyk: So why are we not?- that would help the sign, the line of sight if you could...

City Architect Mindreau: It would but the owners declined that option.

Vice Mayor Kerdyk: The owners of Dade Medical?

City Architect Mindreau: The applicant – the applicant declined that option in lieu of what they really wanted originally.

Mr. Alvarez: The sign that you are used to is on the Galliano side where basically there is no visibility at all. You don't even see it from any of the prospectus from this front of the building, this is just basically totally in the north side of the building. Again where there is a building right in front of it, and there is no pedestrian traffic.

Commissioner Cabrera: It would be on the corner of Galiano and Alhambra.

Mr. Alvarez: Correct.

Commissioner Cabrera: It would be the southeast corner.

Mr. Alvarez: Correct.

Commissioner Cabrera: OK. Mr. Mindreau earlier on in this item, I talked about the modification externally of the architectural design of the building, you have any thoughts on that?

City Architect Mindreau: I do have thoughts. The three panels of which the Board of Architects suggested to remove one of them are appliquéés to the façade of the building, so what it is they are remodeling, and the Board always said you need to make sure that the owners of the building are agreeable to this particular solution, it's removing an applied molding and some tile work in order to do this, that should be relatively minor in terms of remodeling of a building considering that the client is such a significant client.

Commissioner Cabrera: Mr. Alvarez have you had an opportunity to talk to the building's owner about.

Mr. Alvarez: Yes, we did and they were extremely concerned and not supportive of that. Again it might be probably easy to do, but just again it takes away a major design element of the front of the building.

Commissioner Cabrera: How do they feel about your application?- how do they feel about what Dade Medical College would like to do?

Mr. Alvarez: They are very excited about the prospect, they clearly told us that they wanted to get the input from the City Commission and they said that if the City Commission was supportive of this they would be a hundred percent also.

Vice Mayor Kerdyk: Carlos, can they put, I guess they cannot put a smaller sign in the peak area there on the 8th floor or whatever floor that is?

Commissioner Quesada: Yes, I was looking at that.

Vice Mayor Kerdyk: On the top the smaller sign on that peak area.

City Architect Mindreau: They could try that, although I think that's an awkward location; additionally, they did have a logo at one time it was intended to go in that, above that center kind of palladium kind of window, they had a logo that the Board had no problem with. It would be difficult to get the words Dade Medical College at that size of lettering that they want in that particular location.

Vice Mayor Kerdyk: But maybe they don't need the size, if they are in that peak because that's easy seeable for everybody. We go around the City, we look at – Capital Bank is right next to there, there are all these huge institutions that are around and they've all complied with the sign ordinance as far as size goes, so I understand and sympathize with their need to try to be something that's observable around and maybe that peak area works. Two signs may work, all those issues there, and maybe this works if I see it reduced, maybe it does work. I just feel uncomfortable voting for it right now in the way it's being presented. I would rather send it to Zoning and have them come back, maybe you guys can work out something there and then bring it back and show us what you worked out within the sign ordinance, within our Code.

Mr. Alvarez: Well procedurally just to answer your comment, that is such a small area up there that even reducing the letters, in fact that's a problem, we'd have to reduce it so much that you wouldn't be able to see it. You can't see it, it's very, very small and you have the roof line underneath and there is just no room. Procedurally again, we would be more than happy to go back to Zoning and wait for the beginning, as I've said we will work with him on this, but we need to get past this step. We need to be allowed to have the appeal successfully approved on our end so we can then go to Zoning and Concurrency and electrical and....

Vice Mayor Kerdyk: We can send it wherever we want, the fact is if you go to Zoning and it complies with Zoning you can be back here in the next two weeks in front of us with the reduced signs. At that point we can opine on the aesthetics of the situation, and that way we have the one issue out of the way. They might get there – what I'm concerned about is maybe they might get there and it doesn't work by bringing the signs together, the letters together and we are back to this issue.

Mayor Cason: Anybody else.

Commissioner Quesada: Yes, just to sum up my thoughts. You know before I walked in here, I liked the Board of Architect design, but after hearing from you and hearing this, I'm in the middle because I would be 100 percent on board with your request, if the protrusion wasn't coming out and the spacing of the letters just seems a little awkward to me, and I sort of feel the same way as Bill in the sense that maybe shrinking it a little bit would change my opinion because I do want you to have that visibility, I see the problem that you have with this picture and Giralda says it all, and I know standing on the other side I know the trees on that corner, so I know that problem you have and we want you to have that visibility, Dade Medical College has been a great partner with the City, so I want to do what we can to make sure you guys get that exposure, but I do have that concern with the protrusion; I mean, the Board of Architects they do a great job and I see eye-to-eye with them on a lot of different issues. I don't want to delay this, but I do want to see what happens after you meet with Zoning and reconfigure shrinking it down to the 72 from the 80, maybe there is a difference there, maybe not.

Mayor Cason: When is the next zoning meeting?

Vice Mayor Kerdyk: This meeting is with staff.

Commissioner Anderson: Staff – this is staff, this is an administrative process.

Mayor Cason: If this were expedited, when could this...

City Architect Mindreau: I would be happy to put on Thursday's meeting this week.

Mayor Cason: I'd like to see it, that's why I was asking the question if this was on the left the way it would look shrunk down without a variance meeting, the zoning, I just don't know how

it's going to look when its shrunk, I'd like to see it before I vote on it, but if we could speed up the process and come back in a couple of weeks...

