

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF CORAL GABLES
CITY COMMISSION MEETING
VERBATIM TRANSCRIPT
CORAL GABLES CITY HALL
405 BILTMORE WAY, COMMISSION CHAMBERS
CORAL GABLES, FLORIDA
FRIDAY, DECEMBER 11, 2015, COMMENCING AT 8:00 A.M.

CITY COMMISSION MEMBERS:

- Mayor Jim Cason
- Vice Mayor Frank C. Quesada
- Commissioner Patricia Keon
- Commissioner Vince Lago
- Commissioner Jeannett Slesnick

City Staff and Consultants:

- Cathy Swanson-Rivenbark, City Manager
- Ramon Trias, Planning Director
- Craig E. Leen, City Attorney
- Walter Foeman, City Clerk
- Craig H. Collier, Esq., Special Counsel

Also Participating:

- Tucker Gibbs, Esq.,
On behalf of the Riviera Neighborhood Association
- Jeffrey Bass, Esq.,
On behalf of the Applicant
- Laura Russo, Esq., Co-Counsel for the Applicant
- Jorge Hernandez, Architect
- Brent Reynolds, Applicant
- Kevin Kinney, Parking Director
- Mark Alvarez

1 MAYOR CASON: All right. Anybody that has
2 phones, please turn them off.

3 Craig, do you want to lead off?

4 MR. LEEN: Thank you, Mr. Mayor.

5 This is a continuance of the hearing from
6 Tuesday evening on all four matters. They're
7 still active. The public hearing is closed.
8 What will happen today is, Ramon Trias is going
9 to speak for approximately ten minutes, on
10 behalf of the City and the Planning and Zoning
11 Department, to explain what's before the
12 Commission.

13 Then the Applicant's counsel and architect
14 will receive fifteen minutes.

15 Then Mr. Gibbs and his Planning and Zoning
16 expert will have fifteen minutes.

17 And then Mr. Bass will have five minutes to
18 rebutt.

19 Then it will come to the Commission, and
20 the Commission will take up the four items, in
21 the order that they are written. And before we
22 get to each of the items, there will be a brief
23 summary from the City Attorney, and, of course,
24 the Planning Director, if they wish, explaining
25 what each of the items is again.

Bailey & Sanchez Court Reporting, Inc.

אסוֹף מַשׁוּבְּרֵי מִשְׁפָּחַת מְהַרְרָה עִיר הַיְבֵּנִי מִשְׁפָּחַת מְהַרְרָה
מְהַרְרָה מְהַרְרָה מְהַרְרָה

1 Two of them are legislative. Two are
2 quasi-judicial.

3 MAYOR CASON: Ramon.

4 MR. TRIAS: Thank you, Mayor. Can I have
5 the PowerPoint, please?

6 Mayor, Vice Mayor and Commissioners, I'm
7 going to update you on the work that has been
8 performed in the last couple of days, trying to
9 address some of the concerns and some of the
10 ideas that were discussed during the last
11 public hearing.

12 There is a document that was prepared, that
13 is fairly thick, right here in my hand -- we
14 have a few extra copies. It's also being
15 posted online as we speak. It was published
16 last night -- which includes a memo from me
17 that outlines the last couple of days of work.
18 And the bulk of the document -- and it's
19 double-sided, by the way. It's actually a lot
20 of pages here -- the bulk of this document are
21 letters that we have received in the last
22 couple of days from the community, from all of
23 you, many of you who are here, that express
24 ideas and concerns and proposes solutions.

25 So all of this is here, and it's available,

1 and it has been delivered to the Commission.

2 And what I have is a very brief PowerPoint,
3 that will discuss some of the alternatives that
4 are available for the Commission, should this
5 project go forward, and should the Commission
6 decide to approve or deny what's been
7 requested.

8 Very briefly, I just want to emphasize that
9 the time line -- the review time line has been
10 fairly lengthy, and that we started with the
11 Development Review Committee. And I like to
12 say this in my presentations, to show that none
13 of these projects just shows up to a
14 Commission. There's a lot of review. There's
15 an extensive opportunity for input throughout
16 the process. And this is at the end of the
17 process.

18 But the reality is that even if the process
19 ends today, from the point of view of public
20 hearings, the process continues through
21 permitting and review. So the City makes a
22 great effort, doing as much input as possible.

23 Development Review Committee in October
24 2014. Then there were several neighborhood
25 meetings. Board of Architects, first in

Bailey & Sanchez Court Reporting, Inc.

www.baileysanchez.com
1000 N. 1st Street, Suite 100, Tallahassee, FL 32301
904.944.1111

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

January 2015. There was a peer review, which just to clarify, the peer review was just an additional meeting, that is not required by the Zoning Code, and it doesn't have any particular value or weight. However, we thought it would be helpful to have some information for the discussions.

