

City of Coral Gables City Commission Meeting
Agenda Item F-12
March 12, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
Deputy City Attorney, Cristina Suarez
City Clerk, Billy Urquia

Public Speaker(s)

Amanda Quirke Hand
Terence McKinley

Agenda Item F-12 [1:15 p.m.]

A Resolution pursuant to section 3-1705 of the Zoning Code approving the dispute resolution agreement regarding the property located at 701 and 711 Valencia and legally described as Lots 23, 24, 25, 26, 27, and 28, Block 10, of "Coral Gables Biltmore Section", according to the Plat thereof, as recorded in Plat Book 20, at Page 28, of the Public Records of Miami-Dade County, Florida, which provides, in part, for an increase to the maximum floor area ratio up to 2.7 (from 2.0), subject to additional terms and conditions in the dispute resolution agreement.

City Attorney Ramos: I-2's the one we just did, so F-12.

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Agenda Item F-12 - Resolution pursuant to Section 3-1705 of the Zoning Code approving the dispute resolution agreement regarding the property located at 701 and 711 Valencia and legally described as Lots 23, 24, 25, 26, 27, and 28, Block 10 of "Coral Gables Biltmore Section", according to the Plat thereof, as recorded in Plat Book 20, at Page 28, of the Public Records of Miami-Dade County, Florida.

Mayor Valdes-Fauli: Oh, I'm sorry.

City Attorney Ramos: F-12.

Mayor Valdes-Fauli: F-12.

City Attorney Ramos: F-12 is a resolution pursuant to section 3-1705 of the Zoning Code approving the dispute resolution agreement regarding the property located at 701 and 711 Valencia, legally described as Lots 23, 24, 25, 26, 27, and 28, Block 10, of the "Coral Gables Biltmore Section", according to the Plat thereof, as recorded in Plat Book 20, at Page 28, of the Public Records of Miami-Dade County, which provide, in part, an increase to the maximum floor area ratio up to 2.7 (from 2.0), subject to additional conditions in the dispute resolution agreement. I'm going to have the Deputy City Attorney walk you through the terms of the agreement.

Mayor Valdes-Fauli: Go ahead.

Commissioner Mena: Yeah. Really, before you start -- the law firm that I work for represents the property owner here. While they're not here today to represent the party, I think it's appropriate that I recuse myself so there is no appearance...

Mayor Valdes-Fauli: Okay.

Commissioner Mena: Of a conflict. So, I'm going to step out.

City Attorney Ramos: Very well. So, essentially, this case comes out of a City Attorney opinion which was issued by my predecessor basically stating that the permissible height at this particular site is 150 feet based on the site specific zoning regulations. The owner presented a project before the Board of Architects approval for a residential project of 124 feet. The David William

Condominium Association filed an appeal of that Board of Architects decision, but they really were not appealing the aesthetic. They were appealing the zoning determination. Therefore, it did not go forward because the proper place to appeal a zoning determination is in circuit court. They then filed a lawsuit against the City. This settlement agreement fully and finally resolves that lawsuit. In addition, it resolves any potential Bert Harris claim that the developer might make against the City for not having the highest and best use of their property. The -- David William is present today. They are in agreement with the terms that Ms. Suarez will walk you through now. and of course, our office recommends the settlement agreement.

Deputy City Attorney Suarez: Yes. So, the ordinance agreed that the maximum height of any development on the property, which is located at 701 to 711 Valencia Avenue shall be no greater than 75 feet, exclusive of architectural features. And they've agreed that the architectural features shall not exceed ten feet in height. And the only rooftop architectural feature shall be an enclosed cabana, which shall be no more than 2,500 square feet. In addition to that, there will be a dismissal of the lawsuit by the David William Association and also a complete release of the City by the property owner of any and all claims related to this.

