

1 CHAIRMAN FLANAGAN: Are we talking about 10
 2 square feet of the window size or are we
 3 talking --
 4 MR. TRIAS: No. No, of the floor.
 5 CHAIRMAN FLANAGAN: The floor on the inside
 6 that projects out.
 7 MS. MENENDEZ: That has to be --
 8 MR. TRIAS: Clear, yes.
 9 MS. MENENDEZ: -- clearer.
 10 MR. TRIAS: You're correct. Yes.
 11 MS. MENENDEZ: You have a good point.
 12 That's not clear there.
 13 CHAIRMAN FLANAGAN: Yeah, I took it as
 14 being the floor area or the ledge that gets
 15 created when you bow it out, but --
 16 MR. TRIAS: We'll make it more clear.
 17 CHAIRMAN FLANAGAN: Okay. That was my only
 18 two comments.
 19 MR. BELLIN: I think what it needs to say
 20 is, it has a floor area larger. I picked up on
 21 the same thing, but it was a little confusing
 22 when I read it. You know, at the first
 23 reading, what difference does the square
 24 footage of the bay window make?
 25 MR. TRIAS: Right. We'll take care of that.

1 MR. BELLIN: Okay.
 2 CHAIRMAN FLANAGAN: Marshall, that's the
 3 only comment?
 4 MR. BELLIN: That's it. It's a bay window.
 5 CHAIRMAN FLANAGAN: Anybody else?
 6 MR. WU: Public comment.
 7 CHAIRMAN FLANAGAN: Oh, yeah. Public
 8 hearing is open. Anybody from the public have
 9 any comments?
 10 Seeing none, public hearing is closed.
 11 MR. RODRIGUEZ: It would be stunning if we
 12 had any public comments.
 13 MR. BELLIN: Are we leaving 11 now,
 14 because --
 15 CHAIRMAN FLANAGAN: All of this is Number
 16 11.
 17 MR. TRIAS: Yeah, we're done with 11.
 18 We'll come --
 19 CHAIRMAN FLANAGAN: I think we need to move
 20 to approve.
 21 MR. TRIAS: We will come back with the
 22 issue that you're interested in. We're not
 23 going to take action.
 24 MR. BELLIN: Yes.
 25 MR. TRIAS: I don't recommend action.

1 CHAIRMAN FLANAGAN: You need us to approve
 2 this one, right, Number 5, bay windows?
 3 MR. TRIAS: Yes, please.
 4 CHAIRMAN FLANAGAN: Do we have a motion?
 5 MR. RODRIGUEZ: I so move.
 6 MR. GRABIEL: Second.
 7 CHAIRMAN FLANAGAN: Frank moves. Julio
 8 seconds. Anything else? Any further comment?
 9 Call the roll, please.
 10 THE SECRETARY: Frank Rodriguez?
 11 MR. RODRIGUEZ: Yes.
 12 THE SECRETARY: Maria Menendez?
 13 MS. MENENDEZ: Yes.
 14 THE SECRETARY: Marshall Bellin?
 15 MR. BELLIN: Yes.
 16 THE SECRETARY: Julio Grabiell?
 17 MR. GRABIEL: Yes.
 18 THE SECRETARY: Jeffrey Flanagan?
 19 CHAIRMAN FLANAGAN: Yes.
 20 All right. Last item, Number 12 on the
 21 Agenda, is an Ordinance of the City Commission
 22 of Coral Gables, Florida providing for text
 23 amendments to the City of Coral Gables Official
 24 Zoning Code by adding Article 5. "Development
 25 Standards", Division 13 "Miscellaneous



1 Construction Requirements". Section 5-1302.
 2 "Sustainability Standards". consideration to
 3 incorporate "green" building standards on
 4 certain new construction projects; providing
 5 for a repealer provision, severability clause,
 6 codification, and providing for an effective
 7 date.
 8 MR. WU: Mr. Chair --
 9 MS. MENENDEZ: I have a quick question, if
 10 I may.
 11 CHAIRMAN FLANAGAN: Maria.
 12 MS. MENENDEZ: I had this one delivered. I
 13 have this one on my desk. Is there any
 14 changes?
 15 MR. WU: Yes. There are substantial
 16 changes and you should look at the one that was
 17 placed on your dais today.
 18 MS. MENENDEZ: Can you point it out, the
 19 changes, so that --
 20 MR. WU: We will run through the change of
 21 direction here.
 22 First, I'd like to introduce Mr. Bill
 23 Miner. He's our Building Director. He worked
 24 very hard on this for months, and he is going
 25 to introduce to you the premise and the history

1 of why we are here today, and the City Attorney
2 will have some comments about whether this can
3 be required or not, because that becomes a
4 basis of the change of direction you have in
5 the revised Staff Report. So, Mr. Minor.