Then there was City Commission discussion. Then we had the Public Works and Public Safety review.

Let me go back. We had the Vision Workshop, if you may recall, back in July. We also -- as a result of that, the plans were reviewed and then re-submitted again to the City.

We had the Planning and Zoning in July and in August and in September. And then the first reading was in October of the Commission. There were two mediation meetings recently, in November. And then we had the First Reading of the Commission December 8th, and the Second Reading -- I'm sorry, the Second Reading on December 8th, and then it was continued to today.

So as you can see, at least 20 meetings

Bailey & Sanchez Court Reporting, Inc.

1003 W. 19th Street, Suite 100, Fort Lauderdale, Florida 33311-4444
Tel: 954.340.4444 Fax: 954.340.4444

1 have taken place in the last few months, and
 2 all of them have been very productive, and
 3 we've had a really good exchange of ideas with
 4 the community, which I think is a good thing.
 5 It speaks very highly of the City of Coral
 6 Gables.

7 Now, we left it last time with the
 8 possibility of re-designing both buildings so
 9 the height would come down. So we have two
 10 alternatives that were proposed or prepared by
 11 the architect in the last couple of days. So
 12 this was done, as you requested, very fast.

13 And the difference in the two alternatives
 14 has to do, basically, with the maximum height
 15 of the apartment building.

16 So one alternative -- and you can see that
 17 red line is very close to what Architect Jorge
 18 Hernandez drew here during the meeting last
 19 time as Alternative 1. Alternative 1 will go
 20 to 122 feet at the tallest habitable -- at the
 21 top of the tallest habitable space, at the
 22 front, on US-1, on the apartment building.

23 Then it would come down to 112 a little bit
 24 later, within about 120 feet of US-1, and then
 25 it would come down to 46 -- I'm sorry, there

1 you go, to 46.

2 Now, in this alternative, the main
3 difference between this alternative and the
4 next alternative that I'm going to show you is
5 that there's a pool deck in the back. So if
6 the building is 122 feet in the front, there's
7 a pool deck at 45 feet in the back, okay.

8 So Alternative 2, just to make it very
9 clear for you, as you can see, it's a simpler
10 section, much simpler, which is 122 feet -- I'm
11 sorry, 112 feet, from the beginning of US-1,
12 all of the way to the back, within a setback --
13 or, rather, a step back of 22 feet.

14 So the main difference between the two is,
15 this one is a little bit shorter for the first
16 120 feet along US-1, and, in the back, it goes
17 closer to the neighborhood. So the step back
18 is less. And there's no pool deck in the back.

19 So those are two options that were
20 discussed and prepared in the last couple of
21 days.

22 Now, in terms of the elevation on US-1,
23 which is what shows the clear difference, this
24 is what this means: 122 feet and 126 feet.

25 Now, I want to disclose that we did have a

1 activity and restaurants, you want to have tall
2 ceilings, and it's a nicer experience at the
3 ground level. So making it tighter really
4 would affect the quality of the ground level
5 experience.

6 But, in a nutshell, that is one issue that
7 can be discussed, in terms of height, from the
8 perspective of just pure design.

9 Now, if you think in terms of quality of
10 space, if you think in terms of the quality of
11 the hotel, you may want to also consider those
12 issues. So that's where we are.

13 126 is the tightest high quality spaces,
14 from the Developer's point view, that he is
15 willing to propose.

16 Yes.

17 COMMISSIONER SLESNICK: And you said
18 they're taking out the meeting rooms on the
19 second floor?

20 MR. TRIAS: No. No. The 126 maintains the
21 meeting rooms and maintains the high quality
22 space for the restaurant -- or the taller. I
23 won't make any characterization.

24 Yes.

25 VICE MAYOR QUESADA: Let me ask you a

1 question. I apologize, I don't have the aerial
 2 map with me. But on the slide that you have
 3 right there, to the right side of that slide,
 4 that's US-1, correct?

5 MR. TRIAS: US-1 is in the front.

6 VICE MAYOR QUESADA: Okay. Okay. Got it.
 7 That's what I thought. I was confused. Okay.
 8 That's what I recall.

9 MR. TRIAS: Yeah. This is just a front
 10 view from US-1, if you're right across the
 11 street.

12 VICE MAYOR QUESADA: If I'm standing in the
 13 median on US-1.

14 MR. TRIAS: Absolutely. That's the way it
 15 looks. And that is the biggest impact on the
 16 City. But this is not the view from the
 17 neighborhood. You know, from the neighborhood,
 18 it would be less, because, from the
 19 neighborhood, you would see the lower areas in
 20 the back.