City Attorney Ramos: The reason it's before you is because in order to arrive at this agreement, we need for the Commission to grant the allowance of the 2.7 FAR and only 2.0 is currently allowed. Otherwise, I would have been able to settle this matter without you.

Commissioner Keon: Why do we -- why are we -- oh, I'm sorry. Why are we going to the 2.7 as opposed to the 2.0?

City Attorney Ramos: That's what they're asking for in order to cut the building in half.

Deputy City Attorney Suarez: They're going -- they're allowed to go up to -- the per -- per the site specifics, they're allowed to go up to 150 feet. They've agreed to bring it down to 75 feet. And in exchange for that, they've asked for additional FAR up to 2.7.

Commissioner Keon: But what was under the -- under the current zoning, their FAR -- their...

Deputy City Attorney Suarez: 2.0.

City Attorney Ramos: 2.0.

Commissioner Keon: Is 2.0.

City Attorney Ramos: Correct.

Vice Mayor Lago: Yeah.

Commissioner Keon: Yeah. I...

Vice Mayor Lago: That's why I have a big concern with that. You know, I...

Commissioner Keon: (INAUDIBLE)

Vice Mayor Lago: I see that the height has been reduced on this project significantly and I brought this up to Miriam. So, what's allowable as per the Code is 2.0, correct? And now we're giving an increase to 2.7. I need more explanation on...

Mayor Valdes-Fauli: In exchange for lowering...

Vice Mayor Lago: In exchange for...

Commissioner Keon: Lower.

Vice Mayor Lago: A litany -- a lower height and all the other goodies that were mentioned before in reference to the lawsuits that were being settled. But what I don't understand is -- and I need you to explain to me in further detail how did this -- how does this site even benefit for -- even have the opportunity for any benefits when it's not even 20,000 square feet. Is it because of site specifics? I need you to explain in detail...

Deputy City Attorney Suarez: So, that stems back to the...

Vice Mayor Lago: The site specifics.

Deputy City Attorney Suarez: That stems back to the site specifics, which -- and the City Attorney opinion from 2013, and it's also based -- there's a longer history going back as to...

Vice Mayor Lago: I want you to give me that history.

Deputy City Attorney Suarez: So, the site specific says that the maximum height on this property will be 150 feet. It does not make any reference to a minimum lot size.

Vice Mayor Lago: Does it give a reference to the neighboring property? Is the neighboring property the same, 150 feet no matter the lot size?

Deputy City Attorney Suarez: They're site specifics, but my understanding is the entire block would -- is under the same site specifics. The -- you know, I'm sure Mr. Trias can give you more details, but I know that the entire block -- 701 to I think it's -- 741 Valencia is subject to the same site specific regulation.

Vice Mayor Lago: Maybe my question should be for Mr. Trias and ask him is there -- was there some sort of -- was there a vision that was laid in place by George Merrick, by somebody? What

was the reasoning behind allowing 150 feet in this area when the lot criteria wasn't met in reference to size, 20,000 square feet to get the bonuses?

City Attorney Ramos: That's the...

Vice Mayor Lago: I understand.

City Attorney Ramos: That's the legal interpretation that was made based on the language of the Zoning Code.

Planning and Zoning Director Trias: And there's an...

Vice Mayor Lago: That's why I'm asking in reference to that.

Planning and Zoning Director Trias: Additional subtlety to this which is that the comp plan has to be consistent with that. And in some blocks, I think it's two blocks...

Vice Mayor Lago: There's inconsistencies.

Planning and Zoning Director Trias: It is. And that has to do with the high-rise designation for residential. So, that...

City Attorney Ramos: To be clear, on this site, it is consistent...

Planning and Zoning Director Trias: Yeah.

City Attorney Ramos: With the comp plan.

Planning and Zoning Director Trias: Yeah. In this case, it is consistent. So, there's a couple of things that apply that are unique, I think, to these two blocks right here. But the fundamental issue was the 20,000 square feet which was interpreted to be not applicable because it's not part of the site specifics. So, the issue you raised was reviewed by the prior City Attorney and then by Miriam also, I believe.

