

**City of Coral Gables City Commission Meeting
Agenda Items F-4, F-5 and F-9 are related
April 24, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Raul Valdes-Fauli
Vice Mayor Frank Quesada
Commissioner Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena**

City Staff

**City Manager, Cathy Swanson-Rivenbark
Assistant City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Planning and Zoning Director, Ramon Trias**

Public Speaker(s)

**Mario Garcia-Serra
Masoud Shojaee
Alicia Fernandez
Hector Lonbana
Henry Pinera
Roberta Neway
Ira Silver
Sue Kawalerski
Peter Wood
G. Troy Register
Timothy Plummer**

Agenda Items F-4, F-5 and F-9 are related [0:00:00 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 3, "Development Review", Division 15, "Comprehensive Plan Text and Map Amendments", and Small Scale amendment procedures (ss. 163.3187, Florida Statutes), from "Residential Multi-Family Medium Density" to "Commercial Mid-Rise Intensity" for the property legally described as Lots 17 thru 24, Block 203, Coral Gables Riviera Section 14 (1515 San Remo Avenue), Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. (LPA Review) (10 11 17 PZB recommended approval, Vote 5-0)

An Ordinance of the City Commission of Coral Gables, Florida requesting a change of zoning pursuant to Zoning Code Article 3, "Development Review", Division 14, "Zoning Code Text and Map Amendments", from Multi-Family 2 District (MF2) to Commercial District (C) for the property legally described as Lots 17 thru 24, Block 203, Coral Gables Riviera Section 14 (1515 San Remo Avenue), Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. (10 11 17 PZB recommended approval, Vote 5-0).

A Resolution of the City Commission of Coral Gables, Florida requesting mixed use site plan review pursuant to Zoning Code Article 4, "Zoning Districts", Division 2, "Overlay and Special Purpose Districts", Section 4-201, "Mixed Use District (MXD)", for the mixed use project referred to as "Venera" on the property legally described as Lots 11 thru 25, Block 203, Coral Gables Riviera Section 14 (1500 Venera Avenue, 1515 San Remo Avenue, and 1537 San Remo Avenue), Coral Gables, Florida; including required conditions; providing for an effective date. (03 14 18 PZB recommended approval, Vote 4-0; 1 recused)

Mayor Valdes-Fauli: And we will take items...

Commissioner Keon: No. I actually (INAUDIBLE).

Mayor Valdes-Fauli: F-4, F-5 and F-9 now, and right after this, we will take the library historic furniture artifacts.

Commissioner Lago: Mayor, Vice Mayor is...

Commissioner Keon: Let me...

Mayor Valdes-Fauli: Yes?

Vice Mayor Quesada: Oh, no. I...

Commissioner Lago: I thought you were...

Vice Mayor Quesada: Never mind. It was just an order question.

Mayor Valdes-Fauli: Oh, okay.

Vice Mayor Quesada: You clarified it.

Mayor Valdes-Fauli: F-4, F-5 and F-9.

City Attorney Ramos: F-4 is an ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 3, "Development Review", Division 15, "Comprehensive Plan Text Map Amendments", and Small Scale amendment procedures from "Residential Multi-Family Medium Density" to "Commercial Mid-Rise Intensity" for the property legally described as Lots 17 thru 24, Block 203, Coral Gables Riviera...

Mayor Valdes-Fauli: Please.

City Attorney Ramos: Section 14...

Mayor Valdes-Fauli: Come on, please.

City Attorney Ramos: Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. F-5 is an ordinance of the City Commission of Coral Gables, Florida requesting a change of zoning pursuant to Zoning Code Article 3, "Development Review", Division 14, "Zoning Code Text and Map Amendments", from Multi-Family 2 District (MF2) to Commercial District (C) for the property legally described as Lots 17 thru 24, Block 203, Coral Gables Riviera Section 14, Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. Both of these ordinances are on for second reading, and they are public hearing items. The related item is F-6 (sic), a resolution of the City Commission of Coral Gables, Florida requesting mixed-use site plan review pursuant to Zoning Code Article 4, "Zoning Districts", Division 2, "Overlay and Special Purpose Districts", Section 4-201, "Mixed Use District", for the mixed use project referred to as "Venera" on the property legally described as Lots 11 thru 25, Block 203, Coral Gables Riviera Section 14, Coral Gables, Florida; including required conditions; providing for an effective date.

Mayor Valdes-Fauli: Thank you. Yes, sir.

Planning and Zoning Director Trias: Mayor, the project has been revised slightly to 165 units, and the applicant, I believe, is here ready to make that presentation. I would prefer to do...

Mayor Valdes-Fauli: Alright.

Planning and Zoning Director Trias: Answer questions.

Mayor Valdes-Fauli: Applicant.

Vice Mayor Quesada: Mario, I'm going to throw your presentation off.

Mario Garcia-Serra: Okay.

Vice Mayor Quesada: I think you know where I'm going already. Just to be clear for the record, prior to today, I've spoken to the developer and I've also spoken to residents. The student housing thing, weighing heavy on me. My ultimate decision will not be based on whether you're marketing towards student housing or not. The Code and the law does not allow us to do that, so I want to be clear about that. But I'm very inquisitive as to this. I will tell you why. I know that it was a conversation that came up ad nauseum during the Paseo project, which you're intimately familiar with, so you may recall that. I know that the University of Miami is considering doing more student housing at campus, so that makes me think that there's a bit of a student housing need in the area. Again, I'm not in real estate, so this is just pure speculation on my part. And again, I want to be clear for the record this will not influence my decision. The Code and the law doesn't allow me to, but I think it's important for all of us to understand. That being said, I don't want -- and I understand we have other projects in the area that it just so happens you've represented as well, the Gables residential project. My understanding is it's a mix. There is some -- there are some students in there, and there are some professionals in there, and I think that project has worked well. I don't -- I haven't heard any problems of it. I'm around the neighborhood all the time. I don't think there's been any concerns with it, so I understand that if it's going to be a project like that, then it shouldn't be a concern to anyone because I think that's worked well, in my limited exposure to it. So, I'll ask you the direct question. Is -- so, the last time it came up, someone -- a resident showed a document to us, and you said you had no knowledge -- or you weren't aware or you weren't involved and you hadn't seen a document to it. I'm a litigator. I understand what those words mean. I understand the difficult position you may be put in, but we -- I need to know. I don't want to cross-examine you, but I need to know. I want to know. Will this project be targeted to students at the University of Miami?

Mr. Garcia-Serra: Same response that I gave you on first reading, no.

Vice Mayor Quesada: Okay.

Mr. Garcia-Serra: This project is similar to the Gables Ponce project.

Vice Mayor Quesada: Now...

Mr. Garcia-Serra: This apartment building...

Vice Mayor Quesada: Now, that -- comes the follow-up question. And the follow-up question is, maybe not right now -- and we can't predict the future. Will -- is this a situation that the developer is going to build this project, open it up and then, two months later, it gets turned over so that the statement you're making is an accurate and correct statement right now, but -- I mean, are there any plans to turn it over to a student housing developer? Because I will tell you -- before you answer that question -- before you answer that question, it makes me think that the documents that were shown to us by the residents last time around make me think the evidence is pointing in that direction. There was a Duke report -- I forget the name or the title of that report. I had never heard of it before, but I was told that that is a...

City Manager Swanson-Rivenbark: Dodge.

Vice Mayor Quesada: Dodge report -- that it is a somewhat reputable source for contractors to post projects or look for leads or employees. I don't know, something related to the development world, that it is...

Commissioner Lago: (INAUDIBLE)

Vice Mayor Quesada: It's somewhat reliable. So, that's the sort of evidence that's been presented to me, what I have seen, which makes me think that, yeah, this is set up to go that route.

Mayor Valdes-Fauli: Yeah. Will you address, you know...

Vice Mayor Quesada: I'm sorry I'm being long-winded about it, but (INAUDIBLE)...