Vice Mayor Kerdyk: Only fair to them.

Commissioner Cabrera: Not to put you on the spot, because it will be the will of this Commission as to where this goes, but not to put you on the spot, but I'd like to know, would you prefer that we give you a decision today?- or are you comfortable with Mr. Cason and Mr. Kerdyk what they are suggesting to give you another "bite of the apple", if you can use that analogy, with the zoning process.

Mr. Alvarez: Of course I want to go with the will of the Commission that's been our interest in the beginning, I just thought that procedurally if you allow us to go forward, and we can do that anyway and work with zoning so either way, I will go with whatever – the process has been so long already, we'll go with – we want to be good neighbors and we'll work with you.

Commissioner Cabrera: When do you move into the building physically?

Mr. Alvarez: If I'm not mistaken the first week of February.

Commissioner Cabrera: You know the thing about this is regardless of what happens with zoning, it's my opinion that this is strictly an aesthetics issue and so zoning is going to look at it and they are going to cross their "T's" and dot their "I's" and its still going to be up to us to give you this thing. So that's why I was trying to find out timelines because I think you've been a great neighbor thus far, you are attempting to be a great neighbor, and having 120 new employees in the downtown Central Business District is a wonderful thing for our City, having the students here is another wonderful opportunity for the City to shine. So I want to be good to you as well because I think you are going to be a great neighbor and a great part of the City, so that's the reason I'm trying to find out an easy way to do it. I think we'll end up back here hopefully before you move in.

Commissioner Anderson: I was ready to approve that, although I did have issues with the aesthetics, but the will of the Commission looks like we are going to send it to Zoning and that's good, that's fine, but I'm comfortable with what it is because I do believe it's an aesthetics issue.

Mayor Cason: And if you could bring us back, if we vote that way, how it would actually looks.

Commissioner Anderson: I'm sorry Mr. Mayor, I hadn't finished. So when is it that you are moving?

Mr. Alvarez: The first week of February.

Commissioner Anderson: And our next Commission meeting is until February.

Commissioner Cabrera: Even then let's say we approved this today, let's say you got approval today, I don't see you...

Mr. Alvarez: That's the other thing, that's the other thing that we can come back for the meeting in February and then the clock starts ticking for all the other 7 or 8 departments, it will be another four months. The 178 Giralda which has no issues and with all the help from the staff took me three months to get done...

Commissioner Anderson: Right.

Commissioner Cabrera: Really.

Mr. Alvarez:...and that's with staff bending over backwards, walking me to departments with the best of faith of everybody and it took that long to get done, so that's the only thing by coming back to February and then the clock starts ticking, that's why we were hoping to have start ticking now instead of a month from now, but again we will follow....nothing is going to happen if zoning doesn't approve it anyway, nothing is going to happen, that's what I'm say, we are not going to lose anything, we gain a month and nothing is going to happen because zoning still has to approve it and we are willing to work with them, and they are willing to work with us.

Vice Mayor Kerdyk: We are talking two weeks here and we can run it on a dual course, I'm sure staff can run it on a dual course trying to expedite the process. I think that if you come back with a design that fits into the Zoning Code, I always look at precedence and I look at Bacardi's building and their size and thinking what they can do or the next big corporate client that comes in here is going to look at this and say, hey why is that 94 feet or 75 feet or whatever it is. So I think it's a good idea to go to Zoning, we'll do it expeditiously, it's not like we are going to hold you up and say next time they meet we are pushing it forward and we'll see it at the next meeting, hopefully within the 72 feet parameters that you give us.

Commissioner Cabrera: Ironically, this applicant has not even used other examples of what you just brought up, so that's the reason why I want to work with them to the point of coming up with a compromise that's suitable to the City, both the City and the applicant, because I think you have been very courteous and thoughtful in your presentation, I think you have tried hard to meet all of the standards and sometimes challenges that we've given you, so if I were counting I think you are going to be short a vote today.

Commissioner Anderson: Yes – short.

Commissioner Cabrera: The proverbial 3-2 may happen to you.

Mayor Cason: Do we have a motion?- Bill?

Vice Mayor Kerdyk: I'll make a motion to – I guess it would be to stay the decision, how would we...

City Attorney Leen: You can frame it as a stay or continuance.

Vice Mayor Kerdyk: Why don't we do a continuance, yes continuance?

Commissioner Cabrera: Would you be willing in your motion to include the word expeditiously?

Vice Mayor Kerdyk: Yes. I would do that.

Commissioner Quesada: And when it comes back to us we will have some sort of ruling or revised design based on zoning.

Mr. Alvarez: But it will still be an appeal I guess when it comes back to you, it will still be an appeal.

Mayor Cason: It will still be an appeal and you'll have a picture of what it will look like within the zoning, whatever zoning you come up with.

City Attorney Leen: If I may say, procedurally your appeal is still pending, you don't have to file another appeal, it's just a continuance and so you have this opportunity to work this out, it sounds like from the motion if it passes and then you would just come back and continue your appeal.

Mayor Cason: Do we have a second?

Commissioner Cabrera: Second.

Mayor Cason: Commissioner Cabrera makes the second.

City Clerk

Commissioner Quesada: Yes

Commissioner Anderson: No

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Mayor Cason: Yes

(Vote: 4-1)

Mr. Alvarez: Thank you.

Vice Mayor Kerdyk: Thank you.

[End: 10:13:31 a.m.]