Mayor Valdes-Fauli: They allowed this, yeah.

City Attorney Ramos: Correct.

Mayor Valdes-Fauli: And we would have a...

City Attorney Ramos: And they have relied...

Mayor Valdes-Fauli: Bert Harris problem if we...

Deputy City Attorney Suarez: Correct.

City Attorney Ramos: And they have relied on that opinion since 2013.

Vice Mayor Lago: I won't be supporting this today. I just feel uncomfortable voting for the additional FAR of 0.7, you're talking about 30 -- 35 percent an increase in the overall buildable square footage of...

Planning and Zoning Director Trias: Yeah. The additional FAR is not part of the site specifics. That's part of the settlement.

Vice Mayor Lago: I know. I agree.

Mayor Valdes-Fauli: (INAUDIBLE)

Vice Mayor Lago: That's why I'm not going to be supporting the settlement.

Mayor Valdes-Fauli: Okay.

Commissioner Quesada: (INAUDIBLE)

Mayor Valdes-Fauli: I would like to call on William Church, who is somebody here who wishes to speak on the issue.

City Attorney Ramos: This is a public hearing item.

Mayor Valdes-Fauli: William Church. Okay, William Church is not present, so William Church will not get to speak. Thank you. Go ahead.

Commissioner Quesada: I had a quick question. So, if they're entitled to up to 150 feet approximately and they're only deciding to go up to 75 feet, the FAR -- I mean, again, as Commissioner Lago -- as the Vice Mayor was saying, the lot is not that large of a lot. I mean, is it -- how does it -- what kind of building does this look like?

Vice Mayor Lago: It would have been a...

Commissioner Quesada: I mean...

Vice Mayor Lago: It would have been a tower with probably...

Commissioner Quesada: No, but I'm saying now.

City Attorney Ramos: They have not...

Commissioner Quesada: I know, obviously, they haven't submitted anything.

City Attorney Ramos: Right.

Commissioner Quesada: But Ramon, I think...

City Attorney Ramos: The only thing we have...

Commissioner Quesada: It was explained to me...

City Attorney Ramos: Is like...

Commissioner Quesada: I'm not a builder.

City Attorney Ramos: Casing.

Deputy City Attorney Suarez: It showed like the footprint, I guess, what it would look like. It would -- it would still go through all the reviews, so it still has to go through DRC, Board of Architects, all the other typical reviews. But right now, it's just approving, you know, that they would be allowed to go up to 2.7 FAR.

Mayor Valdes-Fauli: And...

Commissioner Quesada: I'm sorry. Your...

Mayor Valdes-Fauli: Commissioner...

Commissioner Quesada: Vice Mayor, your objection is related to the fact that we're going up on the FAR?

Vice Mayor Lago: Yeah. I just don't think we should give them that -- we should give them a 35 percent increase. To get them -- to use up all that FAR, they're going to go setback to setback.

Commissioner Keon: It's a max.

City Attorney Ramos: It's a variance which you may or may not grant.

Vice Mayor Lago: Yeah, yeah.

Mayor Valdes-Fauli: And this...

Vice Mayor Lago: Let me -- it's going to be -- (INAUDIBLE) detail.

Commissioner Quesada: Because what I'm saying is they may not be able to build the...

Vice Mayor Lago: But they're asking for this increase in FAR. They're going to go setback...

Mayor Valdes-Fauli: Let...

Vice Mayor Lago: Go ahead.

Mayor Valdes-Fauli: Let me put this in context. This is a legacy issue of an opinion from our former City Attorney and we don't like it, but it's there and we have to -- you know, that's the issue we have before us.

City Attorney Ramos: And in my opinion, they can...

Mayor Valdes-Fauli: And if we deny it, we have a Bert Harris problem because they have relied on that opinion for three years, four years now, and we're stuck with it.