Mayor Valdes-Fauli: No, no, you're right.

Vice Mayor Quesada: But this is...

Mayor Valdes-Fauli: Will you address his concerns...

Vice Mayor Quesada: Something that's been heavy on my mind.

Mayor Valdes-Fauli: Which are the concerns of many people here.

Mr. Garcia-Serra: Sure.

City Attorney Ramos: During first reading, I do recall that there was a document introduced into the record that said that basically this was some sort of student housing project. That's the only evidence that I believe is on the record as to that.

Vice Mayor Quesada: And that's the document I'm referring to.

Commissioner Lago: Yeah.

Mr. Garcia-Serra: Correct. There were documents that were found online on something called the Dodge Report or the Dodge website. None of those documents ever had the name of any of the client entities that I represent. You know, of course, when I saw that presented at first reading, I inquired as to what this was about. I was advised that that company had gone about trying to price the property to see if they would ever want to potentially purchase it, and that's why those documents were out there. But, on the very important issue of who owns this property and who's going to develop it, I can assure you the three applicants that are identified as the applicant entities, two of which are controlled by Mr. Shojaee-- another one is controlled by Mrs. Lani Kahn-Drody. He's under -- Masoud's under contract to purchase this property -- are the applicants, are the developers, and are the ones that are going to ultimately operate this project. To make it clear, I'll even ask my client, Mr. Shojaee, to come up and give that explanation.

Masoud Shojaee: Good morning, Mr. Mayor, Vice Mayor, and Commissioners. I am Masoud Shojaee, 201 Sevilla, chairman of the Shoma Group. I have built more than 10,000 units between Dade County, Palm Beach County and Broward County, since 1985. I thought I had seen it all, but this is something kind of different apparently. This is a project like any other projects. I take pride and I designed it in a way that suits the neighborhood. I own the property. I'm going to build it, and am I going to rent it to students from UM? If they come and they can afford it, absolutely.

City Attorney Ramos: Sir, I'm sorry to interrupt, but we didn't swear you in, I believe.

Mr. Shojaee: Oh.

City Clerk Foeman: Raise your right hand. Do you solemnly swear or affirm that the testimony you're about to give will be truth and nothing but the truth?

Mr. Shojaee: Yes, I do. So, if you look at the project, it's regular apartments. And last time -- in the last hearing -- and I don't remember who brought the suggestion to increase -- I think it

was Commissioner Mike Mena -- suggest to increase the three bedrooms, and immediately, we did it, and I increased it to three -- one-third of the units to the three bedrooms. And they said they're going to -- you said they're going to reduce the density, and we -- I did that. And in order to...

Vice Mayor Quesada: And I saw that.

Mr. Shojaee: Right. So, this is completely designed to a rental community. At some point, it's going to be converted to condos. And, the reason that it is rental right now is because the market is not suitable for condominiums, but otherwise, that's a great project for condos in that neighborhood.

Vice Mayor Quesada: Okay.

Mr. Shojaee: And that's what we are -- I own it. I don't have any contract with anybody. Do they approach me? Not only in this project. I have seven communities right now under construction or under approval right now. And we try to pick the suitable location. And I receive calls and emails that they want me to sell the property on all of them, and I haven't sold any because that's what we do and that's why we are involved with the community. And as -- I can tell you, this project is mine.

Vice Mayor Quesada: Okay.

Mayor Valdes-Fauli: Is that...

Vice Mayor Quesada: Thank you.

Mayor Valdes-Fauli: Satisfactory?

Vice Mayor Quesada: Yeah. You can go on with the presentation.

Mayor Valdes-Fauli: Okay, go ahead.

Mr. Garcia-Serra: Sure.

Vice Mayor Quesada: Thank you.

Mr. Garcia-Serra: I know our time is limited. We had an extensive presentation on the first reading of the project. I'm going to talk to you about the changes that took place between first and second reading. At first reading, we clearly had a feeling and impression that the consensus of the Commission was that this project should be reduced in density. And indeed, between first and second reading, we did reduce the project in density. It was previously proposed to be 189 units at first reading. It is now 165 units, so a decrease of 24 units. This now results in an overall density of 93 units per acre for the site. This is well below the 125 units per acre which is permitted for mixed-use projects, as well as the 100 units per acre permitted within the North Ponce residential infill area. The total proposed density on this site is now only 15 units more than what would otherwise be permitted without the rezoning and with the mixed-use site plan approval only. Secondly, we also thought that a directive of this Commission was to change the unit mix, so to decrease the number of one-bedroom units, and indeed, that is what has taken place. There was a dramatic decrease in the number of one-bedroom units. We're putting up a chart here. As you can see, on first reading, we were at 107 one-bedroom units. We're now at 57. Two-bedroom units decreased slightly also from 63 to 54. And, the three-bedroom units increased fairly significantly, from 19 to 54. We're now basically at a one-third of each type of unit, one-bedroom, two-bedroom and three-bedroom. Thirdly, care was taken to make sure that these changes would not increase traffic generation to levels that were not manageable. Accordingly, the retail area was reduced by 12,000 square feet. An office component replaced part of the residential portion, which was eliminated so as to increase mixed uses. The traffic study was updated, along with the new counts being done for a two-day period. And the traffic

study, which was reviewed and vetted by the City, still concludes that all applicable traffic standards and requirements are complied with. Lastly, after conducting another neighborhood meeting, we presented the revised project to the Planning and Zoning Board, as was requested by the City Commission and similar to their review of the original project in October, they unanimously recommended for approval. At this point, every City board or committee that has reviewed this project has had only praise and unanimous votes to recommend approval of it. And, it's a great project that will implement a long-time City goal for mixed-use development in this area of the City, and we ask that you follow these recommendations and vote to finally approve this project. Importantly, we have proffered covenants which tie this proposed plan to the changes of land use and zoning, so that, indeed, as Masoud represented earlier, the project which we're proposing is the project that you're going to get. And again, a project that does not have any of the common sort of aspects of student housing, such as shared dining facilities or shared bathroom facilities or any of that. It's an apartment building like any other apartment building, perhaps even nicer.

Mayor Valdes-Fauli: Thank you.

Mr. Garcia-Serra: Thank you.

Mayor Valdes-Fauli: Thank you very much.

Mr. Garcia-Serra: Our architect and traffic engineer -- the whole team is here in case there's any need for any (INAUDIBLE)...

Mayor Valdes-Fauli: Are there any questions for them? It's a public hearing, and I have several cards here to...

City Attorney Ramos: The covenants that Mr. Garcia-Serra referred to are -- have been executed. I'm passing them down for -- in case any of you want to have them.

Commissioner Keon: I think the covenants will clearly help you see or anyone here in the community that wants them.

Mayor Valdes-Fauli: I can barely hear you. Can you...

Commissioner Keon: I'm sorry. I think that the covenants will make it -- will indicate that these will not be separated, that they are -- there is a site plan that they are tied to and the various concerns that have been raised have been addressed through these covenants that were proffered by the developer and should be available to the community, if they want to see them for that reason.

Mayor Valdes-Fauli: Alright. Alicia Fernandez. Morning.

Alicia Fernandez: Morning.

Mayor Valdes-Fauli: Alicia, you have...

Ms. Fernandez: Good afternoon.

Mayor Valdes-Fauli: Two minutes.

Ms. Fernandez: Good afternoon.

City Attorney Ramos: We need everyone sworn in, please.

City Clerk Foeman: Raise your right hand. Do you solemnly swear or affirm that the testimony you will provide today will be the truth and nothing but the truth?

Ms. Fernandez: Yes. Good afternoon, Mayor, Commissioners...

Mayor Valdes-Fauli: Two minutes.