21 Now, the other option is the 112.

22 So, basically, 122 or 112. If you go back
 23 and forth, you can see how the building gets a
 24 little lower, the apartment building. And
 25 that's really the distinction between the two,

Bailey & Sanchez Court Reporting, Inc.

1003 HAWAIIAN AVENUE SUITE 200 HONOLULU HI 96813
 (808) 535-1234

1 in terms of the 122 or the 112.

2 Whether it's a meaningful distinction, in
3 terms of aesthetics, is really up to you, to
4 the Commission, but those are the two options
5 that we have. And the 126, again, was as a
6 result of a meeting we had a day or so ago,
7 with the attendance of Commissioner Lago, just
8 so everybody knows what took place, and we were
9 able to bring the hotel down.

10 Okay. In addition, the Applicant has
11 provided a Shared Parking Study; a Shared
12 Parking Study that justifies and explains the
13 reduction from the 826 spaces, that were
14 requested by the Zoning Code, and the proposed
15 628 spaces.

16 Now, this is significant, because it does
17 lower the height of the building. There is one
18 less -- or the Applicant could explain exactly
19 how it works, in terms of the parking garage.

20 Now, we received this Shared Parking Study
21 yesterday around four o'clock or so, and I have
22 to say that Kevin Kinney, our Director of
23 Parking, was efficient enough to review it
24 immediately, and I want to thank him very much
25 for that. He reviewed it, and he basically --

1 and he could explain that further, if you have
2 any questions. But, from his perspective, it
3 was a very conservative ULI-based study, that
4 was very reasonable, in terms of the parking
5 demand.

6 Yes.

7 VICE MAYOR QUESADA: If he's here -- I
8 mean, I'd like to ask him some questions if
9 he's here.

10 MR. TRIAS: He's here. He's here.

11 VICE MAYOR QUESADA: Oh, there he is.

12 MS. SWANSON-RIVENBARK: Mr. Mayor, do you
13 want to go through the PowerPoint and then come
14 back or what is the best way to handle that?

15 MAYOR CASON: It's up to you. Do you want
16 to finish --

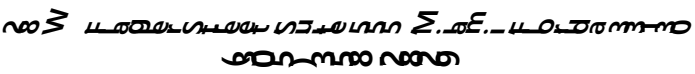
17 VICE MAYOR QUESADA: I can care less. I
18 can ask after.

19 MAYOR CASON: Why don't you finish then?

20 MR. TRIAS: Yeah, that may be the best
21 thing, too.

22 The issue is simply, they're going down to
23 628. They have submitted a professional study
24 that justifies and explains it. That study has
25 been reviewed by Staff preliminarily and

Bailey & Sanchez Court Reporting, Inc.



1 appears to be acceptable.

2 Now, I think, you should choose to approve
3 this project or should you choose to discuss
4 the options that you have for that, I think
5 there are probably at least two options that
6 are better than the original option that was
7 prepared by the Applicant, from the City's
8 point of view.

9 And we have prepared Option 1, with
10 discussions with the City Attorney. And we
11 believe that it may be better, instead of
12 changing the Land Use to High-Rise, it may be
13 better to change it to Mixed-Use Land Use.

14 And the reason for that is that the way
15 that the Comp Plan is set up, and the way that
16 the Zoning Code works with the Comp Plan, it
17 allows for much tighter regulations, in terms
18 of design, to be attached to the Land Use. So
19 we can talk about it in more detail later on,
20 if you choose.

21 COMMISSIONER KEON: Okay. Can I just ask
22 one question? We're limiting any change on
23 this to just this portion of the tract?

24 MR. TRIAS: Yes. Yes.

25 COMMISSIONER KEON: It doesn't apply to all

1 of Tract A?

2 MR. TRIAS: That is the recommendation from
3 Staff.

4 COMMISSIONER KEON: Okay. So now we're
5 going to only concentrate on this particular
6 portion of the tract.

7 MR. TRIAS: Yes, and that's going through
8 the Site Specifics.

9 COMMISSIONER KEON: Okay. So the
10 underlying Zoning, the Low-Rise that currently
11 exists on the other part of the tract, will
12 remain in place?

13 MR. TRIAS: Yeah, we're not proposing any
14 changes -- Staff is not proposing changes
15 beyond the tract that we're talking about, and
16 that is handled through the Site Specifics, the
17 way that that's going to be worded.