6 MR. MINER: Thank you, Charles.

7 Good evening. About five years ago, the
8 Comprehensive Plan added some new language
9 encouraging green development in the City, and
10 it set some target dates of 2011 for Staff to
11 research and incorporate green policies and
12 objectives within the Zoning Code.

13 This is now five years later than that
14 target late, and last year the Sustainability
15 Management Plan was developed by Public Works,
16 in draft form now, that's still in circulation,
17 and it reiterated sort of the same challenge,
18 to find a way to incorporate specifically LEED
19 or some other equivalent rating system as an
20 integral part of development in the City of
21 Coral Gables.

22 Last Fall, our Commission, through
23 Resolution 2015-197, in fact, directed Staff to
24 research and develop a definitive sustainable
25 building requirement for all new public and

1 Then there's a third category, where
2 municipalities said, we've got to go first. We
3 have to demonstrate that this can be done, and
4 this is good governance, and for all public
5 buildings, it's a mandate. Usually it's LEED
6 Silver. In fact, the University of Miami also
7 follows that sort of strategy.

8 The fourth category, and there are a number
9 of municipalities, who, in fact, said, well,
10 it's a public and private responsibility.
11 We're going to mandate it. And there's often
12 some square footage or building type criteria
13 or cost of construction. And we initially
14 looked at that, and eventually decided that
15 that's probably not the best way to go.

16 Our final recommendation, which is embodied
17 in the draft language, is to sort of do a
18 hybrid, to have voluntary compliance, with
19 incentives from the City, for all the
20 developments. We proposed a tiered rebate
21 program, that's aligned with the level of LEED
22 certification that you achieve, from Basic,
23 Silver, Gold, Platinum.

24 The Florida Green Building Coalition has a
25 similar scale, that can also be used, and we

1 private buildings. So we've done that, and
2 you've received copies of that.

3 Part of the research that we've done in
4 conjunction with this was to take a look at 18,
5 what we call Peer Municipalities South Florida,
6 to see what they're doing, what ordinances
7 they've adopted, and to see what direction that
8 might provide for us. And we found that there
9 was sort of a trend in sort of four directions.

10 One was, there was a group of Peer
11 Municipalities that took an entirely voluntary
12 compliance approach. They incorporated
13 incentives, reduce rebates, expedited
14 permitting, public announcements and
15 notifications. So that's in your packet.

16 There's a more contemporary approach that
17 provides an Overlay to the Florida Building
18 Code for an International Green Construction
19 Code. This integrates the green requirements
20 into the Code provisions, the same way that
21 accessibility requirements or fire protection
22 requirements are overlayed into the Florida
23 Building Code. That, incidentally, is
24 appointed at the State level, for State-owned
25 buildings.

1 leave the door open for alternatives rating
2 systems. Green Globe is another one. We may
3 even be able to use International Green
4 Construction Code, if you would like, with the
5 approval by our City Manager.

6 Some of the other research that you might
7 find interesting is the number of LEED
8 certified buildings that currently exist in
9 Coral Gables. We found 56. This is data that
10 we obtained from the Green Building Council's
11 website. And if you search in Coral Gables, 56
12 properties come up, all categories, from Basic
13 and Platinum, and those were, incidentally, all
14 done voluntarily, without recognition, without
15 reward. So it does point to the fact that
16 people will do this, whether government
17 encourages it or not. So that's good news.

18 One of the big challenges is the cost of
19 LEED certification. It's not cheap. And it
20 really does add to the first cost, and often
21 will lead to a -- hopefully lead to some
22 savings long-term.

23 You'll see articles in the package that I
24 think reference G is a very straight-forward
25 analysis of the average cost, and it's anywhere

1 between one percent or five percent of the cost
2 of construction, and, of course, the answer is
3 relative to whoever you ask. If you ask the
4 U.S. Green Building Council, they'll tell you
5 there's zero difference between a LEED designed
6 and constructed building, versus a non-LEED
7 designed and constructed building, and that may
8 eventually become the case, but I don't believe
9 it's the case today.

10 The article concludes that, for budget
11 purposes, a two percent cost of construction,
12 and then \$150,000 soft cost, additional amount,
13 needs to be set aside. And this is important,
14 because we pay a green bond for this figure.