Ms. Fernandez: Everyone. My name is Alicia Fernandez. I live at 6000 Granada Boulevard. I have lived 34 years at my present address. It's the South Riviera Section. I'm not represented by the Riviera Neighborhood Association. Not all South Riviera Section are represented by them for many of the neighbors are in support for the Venera project, which is a commercial -- which is mostly commercial area. Venera project is a big improvement over the existing buildings. We need new residents, new retail in this area. This would be an ideal building, bring young professional families and even empty nesters. This area should not be offices only. We need other uses. This project has been well-received by City staff and a majority of the neighbors. Over 60 signatures were collected in support. I ask that you follow the recommendations of the staff and boards and vote to approve the Venera project. Thank you.

Mayor Valdes-Fauli: Thank you very much...

Commissioner Lago: Thank you.

Mayor Valdes-Fauli: Ms. Fernandez: Hector Lonbana.

City Attorney Ramos: Mr. Clerk, you may wish to have everyone stand up and swear them in all at once.

Mayor Valdes-Fauli: Yeah. Will anyone who wants to speak stand up so that you can be sworn in?

City Clerk Foeman: Would you raise your right hand, please? Do you solemnly swear or affirm that the statements you're about to provide here today will be the truth and nothing but the truth?

(COMMENTS MADE OFF THE RECORD)

Mayor Valdes-Fauli: Morning, two minutes.

Hector Lonbana: Good morning, ladies and gentlemen. My name is Hector Lombana. I live at 1233 San Ignacio, right around the corner from this project, right near the park. It's a great project. There's a bunch of college students that live in a house -- or rent a house next to mine. And they're like great kids, okay, because they go to the University of Miami. Most of them are very well behaved. We've had them for years. You know, there's nothing wrong with having college students around. This will beautify the neighborhood. It will help the neighborhood. It will make it nicer, okay, so I support it. And I live there. I walk around there. My wife walks around there. It's just a great idea, okay. Thank you.

Mayor Valdes-Fauli: Thank you, Mr. Lonbana.

Commissioner Lago: Thank you, sir.

Mayor Valdes-Fauli: Henry Pinera. Henry.

Henry Pinera: Hi. Henry Pinera. I live at 1215 Aduana Avenue, Coral Gables, Florida 33146. I was going to read a prepared statement, but I'm very, very concerned about what I just heard because what I heard was that we were minimizing the evidence that we found, that the Riviera Neighborhood Association found. What we found and what we believed we entered into record by submitting emails was full documentation, including CAD drawings that indicated the true ownership of this property, the design, everything was land -- owned by Landmark Properties. I will go on the record stating that we have done that. We have shared that, and that all of those documents, including CAD drawings, including the contact documents, including a document from the firm of Bermello Ajamil & Partners, which is the architect on record for this project,

where they state the site is not only within walking distance to the Shops at Sunset Place and the neighboring Riviera Park, but more importantly, the proximity to the University of Miami and the Metrorail Transit Station along Dixie Highway makes this location prime for student apartments. They are actively marketing this to student apartments. The ownership is with Landmark Properties. I want to make sure that all of the documents that we have sent via email are entered fully into the legal record. It's very important. Can I get an assurance that that is the case?

Vice Mayor Quesada: I believe it was the March 4 email. Does that...

City Attorney Ramos: All email sent to...

Vice Mayor Quesada: Sound about correct?

Mr. Pinera: Yes. But, the concern is that the links that are on there point to documents that are several megabytes large, so is somebody taking those documents and adding it to the legal record? If not, we need to make sure that that is indeed in the legal record.

City Attorney Ramos: That would be the Clerk's Office, sir. And if they were sent, they should be made part of the record...

Mayor Valdes-Fauli: Yes.

City Attorney Ramos: On this item.

Mayor Valdes-Fauli: Thank you, sir.

Commissioner Lago: I know they were sent because we...

Mayor Valdes-Fauli: Yeah.

Commissioner Lago: All received them.

Mr. Pinera: Okay, so...

Mayor Valdes-Fauli: Several times.

Mr. Pinera: I understand. So, here's the other thing. This is still 300 bedrooms. I know...

Mayor Valdes-Fauli: Thank you, sir. Thank you. Your time is up.

Mr. Pinera: I understand. I'm bringing an important issue.

Mayor Valdes-Fauli: Okay, but please do it. I mean, you had your time. Go ahead.

Mr. Pinera: The total density of this is -- I did the quick math, so if I did it badly, it's still 327 bedrooms. Three hundred twenty-seven bedrooms is a significant addition. They had -- the total number of bedrooms associated with this project has not been dropped. Let's -- the movement of the number of bedrooms is just a shell game that they're doing. The total density...

Mayor Valdes-Fauli: Thank you very much, Mr. Pinera.

Mr. Pinera: Is still the same.

Mayor Valdes-Fauli: Thank you. Roberta Neway.

Commissioner Mena: Can I just say real quick -- I, for one, don't believe it's a shell game. I don't know exactly what you mean by that. It actually was something I brought up at the last

meeting when I voted against the project, and I think it's important. You know, it's very easy to count the number of bedrooms instead of the number of units, because it's a bigger number and it sounds more, you know, dramatic. But the reality of it is, you may have people in two-bedroom and three-bedroom units -- and this was the point I made to the gentleman at the last meeting -- who don't necessarily occupy every bedroom. They may have an office instead of a roommate. They may have young children, who don't drive cars, instead of a roommate. So, for me, that's a positive development. I understand there are still some objections that people may have, but to me, that change in unit distribution is a positive for the neighborhood in terms of the impact that we would have in terms of traffic and things of that nature. So, I just...

Mayor Valdes-Fauli: Thank you.

Commissioner Mena: Felt it was important to say that.

Mayor Valdes-Fauli: No, no, no.

Mr. Pinera: I'm sorry.

Mayor Valdes-Fauli: Roberta Neway. You're out of order, sir. Please sit down. You had your opportunity to speak. Roberta Neway. Good morning.

Roberta Neway: Good morning. I'm Roberta Neway. I live at 1236 South Alhambra Circle. I walk to and from Whole Foods in South Miami all the time, so I'm very familiar with this site. And I walk and cycle whenever I can. That's what concerns me about this development. In fact, I got here waking, Metro, trolley. So, I want to address the impact on walkability and cycling in our neighborhood. There's a huge difference between walking and cycling distance and walkability and bike ability. If people feel unsafe, uncomfortable or unattractive surroundings, they're not going to walk or cycle no matter how near something is to them. And I'm afraid that this project may hurt the amount of walking and cycling in my neighborhood more than promote

it. That's my main concern. I have asked the developers about the vehicle entrances and exits and requested that they not be like we have at Whole Foods now because that's not comfortable for walking or for cycling. And what concerns me -- I'm not sure what the design is, but what concerns me is they didn't seem to get that blind driveways or overly wide driveways are not good for promoting walking and cycling. Those of you who walk and bike know what I mean. Moreover, this project will generate more traffic. I don't really have a problem with that, but I do have a problem in that we don't have traffic enforcement in our neighborhood. We don't have dedicated bike lanes. We don't have traffic calming in that area. It becomes more dangerous every day. This neighborhood could be a showplace for walking and biking in Coral Gables. And I'm afraid sometimes when we look at development, we're moving in the wrong direction instead of the right direction. If the City is going to encourage development and if each of you is truly committed to making...

Mayor Valdes-Fauli: Please conclude, yeah.

Ms. Neway: Coral Gables more walk and bike friendly, please ask the developers to contribute to a decent urban study that looks at the interest of walkers and cyclists as well as auto flow.

Mayor Valdes-Fauli: Thank you, ma'am.

Ms. Neway: Thank you for your time.

Mayor Valdes-Fauli: Thank you very much.

Ms. Neway: Okay.

Commissioner Lago: Thank you.

Ms. Neway: Have a good day.

Mayor Valdes-Fauli: Sonia Rivera. Sonia Rivera.

Unidentified Speaker: Yes.