City Attorney Ramos: And they could build, as-of-right, 150 feet. It would never come to this Commission.

Deputy City Attorney Suarez: Correct.

Vice Mayor Lago: I...

Commissioner Keon: Right.

Vice Mayor Lago: I don't know. I just disagree with that. And I have the utmost respect for our City Attorney and we've never had a difference of opinion, but I just think that -- I think we're basically -- I hate to use this word and I'm not going to use it, but I feel like we are being taken for a ride for additional FAR, which is what's necessary here. And I would like to know how many -- what the unit count's going to be now. Because, from my understanding when this project was being proposed at a hundred and something feet and it was 12, 13 stories, whatever it was -- and then I think it was one unit per floor, it was 13 units. Now, we're probably going to go down to a much more dense product with I don't know how many units and that's why they want that additional FAR because they know that it's easier to rent a product that's smaller in scale per unit.

Mayor Valdes-Fauli: But they have lowered the height.

Vice Mayor Lago: I understand, but they're also getting...

City Attorney Ramos: Representatives...

Vice Mayor Lago: But they're also getting a significant benefit for the amount that they can rent and sell by square footage.

Mayor Valdes-Fauli: Do I hear a motion?

City Attorney Ramos: Sir, the representatives from the David William are here. I think they'd like to address...

Mayor Valdes-Fauli: Oh, hi.

Amanda Quirke Hand: Good afternoon, Amanda Quirke Hand, offices at 1111 Brickell, on behalf of the David William Condominium Association and J. Guarch. They're the plaintiffs in this litigation. We are in support of the settlement agreement. In the agreement, they've provided that they're not going to seek bonuses for height or setback, so we are comfortable with the proposed resolution to bring it down to 75 feet.

Vice Mayor Lago: But you -- and may I address your comments?

Ms. Quirke Hand: Yes.

Vice Mayor Lago: And I appreciate you -- and I really appreciate you being here.

Ms. Quirke Hand: Yes.

Vice Mayor Lago: But you are -- they are seeking additional bonuses.

Ms. Quirke Hand: Understood.

Vice Mayor Lago: Because you said they're not going to be seeking.

Ms. Quirke Hand: They will not seek bonuses for set...

Vice Mayor Lago: After these bonuses.

Ms. Quirke Hand: They will not seek bonuses for setback or height.

Mayor Valdes-Fauli: Alright. We have Mr. McKinley...

Commissioner Quesada: Considering the requirements that we have...

Mayor Valdes-Fauli: Who wishes to speak.

Commissioner Quesada: And the changes that we've made for open green space...

Vice Mayor Lago: We never made them. They were supposed to come back -- that was my legislation and Ramon has sent...

Commissioner Quesada: I thought we finalized that.

Vice Mayor Lago: That went to P&Z and I asked him the other day where those open -- this is -- that would stop situations like this from happening where you will be required on the bottom floor to have open green space and not include second-floor mezzanines, not include...

Commissioner Quesada: Where are we on that?

Vice Mayor Lago: Balconies, not include stairwells.

Commissioner Quesada: Yeah. I thought we voted on that, yeah.

Vice Mayor Lago: I've been bringing it up every once in a while. I just don't -- it hasn't come back to me.

Planning and Zoning Director Trias: That's -- we -- as you know, we have a consultant helping us with the amendments to the Zoning Code and that process is going forward. As the Commissioner said, it did go to Planning and Zoning Board at some point and it was discussed and there was disagreements and so on. So, we're in the process of making those changes.

Mayor Valdes-Fauli: Okay, but that doesn't apply to this situation.

Planning and Zoning Director Trias: This situation is a settlement...

Mayor Valdes-Fauli: Right.

Planning and Zoning Director Trias: That has been done beyond the discussions of the current...

City Attorney Ramos: And that sets no precedent...