18 COMMISSIONER KEON: Okay. It's my
19 understanding that the neighborhood doesn't
20 want the other to one changed, either. They
21 want it to remain as Low-Rise.

22 MR. TRIAS: Right, and we're not proposing
23 anything different.

24 And what I'm saying here is that it may be
25 a better option, instead of changing the Land

1 Use to High-Rise or even Mid-Rise, to do it to
2 Mixed-Use. And the reason is, again, it gives
3 more control to the City.

4 And the concern that I have, and I should
5 make you aware of that, is that sometimes, in
6 the past, the Land Use has been changed for a
7 project, and then the project doesn't happen,
8 and, then, all of a sudden, the Land Use is
9 already changed, and we get a different
10 project. That happens. That's something that
11 happens in life.

12 COMMISSIONER KEON: Okay. So doing it this
13 way, if the project doesn't happen, what
14 happens?

15 MR. TRIAS: The only project that can
16 happen is a project like the one you approved.

17 COMMISSIONER KEON: Exactly like what we
18 have done.

19 MR. TRIAS: Yes.

20 MR. LEEN: Yes. If I could add something.

21 COMMISSIONER KEON: All right. Thank you.

22 MR. LEEN: This works very well with the
23 PAD designation. So if you decide, you would
24 approve a PAD, hypothetically, a Planned Area
25 Development, that would be tied to this Land

1 Use designation.

2 COMMISSIONER KEON: Okay.

3 MR. LEEN: So it's a Mixed-Use Land
4 Designation. There'll be a Site Specific that
5 provides very strict limitations. And then
6 there will be a Planned Area Development, which
7 will be tied to this particular development,
8 and a Site Plan, that will be tied to this
9 particular development, all of which you would
10 have to release, as well, if you were going to
11 change this.

12 So there will be a lot of protections in
13 place.

14 I do want to say that this is limiting
15 Tract A to just this -- pardon me, limiting the
16 change that's being proposed just to this
17 portion of Tract A, was an effort to address
18 some of the concerns that were raised by the
19 neighbors and Mr. Gibbs.

20 MR. TRIAS: And under this scenario,
21 Alternative 1 and Alternative 2 can be
22 approved, if you choose to do so. So that's
23 the scenario that would make all of this
24 possible, if you choose to vote for it.

25 Now, Alternative 2 is to change the Land

1 Use to Mid-Rise. What that would mean, in a
 2 practical sense, is that the Developer needs to
 3 re-design the project, because the maximum
 4 height for Mid-Rise is 97. So that's another
 5 alternative, that has been discussed before,
 6 but, again, you know, that really doesn't allow
 7 for Alternative 1 or Alternative 2. It will
 8 have to be redesigned significantly.

9 So I think those are the two new options
 10 that you have. And what I would like to remind
 11 you is that we have been discussing a lot this
 12 height issue, but, in addition --

13 VICE MAYOR QUESADA: Let me stop you for a
 14 second.

15 MR. TRIAS: Yes.

16 VICE MAYOR QUESADA: And if you can extend
 17 his time limit, Mr. Mayor, if that's okay,
 18 what's the precedential impact of either option
 19 for a surrounding neighborhood?

20 MR. TRIAS: Maybe the City Attorney can
 21 explain that.

22 MR. LEEN: There's two different types of
 23 precedents. From a legal precedent, in my
 24 view, it sets very minor precedent.

25 VICE MAYOR QUESADA: Actually, before you

1 get into your explanation, simplify it for me.

2 MR. LEEN: Yes. Okay.

3 VICE MAYOR QUESADA: I feel like you're
4 going to get very technical.

5 MR. LEEN: Using Option 1 sets very little
6 precedent, because you would have to have a
7 very similar type of project come in, at a
8 similarly situated piece of property, and it
9 would still have to go through all of these
10 requirements.

11 VICE MAYOR QUESADA: Your definition of
12 very similar is a carbon copy?

13 MR. LEEN: Basically the same.

14 MR. TRIAS: The same, in terms of height,
15 use and layout.

16 VICE MAYOR QUESADA: And what areas would
17 that be? For this area we're calling Tract A
18 or for the entire corridor? Or what area, if
19 you can put that into perspective for me, on
20 the actual street to street?

21 MR. TRIAS: The parcel that we're talking
22 about.

23 VICE MAYOR QUESADA: Just the parcel?

24 MR. TRIAS: That's what we're saying.

25 MR. LEEN: Because you're combining this,

1 also, with a Planned Area Development and a
2 Plan Site Review and a Site Specific, that's
3 going to be different for this portion of Tract
4 A, in my view, it doesn't set a precedent,
5 legally.