Mayor Valdes-Fauli: You're not Sonia Rivera.

(LAUGHTER)

Ira Silver: I'm not Sonia Rivera. My name is Ira Silver. This is Sonia Rivera. My name is Ira Silver. I'm an attorney. I represent Sonia Rivera...

Mayor Valdes-Fauli: Okay.

Mr. Silver: Who lives at 6605 Nervia Street, Coral Gables, 33146? And, she has lived and owned this property for 28 years. My clients received mail from the City of Coral Gables regarding this development application and a hearing before the court -- this Commission. The application, as presently proposed, will permit a massive project that will degrade the health, safety, tranquility, character and overall welfare of the -- of my client's neighborhood and will negatively impact my client by creating excessive noise, density, light, glare, odor, vibration, dust and traffic. The project is too dense and must be scaled down in density. Look at this application. It's just another Paseo, and it's directly across from the Kerdyk Park, from a stable, single-family neighborhood. This large project will also add to traffic in the area and (INAUDIBLE) impact my client as a nearby property owner. These negative impacts are not shared by the public in large. We ask you to scale -- we're not against a development. We're not against something being done at this property. We just ask it be scaled down further. Thank you very much.

Mayor Valdes-Fauli: Thank you, sir.

Commissioner Lago: Thank you.

Mayor Valdes-Fauli: Sue Kawalerski.

Sue Kawalerski: And now, good afternoon.

Mayor Valdes-Fauli: Good afternoon.

Ms. Kawalerski: My name is Sue Kawalerski. I live at 6830 Gratian Street, Coral Gables, Florida, and I am the president of the Riviera Neighborhood Association, representing them here today. I have one question first before I start, because I'm not clear what is the ask as far as increase in density since this project has expanded. May I ask the developers what is the increase in density that your project is presenting at this point in time?

Vice Mayor Quesada: It's from 150 units to 165.

Ms. Kawalerski: No, not units; density.

Commissioner Keon: That's density.

Mr. Garcia-Serra: The definition of density is units.

Ms. Kawalerski: Okay. Well, it was a 32 percent increase in density for the original application. What -- in percentage wise -- is the increase in density that you're asking for?

Mr. Garcia-Serra: Right now, it'll be 10 percent.

Ms. Kawalerski: Ten percent?

Mr. Garcia-Serra: Yes.

Ms. Kawalerski: Okay. The Riviera Neighborhood Association is totally against any increase in density and wants to maintain the character of Coral Gables as per its current zoning and land use designations and is, therefore, against this project. I'm sure you all hear that there will be traffic mitigation. And as I talked to Commissioner Mena before this item came up, traffic mitigation is not something that can be mitigated by the City of Coral Gables. It can only be done by the County. As you well know, I think there's a traffic plan now being considered for all of Miami-Dade County. So, if we hear that traffic is going to be mitigated, it is certainly not going to be mitigated by this body in the city. So, in the meantime, this density will -- even at 10 percent at this point in time -- increase far beyond the capacity of the nearby roadways. Commissioner, did you have a question?

Vice Mayor Quesada: No, no, no. I'm listening.

Ms. Kawalerski: Okay. So, we are against any sort of density. We understand we cannot argue the height because it's currently zoned for 97 feet, which will, inevitably create a canyon-like effect anyway. We don't want this to set a precedent for the other remaining parcels around Kerdyk Park. And we ask you, as an association, to deny this application on second reading. Thank you.

Mayor Valdes-Fauli: Thank you, ma'am. Peter Wood. Peter Wood. Morning, sir.

Peter Wood: Good morning.

Commissioner Lago: Good afternoon.

Mayor Valdes-Fauli: Good afternoon.

Mr. Wood: Peter Wood. I live at 6604 Tarrega Street, which is a stone's throw from the site. I've been a resident at that location for 18 years now, and I'm a proud member of that neighborhood and the City of Coral Gables. I'd just like to state for the record that I understand that the height is within legal limits. I think that it would be better had it -- had the proposed project be more consistent with the neighborhood character, which is -- if you look at the buildings in that area, it's around four or five is the limit in terms of height. There's obviously and increased amount of density. I think the most important -- that they create some concern in terms of changing the character of the neighborhood. But I think the most important thing that I would add to today's discussion is I think that, as a resident of that area and a frequent user of the increased level of retail in the area, which is good, I think that there's a need for some sort of master plan to incorporate the changes that are going on west of the park and east of US 1. There's a tremendous amount of great things that are happening, but I personally think that, you know, when we see other neighborhoods like Coconut Grove and you have, you know, even Little Havana undergoing master planning processes to better manage that growth and to ensure that the pedestrians are safe when they're -- the increased level of pedestrian traffic is going to be done in such a way that people are going to remain safe in that neighborhood. So, I think those are the points that I'd like to make.

Vice Mayor Quesada: Thank you, sir.

Commissioner Lago: Thank you, sir.

Mayor Valdes-Fauli: Thank you, sir. The last one is G. Troy Register, III.

Troy Register: Good afternoon.

Mayor Valdes-Fauli: Good morning -- good afternoon, sir.

Mr. Register: I'm Troy Register. I'm a resident of Coral Gables at 1240 Placetas Avenue, which is close to this project. And more importantly, I'm a business owner in the neighborhood of this project. And I'm concerned about the parking, the density, the possibility of students and their impact on our policing costs of those persons. I'm against the additional density and I'm concerned about the traffic. I'm concerned about the parking. My clients that come to me have a very difficult time finding parking in the neighborhood, and I'd like to see some attention and concern about that. Thank you very much.

Mayor Valdes-Fauli: Thank you, sir.

Commissioner Lago: Thank you.

Mayor Valdes-Fauli: Thank you. The public hearing is closed.

Vice Mayor Quesada: Mr. Mayor, if I may.

Mayor Valdes-Fauli: Yes, sir.

Vice Mayor Quesada: You know, I just want to put a few things out there. I actually really like the design. So, the architects -- it's -- I really like it. I do. I'm looking at the picture again. I think -- it's just nice all around. A lot of times, we get boxes. This is not a box. I like the way they did an angle to make sense. You know, I came in here -- I apologize. I'm actually -- I'm really upset right now. I had received this email on March 4 that I saw that the Riviera Neighborhood had sent over. I had trouble opening the Google docs at that time, so I never looked at it. I read through it. I tried to look at the links. Nothing really came to light. That's why I started the meeting with these questions. I finally got it opened. It just -- it's just bothersome. It really is. So, look, I really came in here -- 165 units, liked the project. I was okay with the traffic study. I was going to make the motion to approve it. Absolutely not now. I can't. No way, man.

Commissioner Keon: Over what?

Vice Mayor Quesada: At all.

Commissioner Keon: What is it?

Vice Mayor Quesada: I'm going to make a motion to deny the application.

Commissioner Keon: But you know...

City Attorney Ramos: Is that based on your belief that they can't comply...

Vice Mayor Quesada: That is...

City Attorney Ramos: With the conditions?

Vice Mayor Quesada: That is based on what I'm allowed to believe in under the Code and the law.

Mr. Garcia-Serra: Mr. Mayor, if I could be provided an opportunity for rebuttal...

Mayor Valdes-Fauli: Yes, of course.

Mr. Garcia-Serra: Of the comments.

Commissioner Lago: But before you (INAUDIBLE), did you make a motion?

Mayor Valdes-Fauli: Yeah. He made a motion.

Vice Mayor Quesada: Yeah. I just made a motion.

Mayor Valdes-Fauli: Is there a second?

Vice Mayor Quesada: But if everyone's willing to have a conversation, I don't...

Mayor Valdes-Fauli: Wait, wait, wait.

Vice Mayor Quesada: Need a second right now.

Mayor Valdes-Fauli: The motion has been made. Is there a second?

Commissioner Lago: And let me just clarify. If I second that motion, it's for discussion.