Mayor Valdes-Fauli: You want to speak, Mr. McKinley?

City Attorney Ramos: Whatsoever. It's a settlement agreement.

Mayor Valdes-Fauli: Yes, come.

Vice Mayor Lago: Ramon -- and just before you leave -- Mayor, just one brief second. If my legislation would have been in place, you're 100 percent correct. This is outside of that because this is a settlement, so I understand.

Planning and Zoning Director Trias: Yes.

Vice Mayor Lago: Can you do me a favor please, if my colleagues support me? Can we have that legislation before this Commission? How much longer do you need?

Planning and Zoning Director Trias: I...

Vice Mayor Lago: Open space.

Planning and Zoning Director Trias: I need to discuss it in detail with the City Manager, but I certainly can let you know as soon as we...

Mayor Valdes-Fauli: Okay.

Planning and Zoning Director Trias: I don't know right now exactly how...

Vice Mayor Lago: Would you like to see it before you're done or no?

Commissioner Quesada: Yeah, I would love to.

Vice Mayor Lago: Can we have it the next Commission?

Commissioner Keon: I don't think it's ready.

Planning and Zoning Director Trias: Certainly...

Vice Mayor Lago: We've been talking about it...

Planning and Zoning Director Trias: (INAUDIBLE)...

Vice Mayor Lago: We've been talking about it for a year and change?

Mayor Valdes-Fauli: Okay, Mr. McKinley, your turn.

Unidentified Speaker McKinley: Thank you.

Vice Mayor Lago: Mr. City Manager, can I get -- can we -- can you at least get back to me to make sure that we can have that in the next Commission meeting or tell me we can't?

City Manager Iglesias: I will. I will. I'll check up on it and get back with you, Vice Mayor.

Vice Mayor Lago: Thank you, thank you.

Mayor Valdes-Fauli: Mr. McKinley.

Terence McKinley: Thank you. I'm Terence McKinley. I'm the current board member and immediate past president of Biltmore II Condominium Association, immediately to the east of this particular property that's subject. I'm having as many questions as I think you are regarding the proposal for this particular piece of property. It's my understanding that I'd like to get confirmed that the consent agreement that we're talking about here approved the developer significantly reduced the height requirement in order to make the footprint of the building larger.

Unidentified Speaker: That's correct.

Mr. McKinley: Is that correct?

City Attorney Ramos: They significantly reduced it in order to get agreement from the entity that filed the lawsuit.

Mr. McKinley: Correct.

City Attorney Ramos: In order to make the project work, they need additional FAR.

Mr. McKinley: I understand. Okay.

Vice Mayor Lago: So, that FAR is going to be used for something.

Mr. McKinley: Okay.

Vice Mayor Lago: It's going to be smaller units. It's going to be -- I'm not sure exactly what they're going to do. Since it's not a historic building...

Mr. McKinley: At this point in time...

Vice Mayor Lago: They can't sell the TDR, I don't know what they're going to use it for.

Mr. McKinley: We're not sure exactly how many dwelling units are going to be...

City Attorney Ramos: No.

Mr. McKinley: In this place.

(COMMENTS MADE OFF THE RECORD)

City Attorney Ramos: They have not submitted a proposal.

Mr. McKinley: Okay.

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Mayor Valdes-Fauli: He's correct.

Mr. McKinley: Because we're -- we are, of course, concerned about that, regarding...

Vice Mayor Lago: That was a concern of mine also.

Mr. McKinley: Traffic and we were also concerned about the height given that we have no less than 60 of our units that would have adversely impacted views.

Vice Mayor Lago: And by the way, if I may add something else -- I'm sorry for interrupting you.

Mr. McKinley: No problem.

Vice Mayor Lago: The whole point of going to 2.7 FAR is also when you get the approval from this Commission, is to market that as 2.7 FAR. So, when you sell it to somebody else as development rights, you can say this is how much you can build and you cash in. That's the whole point. And I -- we've made those mistakes before. I'll admit it to you, I've done it before. I made that mistake. I won't make it again.