6 You will have to take -- if the other
7 portion of Tract A came before you, they would
8 have to go through all of these things, as
9 well, and you would still have a Conditional
10 Use Review, also.

11 VICE MAYOR QUESADA: You say it's your
12 view, which makes me think that there's some
13 wiggle room either way. So what I would ask
14 Mr. Gibbs and Mr. Bass, if you can address
15 that, the precedential question, for us, unless
16 there is -- you can tell me there's some --

17 MR. LEEN: I say, in my view, because it's
18 my view, as the City Attorney, the position I
19 would take, the Legal Department of this City,
20 is that it does not set a precedent.

21 MAYOR CASON: And, basically, every PAD is
22 different. I mean, that's why you have a PAD,
23 so you can control all aspects, like when the
24 Agave project, everything, from the
25 architecture to following up with the leads and

1 all of these things.

2 MR. LEEN: Yes.

3 MAYOR CASON: Okay.

4 COMMISSIONER SLESNICK: Ramon, if I may.

5 MR. TRIAS: Yes.

6 COMMISSIONER SLESNICK: Right now we
7 have -- and this is a little complicated, so I
8 appreciate all of the -- and I just saw this a
9 few minutes ago. Site Specific, right now, we
10 have Site Specific Zoning for 45 feet, from Red
11 Road to Maynada, right?

12 MR. TRIAS: Yes.

13 COMMISSIONER SLESNICK: Okay. And we're
14 only addressing this particular parcel, and
15 you're suggesting that it not be Mixed-Use,
16 because somebody else could come in there and
17 change -- and use it, if the Developer sells it
18 to someone else. But if we're taking off the
19 Site Specific for this building, and we have a
20 lot of other projects coming along the line,
21 does this mean every time one of the other
22 projects comes along, that we would have to do
23 Site Specific Zoning for the Wendy's site, the
24 Riviera Theater site, the shopping center, EWM
25 site? But, technically, on each of one of

1 these, we would have to come back in and change
2 the Zoning, unless it was Mixed-Use?

3 MR. TRIAS: I think that what we're doing
4 applies only -- well, I don't think so. It
5 applies only to the parcel we're talking about.

6 COMMISSIONER SLESNICK: To this develop --
7 and this specific one, not the IRE or the
8 Gables --

9 MR. TRIAS: Right.

10 COMMISSIONER SLESNICK: Okay.

11 VICE MAYOR QUESADA: And is that under your
12 Staff recommendation Option 1 or 2 or both?

13 MR. TRIAS: That's Option 1.

14 Option 2 is a change of Land Use to
15 Mid-Rise, which has much more flexibility.

16 COMMISSIONER SLESNICK: Okay. So just for
17 future reference, if we change this one for
18 Option 1, it guarantees that only this project
19 could go in this location or something similar
20 to it?

21 MR. TRIAS: Yes. Yes.

22 COMMISSIONER SLESNICK: Okay. But if we do
23 Mid-Rise or High-Rise change of Zoning, then
24 that opens it up for the other developers along
25 the corridor to come in and do this?

1 MR. TRIAS: Not to the other developers,
 2 necessarily. That's up to the Commission. But
 3 to other -- along the corridor. But to other
 4 developers within this parcel. In the sense
 5 that, in the past, in this and other cities,
 6 Land Use has been changed as a result of a
 7 project that was being proposed, and then that
 8 project has failed, but the Land Use was
 9 already in place.

10 So then you would get a different project,
 11 that you may or may not like.

12 So what I'm saying is, that's up to you to
 13 decide, what level of certainty and what level
 14 of control you'd prefer, but we're giving you a
 15 range of options that some of them --

16 MR. LEEN: Yes. So, for example, another
 17 project couldn't come in and just be a big
 18 office building, similar to the one next door,
 19 and just put it here, up to 97 feet, for
 20 example. It would have to be a Mixed-Use
 21 Development. It would then have to go through
 22 all of the protections in the Code related to a
 23 Mixed-Use Development.

24 So that's why it doesn't set a precedent.
 25 Each one will have to be looked at

1 individually, because, under our Code, a
2 Mixed-Use is a Conditional Use Review.

3 MAYOR CASON: And I would assume, the other
4 option you would have going forward, if other
5 development occurs along that strip is, go to
6 the PAD. Each one could be a PAD, in which we
7 get total control over what goes there,
8 basically.

9 MR. TRIAS: The Commission, obviously, can
10 say yes or no to any other request, but I would
11 recommend something similar, if they were to be
12 requested.