City Attorney Ramos: That's fine. You can do that.

Mayor Valdes-Fauli: And if you don't second it, then...

Vice Mayor Quesada: And here's another thing.

Mayor Valdes-Fauli: There isn't any discussion.

Vice Mayor Quesada: If you...

Commissioner Lago: No, but I'm saying for discussion.

Vice Mayor Quesada: And here's the thing. If you second it, you don't have to vote the same way I did, so it's just to allow the conversation I think it's...

Commissioner Lago: Out of respect for your motion, I'm going to second the motion.

Mayor Valdes-Fauli: Okay.

Commissioner Lago: For discussion.

Mayor Valdes-Fauli: It's been moved and seconded.

Commissioner Lago: I have a few questions before we get into this. I know that -- because I don't know how you're going to answer this.

Mr. Garcia-Serra: Alright.

Commissioner Lago: I want to talk about a few things about -- thank you. I'm sorry about that. I just want to talk about some fundamental facts that I want to be very, very clear on on the record here, okay. Ramon, will you indulge me for just a few moments...

Planning and Zoning Director Trias: Yes, sir.

Commissioner Lago: Because I just want to clarify a few things. Alright. If we do not approve F-5 and do not approve a zoning change, which we're going from MF2 to Commercial -- thank you for the clarification, Madam City Attorney, in reference to the 1515 San Remo parcel -- what can you build right now on the entire project, commercial and residential, because I know that you have basically a project that's split down the middle.

Planning and Zoning Director Trias: The only residential -- without any changes -- can be done on the MF2 parcel only. And if we have a map, probably it's easier to explain.

Commissioner Lago: So, I want to know -- what I want to know is how many units can you build there?

Planning and Zoning Director Trias: It's 50 units per acre. I don't know the exact number off the top of my head. As they said, they're requesting 93.

Commissioner Mena: What did you say at the end there? I'm sorry.

Planning and Zoning Director Trias: They -- you can do 50 -- up to 50 units per acre in MF2 with Med bonus.

Commissioner Mena: Okay.

Commissioner Lago: And I'll tell you why I'm bringing this up. This is something that I've had issues before in other projects. We're treating this like an afterthought that this land use change is -- it's just going to happen because it has to happen. It is what it is. And then we're dealing on unit counts here, and I think that's a mistake, in my opinion.

Planning and Zoning Director Trias: Could I...

Commissioner Lago: But...

Planning and Zoning Director Trias: It's actually the rezoning, and then the approval of the...

Commissioner Lago: That's fine.

Planning and Zoning Director Trias: Mixed use.

Commissioner Lago: And I appreciate your clarification. But, I think that the issue that we're having here is that we're talking about, like you said, the rezoning of this parcel, and then we jump up to how many units per acre?

Planning and Zoning Director Trias: Potentially, it could be...

Commissioner Lago: One hundred?

Planning and Zoning Director Trias: One twenty-five...

Commissioner Lago: One twenty-five?

Planning and Zoning Director Trias: Maximum, and they're requesting 93.

Commissioner Lago: Okay, which is, obviously, a 43...

Planning and Zoning Director Trias: But that would have to be approved by the Commission.

Commissioner Lago: Understand.

Planning and Zoning Director Trias: It's not by right.

Commissioner Lago: I got it. I know. I understand that. But that would mean that we're increasing per acre by 43 units, correct, because you're saying that right now they're asking for 93 units an acre.

Planning and Zoning Director Trias: Yes.

Commissioner Lago: Correct me if I'm wrong.

Planning and Zoning Director Trias: That's correct. That's correct.

Commissioner Lago: Okay. So, that's if we approve it. Alright, so I have a little bit of concern with that because there are certain issues that I'm not at liberty to discuss right now, because I know that our City Attorney doesn't like when -- I don't want to start kind of trading on the dais here in reference to certain things that I think is in regards to commitments that are made to the neighboring community, especially the park and, you know, pedestrian safety and bicycle access and certain things that I think that we could do more -- I think we could do more as a community and we should expect more from developers in this community.

City Attorney Ramos: And so, the commitments that have been made have been proffered...

Commissioner Lago: I understand.

City Attorney Ramos: By the developer.

Commissioner Lago: And our City Attorney has been very clear that, by law, we're not allowed to...

Commissioner Keon: Extract.

City Attorney Ramos: That's correct.

Commissioner Lago: Extract.

Mayor Valdes-Fauli: Yeah.

Commissioner Lago: Extract.

City Attorney Ramos: Exact actually is the term.

Commissioner Lago: Okay, I think it's very, very interesting. And I'm happy Commissioner Keon is laughing because I also sometimes want to laugh. Listen, this project is exceptional. The design is beautiful, okay, but it's not, in my opinion, fits within the context of the neighborhood. I have other issues in regards to the neighboring commercial building that was built. Ramon, you and I met in regards to this property, correct?

Planning and Zoning Director Trias: Yes.

Commissioner Lago: And, you told me that that building has -- they're going to use the neighboring building's parking, correct?

Planning and Zoning Director Trias: Yes.

Commissioner Lago: Okay.

Commissioner Mena: You're referring to the Lowe building?

Commissioner Lago: Yeah. Is that building going to have a connection to the neighboring building?

Planning and Zoning Director Trias: Through the sidewalk only.

Commissioner Lago: Through the sidewalk only.

Planning and Zoning Director Trias: Yeah.

Commissioner Lago: Would that be a precedent in the City of Coral Gables?

Planning and Zoning Director Trias: I suppose in the context of a project this large.

Commissioner Lago: And I -- and by the way, just so people are aware, Commissioner Keon discussed the declaration of restrictions and it stated that these two buildings have to be in perpetuity sold together, exist together.

City Attorney Ramos: No. No, no. What the restrictive covenant does...

Commissioner Lago: Explain to...

City Attorney Ramos: Is it ties the current site plan that they are proposing...

Commissioner Lago: But didn't we discuss...

City Attorney Ramos: To the two changes.

Commissioner Lago: Yes.

City Attorney Ramos: So, if they wanted to build a different site plan, they would have to come back...

Commissioner Lago: Come back before the Commission.

City Attorney Ramos: To you.

Commissioner Lago: But didn't we discuss the fact that the commercial property, which is a freestanding building that Commissioner Mena mentioned, which is the previous Lowe real

estate building -- if it's dependent on the larger project for parking, how do we ensure that that piece of property is never sold off and then the new owner doesn't have any parking?

City Attorney Ramos: Because this site plan ties all three pieces of property together. They only work when they're together as part of the site plan.

Commissioner Lago: What is -- if we take the Lowe building in itself, how many FAR -- how much FAR can you build on that property?

Planning and Zoning Director Trias: As a commercial building, 3.0 or 3.5 with Med bonus.

Commissioner Lago: What is the FAR ask currently?

Planning and Zoning Director Trias: Currently...

Commissioner Lago: Just for that building.

Planning and Zoning Director Trias: The existing building...

Commissioner Lago: Just for that building, just for that building.

Planning and Zoning Director Trias: The existing building, you mean, what's there now?

Commissioner Lago: No, no, no. What they're proposing to be built.

Planning and Zoning Director Trias: I don't think I have that broken down. Is that the 1515 San Remo or is that 1537?

Mr. Garcia-Serra: Yeah, 1537 San Remo is where the phase II office building is.

Planning and Zoning Director Trias: Yeah. Currently permitted is 5,239 square feet.

Commissioner Lago: What are they asking for?

Planning and Zoning Director Trias: I don't think I have that number. Do you have that number?

(COMMENTS MADE OFF THE RECORD)

Planning and Zoning Director Trias: Yeah, sure.

(COMMENTS MADE OFF THE RECORD)

Planning and Zoning Director Trias: Yeah. Are you asking for that?

Unidentified Speaker: No.

Planning and Zoning Director Trias: No.