15 As was mentioned earlier in your
16 deliberations, the certification comes way
17 after occupancy. Buildings have to be
18 designed, constructed and commissioned before
19 they are finally certified. So it is not
20 feasible for us to sort of hold back permits
21 until we get the green certification. We can
22 get down the line two years, after a building
23 is occupied, and find that it is not acceptable
24 for certification by one of these authorities.

25 So the bond is intended to mirror the cost

1 of the LEED component in the building and
2 encourage the developer to incorporate it in
3 the building, but if it's not incorporated in
4 the building, provide a mechanism whereby it
5 would be forfeited and then the City would use
6 it for other green initiatives within their
7 Sustainability Master Plan.

8 That's the overall key features of what's
9 proposed there. I do welcome your questions
10 and your direction.

11 MS. MENENDEZ: How are the percentages on
12 Page 4 determined, the rebates?

13 MR. MINER: Yeah. In the last year, we've
14 gotten approval for a wide range of rebates in
15 our building program, and some of them are a
16 hundred percent. For example, solar panels,
17 just recently, zero permit fee. We have a
18 private provider incentive of 30 percent, if
19 it's all disciplines, and 10 percent if it's
20 just structural. So it is meant to be sort of
21 an alignment with some of those other elements.

22 We wanted it to be tiered, so that there's a
23 small amount for Basic, but Silver, at five
24 percent, we thought is a fair amount. There's
25 not as much science in that as in the others.

1 And then the others are tiered up at five
2 percent each, ten percent for Gold, and I think
3 it's fifteen percent that we have in there for
4 Platinum.

5 MS. MENENDEZ: So you just developed them
6 based on --

7 MR. MINER: We just developed it, based
8 upon other rebates that we have.

9 MS. MENENDEZ: What other cities have
10 adopted this approach?

11 MR. MINER: None exactly like this. This
12 is a hybrid. It's different from all of those,
13 but it's a mixture of all of those. It's
14 intended to be sort of the best practices sort
15 of combined.

16 One thing that might help in understanding
17 is, it's also intended to be somewhat in
18 alignment with the Arts Fund, especially the
19 bond component, where a property over a million
20 dollars has to participate in the Art Fund.
21 Monies are set aside and either you can
22 incorporate the art work in your building or
23 you can contribute to the Art Fund, and allow
24 the City, then, to procure art on their behalf.
25 So this kind of falls into that mold.

1 MR. WU: Can I expand upon that?

2 Attachment D has a detail of some analysis
3 of existing green building ordinances, but
4 let's use an example. In Miami Beach, the
5 ordinance allows a one percent construction
6 cost refund, pending budget approval.

7 Moving down to Doral, they have an
8 incentive of \$300 per home. 1,000 to 2,500 per
9 project.

10 Moving down to North Miami, reduce from the
11 fee a five percent.

12 And it's a take-off of that approach. It's
13 more incentive based. That if you go to the
14 extent of doing a LEED, we understand there is
15 some cost involved with that, and we will
16 consider the incentive of permit fees.

17 MS. MENENDEZ: Okay. Does anybody have any
18 questions?

19 MR. BELLIN: I don't have any questions,
20 but I would like -- and I agree with it. I
21 think it's a good thing. I don't know that it
22 works for smaller buildings, but what I don't
23 want to have is the parking reduction that's
24 mentioned in 5 tied to the green building, to
25 the LEED certification.

1 I think everybody ought to have the
2 availability of the parking reduction.

3 MR. MINER: Well, I'll have to get advise
4 from my colleagues. The requirement for LEED
5 Silver, as drafted now, is linked to
6 proprietary approvals, vacation of
7 right-of-way, mixed-use, PAD, and I'm not sure
8 how --

9 MR. COLLER: I think that was a reference
10 to an earlier agenda item --

11 MR. MINER: Yeah. I recall.

12 MR. COLLER: -- where there was the shared
13 parking, requiring a LEED. That's not in this
14 item. It's in an earlier item.

15 MR. BELLIN: Yeah, it was in Number 5, and
16 I requested that we come back and visit that,
17 if we approve this. Then this says, "Okay, you
18 need to do LEED buildings," so we don't need
19 the provision that LEED buildings be -- or that
20 parking reduction be tied to a LEED building.

21 MR. LEEN: Well, just one comment. You
22 know, originally, when this came from the
23 Commission, the idea was that it would apply
24 potentially to any building in Coral Gables,
25 and, you know, in discussing it with the

1 then you're asking the City for something, a
2 bonus or an additional approval, that the City
3 doesn't otherwise have to give, and as part of
4 that, we can require certain things, was the
5 thinking. You could always go and just build
6 whatever you could build, but if you want one
7 of these things, these bonuses, these
8 approvals, conditional approvals, you would be
9 required to have this LEED certification.