Mayor Valdes-Fauli: Okay.

Commissioner Keon: May I ask Ramon one question, please?

Mayor Valdes-Fauli: Yes, please.

Commissioner Keon: Ramon, on the development of this parcel, you know, I know the sort of rendering we saw was just the filled in block or whatever. So, even though they can, you know,

develop to 75 feet habitable, they have this 2.7 -- yeah, 2.7 FAR. Now, are they still subject to set -- to step backs on these buildings or no?

Planning and Zoning Director Trias: Yes. But as you know, the Mediterranean bonus allows for waivers of some of the setbacks and so...

Commissioner Keon: But if they're not asking for any other bonuses then they couldn't be asking for Mediterranean bonuses. Is that right? It was my understanding that you said they would ask for no more bonuses.

Planning and Zoning Director Trias: Right.

Commissioner Keon: So -- then they shouldn't ask for Mediterranean bonuses. Is that right?

Planning and Zoning Director Trias: Let me -- yeah. Maybe I wasn't accurate. What I mean is that there's two issues with the Mediterranean process. One is the bonus, which gives you extra height and extra density. The other one is there's a way to waive some of those development standards, like the setbacks and so on.

Commissioner Keon: The setbacks and step backs. And that's what...

Planning and Zoning Director Trias: Yeah.

Commissioner Keon: Happened with Aloft.

Planning and Zoning Director Trias: Yeah.

Commissioner Keon: Okay, so that's why you have...

Planning and Zoning Director Trias: That does happen.

Commissioner Keon: That big box (INAUDIBLE).

City Attorney Ramos: The language in the agreement is specific. It says they shall not request or apply for any bonuses for height or setbacks.

Commissioner Keon: Okay, so...

Planning and Zoning Director Trias: Or setback.

Commissioner Keon: So, there's no -- so they can't apply for Med bonuses.

Planning and Zoning Director Trias: According to the agreement, they can't, yes.

Commissioner Keon: Okay, they cannot apply.

Mayor Valdes-Fauli: Okay.

Commissioner Keon: I want that to be made very clear, that they cannot apply for Med bonuses.

Planning and Zoning Director Trias: The other thing I want to say is that they have not submitted any design and it has not been reviewed. So, I cannot speak beyond...

Commissioner Keon: But the...

Planning and Zoning Director Trias: The basics of this.

Commissioner Keon: But the property is subject to step backs.

Planning and Zoning Director Trias: Yes.

Commissioner Keon: Okay.

Planning and Zoning Director Trias: And setbacks also.

Mayor Valdes-Fauli: Alright. Do I hear a motion?

Deputy City Attorney Suarez: I do want to clarify. It's just as to height or setbacks, so I don't know what the other specifics of the other...

City Attorney Ramos: What the other implications of Mediterranean...

Deputy City Attorney Suarez: Right.

City Attorney Ramos: Bonus are. This is specific...

Commissioner Keon: It's setbacks and step backs.

Deputy City Attorney Suarez: The agreement is...

City Attorney Ramos: The agreement is setbacks.

Deputy City Attorney Suarez: To not request or apply for any bonuses...

Commissioner Quesada: (INAUDIBLE) focus so much on these two points makes me think like there's...

Vice Mayor Lago: There's something wrong.

Commissioner Quesada: There's something that they're not telling us, we're not asking...

Commissioner Keon: Me too.

Commissioner Quesada: The right questions or something.

Vice Mayor Lago: I told you what the -- I told it for you what it was already. The whole point is get as much FAR as you can then flip the property. That's what -- that's -- I...

Mayor Valdes-Fauli: The point is that we are stuck with that opinion and we're stuck with it. That's the point.

Commissioner Keon: You know, I understand, Mayor, but...