(COMMENTS MADE OFF THE RECORD)

Planning and Zoning Director Trias: Sure. We'll find it.

Commissioner Lago: Okay. Well, while you're looking for that, I think we have a little bit of an issue here that we need to kind of work past and that is the actual amount of units and then how - like Commissioner Mena mentioned, how that correlates to bedrooms.

Planning and Zoning Director Trias: I have a 15,363 square feet number that I think is correct for the 1537 San Remo Avenue.

Commissioner Lago: So, you're building three times the amount of FAR.

Planning and Zoning Director Trias: Yes.

Mr. Garcia-Serra: Well, that's the maximum permitted.

Planning and Zoning Director Trias: Which is the maximum permitted, yeah.

Commissioner Lago: But you said it was 5,000. Did I hear 5,000 before or...?

Mr. Garcia-Serra: That's the area of the property.

Planning and Zoning Director Trias: That's -- yes. That's the area of the property.

Commissioner Lago: So, it's only -- so, you're telling me there's no -- because we had this discussion before, but there is no parking -- so, what you're doing is...

Planning and Zoning Director Trias: Right.

Commissioner Lago: To get to the maximum amount you can build in regards to your FAR, you're not putting parking.

Planning and Zoning Director Trias: Right, but...

Commissioner Lago: But if you applied -- excuse me. But if you applied the Code as the way it's written, which would require you to have parking, which is something that you and I are trying to work on in regards to the MXD...

Planning and Zoning Director Trias: Yeah.

Commissioner Lago: But to be flexible.

Planning and Zoning Director Trias: Yeah, the issue is if this property were by itself...

Commissioner Lago: Yes.

Planning and Zoning Director Trias: It would have a 45-foot maximum because it's less than 20,000. When you are at that 45 feet, clearly, if you have to provide parking that takes most of those 45 feet, or at least half of it, so you can do a much smaller building by itself if you provide parking within a property.

Mayor Valdes-Fauli: Which wouldn't make sense.

Planning and Zoning Director Trias: Which is one of the reasons why we don't have any of those buildings being built.

Commissioner Keon: But the building would -- even if you -- but if you included the parking in the building, the overall height of the building would still be the same, right? I mean, because if you're going to include -- because then the parking is included in it. So, if you're standing on the street looking at it, you would see the same building shape. Is that right? I mean, only now you -- it isn't because the parking is provided in the neighboring building, but would you see a different building there or would you see what you see now on these plans.

Planning and Zoning Director Trias: By itself -- if it was only by itself, it could only be 45 feet, so it would be less tall. Now, as part of this project, as part of the overall project...

Commissioner Keon: Oh, okay.

Planning and Zoning Director Trias: It can be taller, and then the choice is, is it half of the building parking or the rest of the building is simply office. Typically, in a typical -- more or less, as a rule of thumb, about half of your building will be parking for a building this size.

Commissioner Keon: Yeah.

Commissioner Lago: The reason why I bring this up is obviously you're trying to maximize the square footage you can build on that lot. Why not just connect that lot to the main project?

Planning and Zoning Director Trias: That could be...

Commissioner Lago: That's my concern.

Planning and Zoning Director Trias: I -- that's a design solution that is possible, certainly.

Commissioner Lago: That's a concern to me. I mean, again, we can tie it up in all kinds of legal -- I don't even know how to put it. I'm not an attorney -- legal implications. But at the end of the day, I just think maybe in the future it's something that we'll have to come back and deal with because you never know what happens to that property. But moving forward -- this is my last comment -- and correct me if I'm wrong. I've been told that if you were not to do a land use change -- excuse me, a zoning change -- I apologize -- that we would build 135 units on that piece of property -- or is it 125.

Mr. Garcia-Serra: Our calculation is 150 on the entire site right now, as it is composed, meaning 1500 Venera, 1515 San Remo and 1537 San Remo.

Commissioner Lago: Are you sure about that? Because that's...

Mr. Garcia-Serra: If you look at...

Commissioner Lago: That's not what I've been told. I've been told that...

Mr. Garcia-Serra: If you look at one of the memos that you were provided was the memo that staff prepared for the Planning & Zoning Board, dated March 14. And if you look at the second page there, where it talks about the site and what is currently permitted, under density, they indicate 86 units for 1500 Venera, 49 units for 1515 San Remo, and 15 units for 1537 San Remo. You add those together, you get 150.

Commissioner Mena: I think the distinction...

Commissioner Lago: Yeah.

Commissioner Mena: Commissioner Lago, is they're counting the 15 units you could build where Lowe Realty is...

Commissioner Lago: Of course.

Commissioner Mena: In the 150, and you're saying 135. That's the delta.

Commissioner Lago: So, I think -- I mean, again...

Mayor Valdes-Fauli: Alright. You want to...

Commissioner Lago: That's where we have our issues. Right there.

Mayor Valdes-Fauli: Mr. Garcia-Serra, you want to rebut or you want to say something?

Planning and Zoning Director Trias: If I could just correct.

Mayor Valdes-Fauli: Yeah.

Planning and Zoning Director Trias: Right now, without Commission action in the zone -- commercially zoned property, you cannot do any residential. Those numbers assume a mixed-use approval by the Commission. Okay, so right now if it's zoned commercial, you can do an office building or retail, but no residential. So, the only parcel that can do residential is the one that is brown, the MF2.

Vice Mayor Quesada: Okay.

Mayor Valdes-Fauli: Yes, sir.

Mr. Garcia-Serra: Mr. Mayor, if I could just rebut some of the comments from the public, as well as address some of the concerns that have come up. The very first one expressed during the public input, it was the issue of ownership. There is a straightforward and easy way to determine who is the owner of these properties, and that's looking at the public records. If you look at the public records and you look at the deeds and you look at the corporate records, you'll see that all of these entities -- the entities that own the properties are the entities that are the applicant. And the ownership of those entities, again, as you can see from the public records, ultimately becomes Mr. Masoud Shojaee. So, that's clear. I'll submit to the Clerk copies of the deeds and the opinions of title also confirm who the ownership is and who the ultimate control of each of those entities are under. In regards to pedestrian safety, this will indeed improve the pedestrian

safety situation. We're going to have bicycle facilities. We're going to have wider sidewalks. We're going to have plazas. The issue of whether it's safe to be driving in and out of the driveways is addressed by the site safety triangle that is required of every new development here, which probably do not exist under the existing situation. There's going to be streetscape improvements also. With regards to streetscape improvements and planning, we're proffering \$125,000 for both of those efforts, for planning, as well as for streetscape improvements. The issues that there shouldn't be any increase in density at all on this project, take a look at that zoning map. The only area in this whole area of the city that has this MF2 designation is 1515 San Remo. You look to the north, you look to the west, you look to the south, it is all commercial zoning. The height that we're proposing is consistent with that commercial zoning. The mixed use that we're proposing is consistent with that commercial zoning. The FAR and density that we're proposing is consistent with that mixed-use zoning and even less than the amount of density that was typically permitted for mixed-use projects. On the issue of student housing, I don't know how many times we need to say it, but we are not a student housing developer. This is a straightforward apartment. This apartment will be rented out to whoever qualifies. Will there be students among that population? There might be, but there will also likely be young professionals, families and so forth. To decide, you know, the fate of this project after such a considerable amount of work based on documents that were found on the internet randomly that are not actually connected to us, would certainly not be fair, you know. It's been a two-year process we've been undergoing with this project. Could it perhaps be better? Could it perhaps be improved? Indeed, but if that's the case, tell us what you think. And just as we did on first reading, we responded to every comment that there was on first reading and addressed it or tried to address it as best we could. We could try to address it again, if that's...

Unidentified Speaker: Yeah.

Mr. Garcia-Serra: What's necessary? But too much effort's gone into this. We have two existing -- or three existing buildings which are really old, dilapidated, rundown. (INAUDIBLE)

property occupied more by students than anything else, which has never created an issue in the past.