10 I felt comfortable, after discussing it
11 with Special Counsel, with Staff, that this is
12 the most that we could do, you know, safely,
13 easily, and that we could defend. And so I
14 felt that this meets the goal of the
15 Commission, while also not imposing, for
16 example, on a small as-of-right project the
17 duty to do LEED certification.

18 In addition, there's the square footage
19 requirement, which was meant to address that,
20 and then there was the ability for waive it,
21 which can be done in certain circumstances. So
22 all of those protections together, you know, at
23 least from a legal perspective, I think are
24 sufficient. Now it's up to you, as a policy
25 matter, what you think, if there should be

1 individual Commissioners, that, you know,
2 raised the issue, and then also with the
3 Commission as a hole at a meeting -- you know,
4 I view my mandate, along with City Staff, to
5 try to apply this as broadly as possible,
6 without causing a legal issue.

7 So the concern was that, you know, if --
8 this is a basic -- and, you know, I know that
9 this terminology has fallen out of favor, but
10 what we call an as of right project, there was
11 a concern that we couldn't just impose LEED
12 certification, because part of LEED involves
13 building materials, and that that might, in a
14 sense, be -- you know, we have a Florida
15 Building Code, that requires certain materials.

16 So the thought was, perhaps, though, it can
17 be applied more as a -- like a Zoning
18 provision, in situations where a party is
19 seeking something from the City, like a bonus.
20 So a Mediterranean Bonus, a discretionary
21 approval, vacation of a right-of-way, or it's a
22 proprietary decision of the City, such as when
23 we do an encroachment agreement or where it's a
24 City-owned property.

25 So that was the thinking behind it, because

1 additional ones or if the square footage should
2 be changed or any of those things.

3 MR. BELLIN: Craig, I think this can stand
4 alone. I think the parking reduction is a good
5 thing, to help with the massing of the
6 building. We need less parking, the massing of
7 the building, especially if the pedestal comes
8 down, where the parking is generally put.

9 And I don't think that that parking
10 reduction ought to be tied to the LEED
11 building. It's the only way you can get the
12 parking reduction, is if you do a LEED
13 building, the way it stands now.

14 MS. MENENDEZ: That we should have
15 discussed when we were looking at the other
16 one, the first one.

17 MR. BELLIN: I did, but --

18 MR. TRIAS: Mr. Bellin did, and the way
19 that I understand it is that you are concerned
20 about the redundancy of the language.

21 MR. BELLIN: Right.

22 MR. TRIAS: Right, and that's a valid
23 concern. I don't think it's a major issue.
24 It's something that we can work out before it
25 goes to Commission.

1 MR. BELLIN: Okay. I just wanted to voice
 2 my concern.
 3 MR. LEEN: It's been heard. We understand.
 4 MS. MENENDEZ: Have we looked up any
 5 literature, as far as the additional cost that
 6 a building incurs if it has Silver, Gold,
 7 Platinum?
 8 MR. MINER: No, we haven't -- well, to the
 9 extent that the article talks about Gold, it
 10 uses that as a benchmark. This is Attachment
 11 G, and quote, "So what's the answer?"
 12 If LEED certification is pursued at the
 13 beginning of a project, that's key, because if
 14 it comes later, it comes at a higher cost.
 15 Teams can conservatively budget two percent for
 16 construction costs and \$150,000 in soft costs
 17 for certification through the Gold level on
 18 most projects. So that figure is based upon
 19 Gold. Our requirement with the proprietary
 20 approval is Silver. The difference is ten
 21 points. Basic is forty points to fifty, fifty
 22 to sixty is Silver, which is our target, and
 23 then sixty to eighty is Gold, and then Platinum
 24 is eighty plus.
 25 And we thought, having it aligned also with

1 some of what the University of Miami has been
 2 doing for years, and other Federal owners,
 3 property managers that I'm familiar with, and
 4 peg Silver as a good --
 5 MS. MENENDEZ: So you're comfortable with
 6 these percentages, is what you're saying?
 7 MR. MINER: I'm comfortable with the
 8 percentages, but I'm open for recommendation
 9 regarding the levels of rebate, of course, or
 10 even how the rebates are structured, but I
 11 think, as I pointed out, we can do a lot just
 12 by incentivizing, but, you know, money talks
 13 and I think --
 14 MS. MENENDEZ: This adds up.
 15 MR. MINER: Yeah, it does. It does. Those
 16 are savings against just the City permit fees.
 17 It would include the Board of Architects fees.
 18 We don't have authority to waive County or
 19 State fees or document preservation costs, so
 20 there are other costs that they would have to
 21 bear.
 22 MS. MENENDEZ: Okay. Thank you.
 23 CHAIRMAN FLANAGAN: Anybody else have
 24 questions?
 25 Public hearing.