13 COMMISSIONER SLESNICK: But I have gone on
14 record several times, and lots of discussions,
15 and on television, too, and at various
16 meetings, that I would like to see all of US-1,
17 from Red Road up to Maynada, rezoned, so that
18 all developers or future planners or anybody
19 coming in there would have an option of
20 assembling packages of property, and some
21 already have, for 20,000 or more square feet,
22 which they could do something similar to this.

23 I would rather see the City change the
24 Zoning for all of these properties along there,
25 so that everybody has an equal right. We can

1 go discuss whether this one goes there or not,
 2 but, in your opinion, don't you think we should
 3 really have a study -- we had one, but it was
 4 not well attended, but really give you, the
 5 Planning Department, more time to study this
 6 whole corridor and re-zone it, and come in and
 7 have input, because it takes a long time to
 8 change the Zoning?

9 And City Attorney, if I could ask a
 10 question, in case this goes to a lawsuit, I
 11 don't want to say anything that might not be
 12 appropriate, so you can jump in and interrupt
 13 me.

14 MR. LEEN: Certainly.

15 COMMISSIONER SLESNICK: But I do think --
 16 I've heard this is going to go to Court. I
 17 would just like to change all of the Zoning,
 18 and up the Zoning, and allow different things,
 19 but then stick to it, because it seems to me,
 20 I'm going to be here for three-and-a-half more
 21 years, that we're going to see every project
 22 along US-1 coming in and going through the same
 23 thing.

24 Now, some of the other projects don't have
 25 neighbors behind them, and Wendy's has

1 Commercial, and Riviera Theater has Commercial
 2 behind it, but there are neighbors up where --
 3 near Maynada.

4 So, again, I don't feel it's fair for the
 5 neighbors to have to raise all of the money to
 6 come in and protect their neighborhoods just
 7 because we're changing the Zoning Codes each
 8 time.

9 MR. TRIAS: If I could, what you really
 10 mean, when say, "Change the Zoning," you mean,
 11 change the Land Development Regulations.

12 COMMISSIONER SLESNICK: The land, yes. Yes.

13 MR. TRIAS: Yes. Because sometimes it's
 14 the Land Use and sometimes it's other things.

15 COMMISSIONER SLESNICK: Okay. But we could
 16 change it all -- after this, we could change it
 17 all --

18 MR. TRIAS: Yes. Certainly the Commission
 19 has that option, and that option is superior in
 20 the long-term view of the City, to look at that
 21 whole district, which is what we recommend --

22 MR. LEEN: And to add to that, the nice
 23 thing about the MXD is that it looks at this
 24 project as unique. So it doesn't set a
 25 precedent, if that's what you're concerned

1 about, of having Mid-Rise intensity along the
2 whole corridor. That leaves that question for
3 another day.

4 Because this is going to be treated as a
5 unique parcel, with an MXD designation, and a
6 Site Specific, which it already has a Site
7 Specific, so our Code already treats it
8 uniquely. We're not doing something new, but
9 we're just giving it its own Land Use
10 designation, which is appropriate for a
11 Mixed-Use Development.

12 COMMISSIONER SLESNICK: But if we take off
13 the Site Specific for this whole corridor, for
14 this specific project, which has been in place
15 since 1979, I mean, everyone that comes along
16 could come back to the Commission as a PAD
17 Development?

18 COMMISSIONER KEON: Well --

19 MAYOR CASON: Commissioner Keon, you wanted
20 to --

21 COMMISSIONER KEON: You know, I think --
22 I'm looking at the Land Use Map, our Land Use
23 Map --

24 COMMISSIONER SLESNICK: Yes.

25 COMMISSIONER KEON: -- and I'm sorry we

1 don't have a picture that we can put up there,
2 because the entire corridor along South Dixie
3 Highway, from Maynada -- on US-1, from Maynada,
4 all of the way to the corner of --

5 COMMISSIONER SLESNICK: Red Road.

6 COMMISSIONER KEON: -- until we get to Red
7 Road, is designated as Commercial Low-Rise
8 Intensity now. It is all currently designated
9 as it, the entire corridor.

10 COMMISSIONER SLESNICK: It's Zoned that,
11 but it has --

12 COMMISSIONER KEON: The entire corridor is,
13 except for where the apartments are along South
14 Alhambra. You know, those apartments --

15 COMMISSIONER SLESNICK: Oh, University Inn
16 Apartments.

17 COMMISSIONER KEON: The University Inn,
18 which are Multi-Family Low-Rise. The density
19 is 50 feet. So other than, I mean, it now
20 currently is.

