

**City of Coral Gables City Commission Meeting
Agenda Item E-1
February 5, 2013
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Maria Anderson

Commissioner Rafael "Ralph" Cabrera, Jr.

Commissioner Frank Quesada

City Staff

City Manager, Patrick Salerno

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Public Speaker(s)

Mr. Jorge Alvarez, Representing Dade Medical College

E-1 [Start: 9:28:32 a.m.]

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

Mayor Cason: Alright Mr. City Manager, please present Agenda Item E-1, which is an appeal.

City Manager Salerno: Thank you Mayor. The applicant, I think would like to first address.

Mr. Alvarez: Yes, thank you Mr. Manager...

City Attorney Leen: Before you begin.

Mr. Alvarez: I would gladly yield to Mrs. Bolton.

[Note for the Record: Mrs. Bolton's remarks are located in Agenda Item D-2]

Mayor Cason: OK, Mr. Alvarez.

City Attorney Leen: Mr. Mayor before you begin, I would just like to briefly state what the standard is for an appeal. You are about to hear an appeal from the Board of Architects, as you may recall from the last meeting there was an issue about whether the sign met the Zoning Code and it was a decision of City staff that the proposed sign that you are going to hear on appeal did not. The applicant went back and readjusted the size of the sign so that issue is no longer pending, the issue of whether it meets the Zoning Code. So now before you is an appeal under our Zoning Code the City Commission is authorized to affirm, affirm with conditions, override the decision of the Board of Architects or remand for further proceedings. I would also – I did follow up with City staff regarding the legal issue we discussed about appeals and whether you can hear everything at once, I do have a presentation on that after this appeal is done just a brief statement of what I found.

Mr. Alvarez: Thank you Mr. City Attorney, and again Mr. Mayor, Commissioners, Mr. Manager, as the City Attorney mentioned we did go back and work diligently with staff and Ramon and his staff has been very accessible and we did this rather quickly, so I'd like to announce two things; number one, again the City Manager said that we have met all zoning requirements for the sign; and number two, that we are really happy and excited to say that we are moving in this weekend, so hopefully on Monday we'll have an additional 80 or 90 employees in the Gables enjoying our great City.

Commissioner Quesada: That's great. I'm going to support your appeal today. I think the last time around it was a procedural technicality that bothered me and I know we had a discussion at the end of the meeting during our discussion period, you guys had already left, and we had spoken with the City Attorney and with the City Manager about how we are going to correct this procedural issue in the future, because the potential – I don't like the fact that you guys are back here a second time for the same thing, this is something that our procedures internally should address for this to make it easier, to make it quicker, and unfortunately you guys were in that grey area the first time around the first time around, and as we discussed the last time, I believe it was Commissioner Cabrera said that in his 12 years on this Commission he had never seen an appeal twice from Board of Architects and Zoning, so it's really to try and consolidate any kind of appeal to make it easier on the applicant. Have you guys, Mr. City Attorney and Mr. City Manager, have you guys had the opportunity to discuss moving forward?

City Manager Salerno: Commissioner as you requested, staff briefed you at the last Commission meeting asked that the item could be expedited and brought back to you as soon as possible, perhaps this meeting, that was done. As you were informed at the last meeting the sign that was initially requested exceeded the Code requirement. The applicant went back subsequently reduced the signage, the square footage associated with the sign to make it comply with the sign Code, although we don't have a specific design, staff tells me that based upon the plan that was proposed it does fall within the Code limits, it subsequently went to the Board of Architects in which case the vote was still to deny, but the vote was significantly different this time, it was a 4-3 against approving it, which is substantially changed, I assume that was in large part due to the fact that the sign was much smaller, but in the same general location as the applicant had requested. If there are any questions Ramon Trias is here, but the item before you is as I indicated.

Commissioner Quesada: As far as moving forward with additional applications, have our internal procedures changed in the last week?- or we are still discussing how we are going to change it to make it easier for residents or business residents in the future?

City Attorney Leen: I met with the Development Services staff, my opinion to them and it remains the same, is that the Commission does have the authority to do what you did last week. You could consolidate appeals, you could allow someone a stay, essentially what is a stay or a deferral so they could be heard together. Now what we discussed was perhaps doing a Zoning Code change so that the applicant could request that, so for example if something goes before the Board of Architects and is denied and it also needs a Zoning review at that point the applicant could preserve their appeal by indicating that they don't agree with that opinion and then go for their Zoning review and potentially through the Board of Adjustment and then have all the appeals heard at once. We did discuss that and I think that we can do it internally now under the authority that's provided in the Code, although we could also adopt a rule that makes it much clearer, and so I have talked to them about that and we are in the process of trying to formalize that.

Commissioner Quesada: OK. Well the point is to just make it easier on the applicant.

Vice Mayor Kerdyk: Let me just say a couple of words because I had concerns on it. First of all, I want to thank and congratulate Dade Medical College to going back staying within the process, getting it done, making it a palatable sign and fitting within our Zoning Code, because that was the concern for myself, so I will support this application as we move forward and again, the big issue for me was staying within the Zoning Code and not setting a precedent, thank you for doing that and complying with our Codes. So I'll make a motion.

Mayor Cason: Do we have any other public input?- this is a public hearing so we have to first...

Commissioner Anderson: I'll just follow along Vice Mayor Kerdyk's comments and I'm glad you are going to be moving in, I supported your sign two weeks ago, I'll continue to support it today, and thank you for bringing folks to the Gables.

Commissioner Cabrera: Mr. Alvarez one quick question before the public, before the Mayor proceeds to get public input, which I don't think there is going to be much, but notwithstanding, I see you made a minor modification which personally I happen to like and that is you actually have taken your logo, your corporate logo and inserted it at the very top of the building and that modification received approvals from all departments.

Mr. Alvarez: Yes, that was originally set up, we went through so many times through the Board of Architects, it changed so many times and that's the final way and that's what was approved by zoning.

Commissioner Cabrera: You know, I think it was actually Mr. Quesada that brought it up when he talked about logos and the fact that you were able to incorporate it, I think really lends itself to the visual aspect of the building now, so congratulations, you didn't have them last time, but I think this time we're good.

Mr. Alvarez: Well it all comes straight from the top, from our owner who is a Gables resident and I'm a Gables resident as well as some of our senior staff who are here to be long term good corporate citizens, so we are excited about it.

Commissioner Cabrera: All the best.

Mayor Cason: I think it looks great now, I think the logo does add to it. I'm willing to support it as well and I'm glad that you worked it out with Zoning and came to a design that looks great and can be seen from all angles, I think that's the main thing for me.

Mr. Alvarez: And again, just to reiterate what the Manager said, staff was wonderful and they did expedite and were very accessible and we were very happy with the process.

Mayor Cason: We have any other public input?- if not I'll close the public hearing portion. Any more discussion?

Commissioner Quesada: I think Bill had made the motion.

Mayor Cason: What was your motion?

Vice Mayor Kerdyk: To uphold – what would it be Craig?- to uphold the appeal?

City Attorney Leen: You could phrase it in two different ways; you could say you vote to uphold the appeal thereby overriding the decision of the Board of Architects.

Vice Mayor Kerdyk: I guess that's the best way to phrase it. OK. I make that motion.

Mayor Cason: Vice Mayor makes that motion – seconded?

Commissioner Quesada: Second.

Mayor Cason: Commissioner Quesada.

City Clerk

Vice Mayor Kerdyk: Yes

Commissioner Quesada: Yes

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mayor Cason: Congratulations. Welcome to the Gables.

Mr. Alvarez: Thank you all.

Commissioner Anderson: Congratulations.

[End: 10:06:48 a.m.]