Commissioner Lago: So, Mario, let me ask you a question, since you bring that up and I see your parking consultant in the back. How many units do you have existing in both of the buildings right now that are old and dilapidated?

Mr. Garcia-Serra: The number of units -- I have a board on that.

Commissioner Lago: And how many bedrooms do you have? And I'd also like to see if your parking consultant can come up just one second.

Mr. Garcia-Serra: Sure. If you look there at the board, you'll see at the bottom left the existing amount of density or units on that project right now. On those two buildings is 85 units, and what -- the maximum permitted -- at least, pursuant to staff's analysis under the mixed-use provisions, is 150. We proposed 165.

Commissioner Lago: How many bedrooms are in the 85 existing units?

Mr. Garcia-Serra: I'd have to ask the owner to come up and -- Masoud, if you could -- it's a mix of one and two bedrooms. I don't think there's any -- yeah, it's one and two bedrooms in those buildings.

Commissioner Lago: So, you want to say -- can I just double it? Just say everything is a two bedroom, correct? So, you have 170 units...

Mr. Garcia-Serra: 170 bedrooms.

Commissioner Lago: Bedrooms, excuse me -- 170 bedrooms. May I speak to your...

Mr. Garcia-Serra: Oh, sure. Of course.

Commissioner Lago: Your parking consultant -- your traffic consultant, excuse me, the esteemed Coral Gables business owner.

Timothy Plummer: Good afternoon.

Commissioner Lago: My question is real quick. Good afternoon.

Mr. Plummer: Sure.

Commissioner Lago: Let's say you have 170 bedrooms. I'm being -- obviously, I'm doubling it. You know, the 85, making it all two bedrooms. And, now you're saying you're going to have 327 bedrooms. Is there going to be an increase in traffic in the neighborhood?

Mr. Plummer: All the traffic studies and the traffic data we used is not dependent on bedrooms. It's...

Commissioner Lago: Okay.

Mr. Plummer: Dependent on number of units.

Commissioner Lago: Okay, units. So, now you have 85 units and you're asking for 165. You're basically almost doubling it, pretty much.

Mr. Plummer: That's how -- for our counts, that's how it would go.

Commissioner Lago: Okay. You're pretty much doubling it. Are you going to see an increase in traffic?

Mr. Plummer: Compared to what's there today?

Commissioner Lago: Yes.

Mr. Plummer: Yes.

Commissioner Lago: Okay. And how are you planning on mitigating that traffic or going back over the next year or two years or three years to make sure that if there is an increase in traffic, that we have some sort of stop gap or safety measures to ensure that we deal with this increase after the building has been built?

Mr. Plummer: So, we do our traffic impact study, as you know...

Commissioner Lago: Yep.

Mr. Plummer: And, the conclusions are -- and it's been reviewed by the City and by the City's consultant -- all the level of service standards are met. So, there is no requirement for mitigation, yet, this applicant is doing mitigation based on some concept plans from the City to do some improvements on some of the streets in the area, as well as enhance the pedestrian environment on Red Road with a bunch of improvements.

Commissioner Lago: You were involved in Paseo de la Riviera. How come we required them and also Old Spanish Village, which is now the Plaza, to have, I think, three or four years -- correct me if I'm wrong, Madam City Manager -- the number escapes me -- to go back over the next three or four years and do traffic counts every single year to ensure that everything is falling within the numbers that you prescribed.

Mr. Plummer: You can absolutely do that on this project.

Commissioner Lago: Is there a reason why it wasn't done? I'm asking staff. Did staff not request it?

City Manager Swanson-Rivenbark: So...

Mr. Plummer: That's a staff issue, not an applicant issue.

Commissioner Lago: I know, I know, but I just want to ask -- one second.

Mr. Plummer: That's a staff issue, not an applicant issue.

Commissioner Lago: But staff never asked you for that?

Mr. Plummer: Not that I'm aware of, but that would be through the attorney.

Planning and Zoning Director Trias: If I could point to the traffic...

Commissioner Lago: Don't move, don't move.

Planning and Zoning Director Trias: Provision in the staff conditions. That is included in the staff conditions.

Commissioner Lago: Okay, so it is included.

Planning and Zoning Director Trias: Yes.

Commissioner Lago: Well, how many years, one, two, three?

Planning and Zoning Director Trias: One year from the issuance of the first temporary certificate of occupancy at the locations to be determined by the Public Works Director. The Public Works Director determines that the mobility improvements are warranted for these roadways. The applicant shall construct or pay for any physical mobility improvements.

Commissioner Lago: Do we have a threshold in regards to if there is an increase in traffic? What is that threshold to make sure that it's -- that these improvements are warranted and that the developer is on the hook or not on the hook. Let's be fair.

Planning and Zoning Director Trias: It's up to the Public Works Director to come up with (INAUDIBLE), but certainly...

Commissioner Lago: The Public Works Director...

Planning and Zoning Director Trias: You could make some suggestions.

Commissioner Lago: Don't you think it's a little -- I'm just asking you, don't you think it's a little bit ambiguous at that point where we don't have anything in writing and it should be in writing?

Planning and Zoning Director Trias: It could be seen like that. Certainly, we could have more detail.

Commissioner Lago: Okay. I don't know what you guys think. I mean, maybe that should be something that should be standard across the board so it's not seen as if we're favoring one developer over another.

Commissioner Mena: I -- yeah, listen, I think the less ambiguity we can have on all things, the better. Look, I just want to say a couple things, and I don't want to repeat everything that Commissioner Quesada and Lago have said at this point. I don't think it's necessary. First, let me start by -- you know, I do -- we came here last time and I was the one who voted against this project, and I made some requests and you guys made moves in the right direction, as far as I'm concerned and I appreciate that. And there's been an open dialogue, which I appreciate as well. With that said, there's been some concerns that have been expressed here today, including some that are kind of in reaction to some things that Commissioner Quesada just had an opportunity to look at. You know, Mario, you said right now it's nobody's intention to try to sink this project or anything like that. I know there's a pending motion. You know, maybe this is something that should be deferred so that some of these issues can be addressed, if possible. I'm respectful of Commissioner Quesada's motion and I'm not trying to jump over that...

Commissioner Lago: I'll second your motion right now. I'll second it.

Commissioner Mena: But I'd like -- but I think it's important for some of these -- there's a lot of questions being asked and still no answers. And look, if we're all being honest up here, there's been another issue going on that's sucked up a lot of oxygen in the room over the last few weeks that, you know, I, for one, haven't been able to sit down with you all in the last few weeks and I would like to. I think it sounds like Commissioner Quesada has some questions he'd like some answers to as well. I don't want to speak for him. I'm just throwing that out there as a possibility because...

Mayor Valdes-Fauli: Yeah.

Commissioner Mena: It's not my intention to have this denied today when there's these pending...

Mayor Valdes-Fauli: Okay. We have a motion on the floor.

Commissioner Mena: As a result of the pending questions.

Mayor Valdes-Fauli: We have a motion on the floor to deny today, which has to be voted on, and then, I would welcome your motion to defer this. Will you call the roll, please, on the motion on the floor?

City Attorney Ramos: I don't believe there's a second to the motion.

Commissioner Keon: Yeah. Commissioner...

Commissioner Mena: There was.

Mayor Valdes-Fauli: Yes. Commissioner Lago seconded.

Commissioner Keon: Commissioner Lago seconded it.

Vice Mayor Quesada: Well...

Commissioner Keon: This is to deny. Is that right?

Commissioner Lago: Well, I seconded it to have discussion.

Commissioner Keon: Okay.

Vice Mayor Quesada: So, look, I'll be clear about this. If you guys want to defer it to have more conversations, fine. I'm just...

Mayor Valdes-Fauli: Okay. Let's vote on the motion.

Vice Mayor Quesada: I think I've communicated it's going to be a rather high hurdle to turn me on this, but I've always got to keep an open mind.