1 There's nobody from the public here.
 2 Public hearing closed.
 3 Further discussion? Motion on the item?
 4 MR. GRABIEL: I move for approval.
 5 CHAIRMAN FLANAGAN: Thank you.
 6 MR. RODRIGUEZ: I second.
 7 CHAIRMAN FLANAGAN: You guys don't want to
 8 go home, I guess. Motion and a second.
 9 If we can call the roll, please.
 10 THE SECRETARY: Marshall Bellin?
 11 MR. BELLIN: Yes.
 12 THE SECRETARY: Julio Grabiell?
 13 MR. GRABIEL: Yes.
 14 THE SECRETARY: Maria Menendez?
 15 MS. MENENDEZ: Yes.
 16 THE SECRETARY: Frank Rodriguez?
 17 MR. RODRIGUEZ: Yes.
 18 THE SECRETARY: Jeffrey Flanagan?
 19 CHAIRMAN FLANAGAN: Yes.
 20 All right. That was the last item on the
 21 agenda.
 22 Anybody have anything else?
 23 MR. RODRIGUEZ: No.
 24 MS. MENENDEZ: Our next meeting is in
 25 March, right?

1 MR. RODRIGUEZ: No. No. It's next week.
 2 CHAIRMAN FLANAGAN: Wait. Do we need to
 3 meet next week?
 4 MS. MENENDEZ: Are we having a Special
 5 Meeting?
 6 MR. TRIAS: Yes, Mr. Chairman. We have
 7 requested a Workshop, the Downtown Overlay,
 8 that we would like to discuss with you.
 9 MS. MENENDEZ: The Downtown Overlay?
 10 MR. TRIAS: Yes.
 11 MS. MENENDEZ: You mean, Miracle Mile or
 12 Downtown?
 13 MR. TRIAS: Miracle Mile, and more areas
 14 than that. Yes.
 15 MS. MENENDEZ: When is that?
 16 CHAIRMAN FLANAGAN: Next Wednesday.
 17 MR. TRIAS: Wednesday.
 18 MS. MENENDEZ: Oh, okay.
 19 MR. TRIAS: Wednesday at 6:00.
 20 CHAIRMAN FLANAGAN: So it's a Workshop?
 21 MR. TRIAS: It's a Workshop, so we won't
 22 make decisions during that time.
 23 MS. MENENDEZ: Are we going to be getting
 24 stuff, then, this Friday?
 25 MR. TRIAS: Yes.

1 MS. MENENDEZ: You have us working so hard.

2 MR. TRIAS: I know. I know. Thank you. I
3 really appreciate it. Thank you.

4 CHAIRMAN FLANAGAN: We'll take March off.

5 MR. BELLIN: Ramon, I would suggest that we
6 don't wait until Friday. You know, I had an
7 advance copy of it, and there's a lot -- a lot
8 of stuff in there, and if they get it on
9 Friday, they may not have enough time to even
10 read it.

11 MR. TRIAS: Mr. Bellin, you will get it as
12 soon as I have it ready, and I don't have it
13 ready yet. So we're working on it. So thank
14 you.

15 MR. BELLIN: Okay.

16 MS. MENENDEZ: It's been advertised and
17 everything or it's just a Workshop?

18 MR. TRIAS: Yes. It's advertised as a
19 Workshop.

20 MS. MENENDEZ: Okay.

21 MR. TRIAS: Thank you.

22 CHAIRMAN FLANAGAN: All right. See you all
23 next week.

24 (Thereupon, the meeting was concluded at?
25 8:45 p.m.)

1 CERTIFICATE

2
3 STATE OF FLORIDA:
4 SS.
5 COUNTY OF MIAMI-DADE:

6
7
8
9 I, NIEVES SANCHEZ, Court Reporter, and a Notary
10 Public for the State of Florida at Large, do hereby
11 certify that I was authorized to and did
12 stenographically report the foregoing proceedings and
13 that the transcript is a true and complete record of my
14 stenographic notes.

15
16 DATED this 21st day of February, 2016.

17
18
19
20
21 SIGNATURE ON FILE

22 _____
23 NIEVES SANCHEZ
24
25