Mayor Valdes-Fauli: And your point is very valid and, you know, no more bonuses, no more whatever.

Commissioner Keon: But you -- right. Setbacks -- do we differentiate between setbacks and step backs? Mr. Trias?

Planning and Zoning Director Trias: Yes. Yes, the setback will be at the ground level.

Commissioner Keon: Right.

Planning and Zoning Director Trias: And the step backs happen in...

Commissioner Keon: At the higher levels, so...

Planning and Zoning Director Trias: Higher levels, yes.

Commissioner Keon: So, are they -- can they apply for -- to not comply with the step back?

City Attorney Ramos: That's not what it does. But if you wish to make that clear, we can do that and take it back to the developer and it's up to them to agree or not agree with...

Commissioner Keon: I would like to make...

City Attorney Ramos: What this Commission has agreed.

Commissioner Keon: That clear that setbacks as well as step backs. And other than that, I'm fine to -- I will...

Mayor Valdes-Fauli: Okay.

City Attorney Ramos: And I'll also...

Commissioner Keon: I'll move the item.

City Attorney Ramos: Note that this developer submitted a project two, three years ago for 128 feet, so I don't believe it's their intent to flip it because they submitted a project to the City...

Commissioner Keon: Okay.

City Attorney Ramos: Two or three years earlier.

Commissioner Keon: I just want to know that, you know...

Vice Mayor Lago: So, you -- Miriam, are you sure of that or no?

City Attorney Ramos: I'm not. I can't be sure.

Vice Mayor Lago: Okay.

City Attorney Ramos: But they did submit a project. They were ready to build a couple of years ago when this first started.

Vice Mayor Lago: My -- I'm going to reserve my opinion in regards to the project that was submitted because I thought that project was used for something else, so I want to -- I just want to just vote. If you think this is appropriate and this additional FAR is in the right context for this neighborhood, then let's vote on the issue.

Mayor Valdes-Fauli: Whether it is or...

Commissioner Keon: I...

Mayor Valdes-Fauli: No, no, no. Thank you. Whether it is or not, we are...

Commissioner Keon: (INAUDIBLE)

Mayor Valdes-Fauli: Subject to...

Vice Mayor Lago: Oh, no.

Mayor Valdes-Fauli: An opinion from...

Vice Mayor Lago: That's what I'm saying, but I'm...

Mayor Valdes-Fauli: Will you call...

Commissioner Keon: I'll make the -- I'll move it.

Mayor Valdes-Fauli: Somebody make a motion.

Commissioner Keon: I'll make the motion.

Mayor Valdes-Fauli: Okay.

Commissioner Keon: I'd like it -- the clarification.

City Attorney Ramos: To approve it with setback added.

Commissioner Keon: Step back as well as setback.

Commissioner Quesada: With that addition for the settlement agreement.

City Attorney Ramos: The developer is not present. I will ask them. I think that it's...

Commissioner Quesada: You don't represent the developer?

Ms. Quirke Hand: I do not.

Commissioner Quesada: Oh.

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Ms. Quirke Hand: I represent the plaintiffs in the...

Mayor Valdes-Fauli: The David William.

Ms. Quirke Hand: Litigation.

Commissioner Quesada: Got it.

Ms. Quirke Hand: The abutting property owner.

City Attorney Ramos: Right. We'll convey that to them. I think after hearing this conversation, it's going to be very clear to them that if they don't agree to that, they may not have an agreement.

Mayor Valdes-Fauli: Alright.

Commissioner Keon: Well, then we'll...

Mayor Valdes-Fauli: Will you second the motion?

Commissioner Quesada: I will second the motion.

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

Vice Mayor Lago: No.

Commissioner Quesada: Yes.

Commissioner Keon: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 3-1)

Mayor Valdes-Fauli: Thank you very much.

Vice Mayor Lago: Thank you.

Mayor Valdes-Fauli: Anything else? Thank you. Meeting adjourned.