Commissioner Keon: But could...

Mayor Valdes-Fauli: Will you call the roll, please?

Vice Mayor Quesada: So, if there's a -- it sounds to me like there is a motion and a second on the deferral. I will withdraw my motion...

Mayor Valdes-Fauli: Okay.

Vice Mayor Quesada: If that's what everyone else wants to do.

Mayor Valdes-Fauli: Okay. There's a motion and a second for deferral.

Commissioner Keon: Could I ask a question first of...

Mayor Valdes-Fauli: Of course.

Commissioner Keon: Commissioner Quesada? Could you help me again understand what it is that made you go from supporting to not supporting this project? I support it, so I'm asking you -- help me understand what it is that you saw or you heard that changed your mind. I have great respect for you and would like you to, you know, share with me what it is that is affecting you -- your vote.

Vice Mayor Quesada: You know, I don't -- I had been a little vague about it.

Commissioner Keon: Yeah. Don't be vague.

Vice Mayor Quesada: Well, I -- you know, I don't...

Commissioner Keon: I can't...

Vice Mayor Quesada: There's certain things I just don't want to...

Commissioner Keon: Read your mind.

Vice Mayor Quesada: You know...

Commissioner Keon: And I -- yeah. I can't read your mind, and I would really like to...

Vice Mayor Quesada: The impact of the statements I heard at the beginning of the hearing compared to an email I saw with documentation dated March 4 that was received by all of us.

Commissioner Keon: Right. And what -- I saw that and it was...

Vice Mayor Quesada: The inconsistency in those two is what caused my feelings.

Commissioner Keon: Okay. What is that? Because I saw the document too. I know I asked a number of questions about it, and I don't walk away with that same feeling. So, that's why I'm asking you to share that with me because it could easily be that there's something I overlooked, something I misunderstood, something I didn't see. And, I don't want to vote on something that I don't clearly understand...

Vice Mayor Quesada: You know, I...

Commissioner Keon: What I'm voting on.

Vice Mayor Quesada: Commissioner, I want to leave it at that.

Commissioner Keon: You don't want to talk about it openly?

Vice Mayor Quesada: I really don't want to get into the details.

Commissioner Keon: How do you expect that you would -- do you believe that you could deal with that in a proper conversation with the applicant?

Vice Mayor Quesada: Yeah. I don't know if -- I don't...

Commissioner Keon: Or you don't know that there's anything you could ever do?

Vice Mayor Quesada: I don't know if I can get over it, but -- potentially, but I don't know if I can get over it.

Mayor Valdes-Fauli: Okay.

Vice Mayor Quesada: If I'm being completely honest with you.

Commissioner Keon: Well, you know, I mean, at that point, I would -- I mean, I don't think that there's support to pass it.

Commissioner Mena: But he's...

Commissioner Keon: So, I would just as soon, you know, defer it if that's what it's going to take...

Mayor Valdes-Fauli: There's a motion made and...

Commissioner Keon: To get your...

Mayor Valdes-Fauli: Seconded to deferral.

Commissioner Keon: Yeah.

Mayor Valdes-Fauli: Will you call the...

Commissioner Keon: I mean...

Mayor Valdes-Fauli: Roll, please?

Commissioner Keon: You made the -- I'll second it.

Commissioner Mena: Yeah. I'll move to...

Commissioner Keon: Yeah, to...

Commissioner Mena: Defer.

Commissioner Keon: To defer it so that you can have your questions answered because I didn't see it. And other than on this dais, I can't talk to you about it.

Vice Mayor Quesada: I know, I know.

Commissioner Keon: So, I feel badly that I don't see what you see.

Commissioner Lago: Can I make a request just of Ramon Trias, since we're going to come back to this in May? Ramon, I want a memo -- and I'm going to make a motion right now to make sure I get that memo. I want a memo that tells me current land use, what can you build as per residential and as per commercial on every single piece of property -- every single square foot of the property that they own, and I want the FAR and I want the unit count. I don't care if it's residential or commercial. I want it in front of us in a very simple table, so we know what this zoning change will result in.

Planning and Zoning Director Trias: Yeah. The main issue -- and I'll say this just to give some context -- is that anything that is zoned commercial...

Commissioner Lago: Yes.

Planning and Zoning Director Trias: Unless the Commission takes action, there can be no residential. And that is what the confusion, I think, from some of the numbers that are being given to you. They assume the mixed-use approval by the Commission, which may or may not happen. So, having said all of that, I mean, we can map it and we can show it in some detail. I thought we had done a reasonable job explaining that, but we can do it better. But, that is the main issue that makes the presentation from the applicant somewhat confusing. It assumes...

Commissioner Mena: But...

Planning and Zoning Director Trias: It assumes that action.

Commissioner Mena: Yeah. There -- yes. But again, the statement that you're currently allowed to build 150, because you're allowed to build 15 on the Lowe Realty site, and then saying we're only going 15 over that, but you're not counting -- you're counting zero units on the Lowe Realty site in the 165. And then, in addition to the 165, there's a commercial building.

Commissioner Lago: No. I don't want a...

Commissioner Mena: So, it's not apples to apples and it needs to be for us to understand it clearly.

Vice Mayor Quesada: So, Exhibit E of the staff report...

Unidentified Speaker: Yeah.

Vice Mayor Quesada: Gives some of that detail, but I will agree that there are some gaps that need to be filled.

Commissioner Lago: I met with my Planning and Zoning appointment not once, but twice and we went over -- you know, to the square footage, to the request by the applicant, how many units. I know exactly. It was 135 and the land use change, now 165. I have the numbers in my office. I can bring it to you.

Planning and Zoning Director Trias: You showed them to me.

Commissioner Lago: Yeah, I showed them to you.

Planning and Zoning Director Trias: Yeah.

Commissioner Lago: You and I met twice on this.

Planning and Zoning Director Trias: Yeah.

Commissioner Lago: So, I want to make it so simple. I want to dumb it down as much as possible.

Planning and Zoning Director Trias: Okay.

Commissioner Lago: Because I think there's a gap that, for some reason, I can't -- we can't bridge.

Mayor Valdes-Fauli: Okay.

Commissioner Mena: Well, you got -- you know, listen, you have three lots...

Commissioner Lago: Yeah.

Commissioner Mena: You have a prior approval on one, not on the other. You have a recent addition on the third lot. You know, there's a lot of moving parts here, and I think that's why there's some confusion.

City Attorney Ramos: I need to clarify three points. If we're going to defer, it's to the May 8 meeting.

Commissioner Lago: Yes.

City Attorney Ramos: So that everybody's clear that that's...

Mayor Valdes-Fauli: Yeah.

City Attorney Ramos: When it would be heard again. Number two, if we're going to rely on the email that the Vice Mayor's referred to as evidence, I would ask that you request that the

Planning & Zoning Director look into that issue and determine if there is anything behind it, if there's actual evidence of it. And number three, a couple of you alluded to meeting with others, so as to F-4 and 5, that's perfectly permissible. They're legislative items. As to F-9, you cannot have ex parte communications as it's a quasi-judicial item.

Mayor Valdes-Fauli: Alright.

Commissioner Lago: And the final issue, if I may. I'd like for staff to please provide a number, a threshold in regards to the parking -- the traffic counts. And I -- yes, ma'am.

City Manager Swanson-Rivenbark: Sir, you might want to also extend the amount of time for evaluation, because a project that has a TCO and one year later hasn't been occupied.

Commissioner Lago: Yeah, great point. Great point.

Mayor Valdes-Fauli: Okay. Will you call the roll, please?

Vice Mayor Quesada: This is on the deferral?

Commissioner Lago: For the deferral.

Mayor Valdes-Fauli: Yeah.

Vice Mayor Quesada: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: Thank you. Thank you, everybody. Thank you for being here.

DRAFT