21 The issue, as we come along here is, from
22 Maynada going forward, all of these tracts,
23 other than this Tract A, they're narrow. And
24 what's unique about this tract is, because of
25 the depth of the tract, you have the ability,

1 because of just the floor area, to develop a
 2 little more and a little differently on this
 3 tract than the other tracts.

4 And these tracts, I mean, what they back up
 5 to is a little different, too.

6 Actually, right behind -- on this tract,
 7 the other side of Madrugá, on the corner,
 8 there's -- you know, there's Multi-Family
 9 Duplex and then there is, you know, the other.
 10 Do you see it along that corridor?

11 MR. LEEN: May I add something? Because
 12 you're talking about precedent. The concern, I
 13 could see, from the Commission is, if you move
 14 to -- obviously there was a major concern with
 15 High-Rise Intensity. The Commission made that
 16 clear.

17 If you moved it to Mid-Rise Intensity,
 18 which is the proposal from the residents, from
 19 the RNA, I could see someone coming in and
 20 saying, "Well, why don't we have Mid-Rise, too,
 21 along the corridor?"

22 The benefit -- and, remember, once it's
 23 changed to Mid-Rise, that can be as-of-right up
 24 to 97 feet. The benefit of MXD is that it has
 25 to be an MXD. It has to go through Conditional

1 Use Review. You can place whatever limitations
2 you would like. And it cannot be an
3 as-of-right project.

4 To the extent this is a precedent, and,
5 again, I don't believe it sets any legal
6 precedent, but to the extent it would be, it's
7 a good one, from a legal perspective, because
8 it gives as much discretion to the Commission
9 as possible to put any limitations that the
10 neighborhood would like you to do.

11 COMMISSIONER SLESNICK: So under MXD -- go
12 ahead.

13 COMMISSIONER KEON: Yeah. Could you
14 just -- what does MXD mean?

15 MR. LEEN: MXD is a Mixed-Use Development,
16 which requires more than simply one use, like
17 an office building. And the Planning Director
18 would be better to talk about that.

19 COMMISSIONER KEON: You now, for the
20 public. The public has asked me if we would
21 explain what those things mean.

22 MR. TRIAS: Yeah. And for the public's
23 benefit and for the context, I will always say
24 that in the 1970s, when the Site Specifics were
25 discussed, that option of the MXD was not

1 there. I mean, that's an option that we have
2 now, because the Comp Plan was revised with
3 additional tools.

4 So, perhaps, at that time, that would have
5 been a better option, if you had it available.
6 So all I'm saying is, things change through
7 time. The Comp Plan is very good. It has
8 great content. And that is one of the tools
9 that you have, should you choose to regulate
10 high density and intensity and use and the
11 Mixed-Use more precisely.

12 COMMISSIONER LAGO: Ramon, just a simple
13 question. Do you recommend adding a Site
14 Specific standard of forty percent open spaces
15 to this piece, to the Paseo piece, to set a
16 precedent?

17 MR. TRIAS: Yes.

18 COMMISSIONER LAGO: Okay.

19 COMMISSIONER SLESNICK: Would that mean
20 that other developments, say, where the Riviera
21 Theater is, if they don't have enough open
22 space, because Wendy's does have space to go up
23 to 16 stories, perhaps, if you have the parking
24 in there, and the Riviera Theater, just because
25 it doesn't have a deep setback --

1 MR. TRIAS: If the Commission changes the
2 Land Use. If the Commission chooses to change
3 the Land Use, that's possible, yes.

4 COMMISSIONER SLESNICK: I'm just wanting to
5 ensure that we don't -- and we have massive
6 development coming -- maybe that's the wrong
7 term, not massive development, but we have a
8 lot of the parcels that have been sold or
9 they're accumulating along in this stretch, how
10 we can protect, while still giving the people
11 private property rights, how we can protect
12 this going up.

13 You're saying Alternative 1 here is better
14 than Alternative 2, because Alternative 2 is
15 Mixed-Use, so we would --

16 MR. TRIAS: Alternative 2 is Mid-Rise.

17 COMMISSIONER SLESNICK: Mid-Rise, okay.
18 And Alternative 1 is?

19 MR. TRIAS: It's Mixed-Use.

20 COMMISSIONER SLESNICK: Mixed-Use. So it's
21 better to go with the Mixed-Use.

22 MR. TRIAS: And better for the City. It
23 does have more control for the City.

24 MAYOR CASON: And, also, the Mixed-Use
25 generally results in fewer cars. For example,

1 if you had parking and everything else, if you
 2 had an office building, where people drive in
 3 every day and they leave, you're going to have
 4 a lot more cars than if you had Mixed-Use,
 5 which was the reason for shared parking, it's
 6 the less.

7 MR. TRIAS: Yes.

8 COMMISSIONER SLESNICK: Like the Gables
 9 Tower.

10 MR. TRIAS That's factual. That certainly
 11 is true.

12 COMMISSIONER SLESNICK: I mean, the Gables
 13 Tower is a prime example. People come there in
 14 the morning and leave, and then it's hopefully
 15 dark at night.

16 Back to the MX, under that program, this
 17 could be -- the City can set any stories that
 18 they want?

19 MR. TRIAS: Yes.

20 COMMISSIONER SLESNICK: Okay. Down the
 21 line, for anything along US-1?

22 MR. TRIAS: Not anything.

23 COMMISSIONER SLESNICK: Well, I mean, if it
 24 was changed to Mixed-Use. I'm just talking
 25 about all of the other projects coming online.

1 the neighborhood, and also the Commission, to
2 look at every project individually.

3 MAYOR CASON: Do you want to ask your
4 parking question now?

5 VICE MAYOR QUESADA: Oh, yeah, if it's okay
6 with you.

7 MAYOR CASON: Okay. And then we'll go to
8 the Applicant and then to --

9 MR. TRIAS: I still have conditional -- I'm
10 not finished.

11 MAYOR CASON: Oh, you've got some more?
12 Okay. Sorry. Park yourself again.

13 MR. TRIAS: Put up the PowerPoint. Thank
14 you.

15 So having said all of that, that's just the
16 Land Use discussion, which is what allows you
17 to say, yes, should you choose to say, yes.

18 Now, if you choose to say, yes, there are
19 many conditions that are attached to this
20 project, that have been prepared by Staff, and
21 discussed with the Applicant. And, as I
22 understand it, the Applicant has accepted the
23 conditions. And if they have some minor
24 tweaking, they will do that today.

25 Now, I think that if you choose to go this

1 lighting that is --

2 MAYOR CASON: More on parking. One thing
3 that I haven't heard discussed is the
4 possibility of putting permit parking in the
5 neighborhoods, if the neighbors want it, as a
6 way to --

7 MR. TRIAS: That's another option you have.
8 Yes, absolutely.

9 COMMISSIONER LAGO: Ramon, let me ask you a
10 quick question. In reference to the traffic
11 study that you're mentioning, is that going to
12 be done on a yearly basis? And how many years
13 will that concurrently succeed? Will be it be
14 five, three years?

15 MR. TRIAS: Yeah. It's up to you. And I
16 have some conditions --

17 COMMISSIONER LAGO: What is Planning
18 recommending?

19 MR. TRIAS: Let me check. If you don't
20 mind, can I get to that point in the
21 presentation, so it's easier to me?

22 COMMISSIONER LAGO: Of course.

23 MR. TRIAS: I'm just trying to make it
24 clear.

25 COMMISSIONER LAGO: Yeah. Yeah. Of

1 Then there should be a Valet Operations
 2 Plan, a Taxi Management Plan, because there's a
 3 hotel, that we expect that there's going to be
 4 a lot of activity going on, in and out, so that
 5 has to be managed and properly predicted.

6 And, then, that all of the public spaces,
 7 all of the spaces that have been proffered,
 8 that forty percent, which is about the right
 9 size, that forty percent is open to the public.
 10 So that will be another Condition of Approval.

11 As far as what Commissioner Lago was asking
 12 about, we are proposing that in order to
 13 protect the neighbors from traffic, which,
 14 again, is a big issue, and I've heard it time
 15 and time again from the community, there's a
 16 Neighborhood Traffic Calming Plan, which is the
 17 design aspect of the options that we have.

18 There are some options that deal with the
 19 way that streets and intersections, which I
 20 mentioned before, and then there's the traffic
 21 monitoring plan, which Commissioner Lago was
 22 asking about.

23 And what we have is that for a period of
 24 five years, commencing six months from the
 25 issuance of the first Certificate of Occupancy,

1 detail, if you decide that the project should
2 be approved.

3 There are some sustainability issues
4 discussed many times with the Commission, and
5 Commissioner Lago has always asked for the LEED
6 certification, and many of you have also
7 requested that, and that's one of the
8 conditions.

9 There are bicycle and pedestrian facilities
10 that are detailed in the Site Plan. There are
11 car sharing facilities, which, also, I think,
12 continue to implement the Mixed-Use ideas and
13 the fact that this project is close to the
14 Tri-rail and Metrorail.

15 MAYOR CASON: And one other thing we
16 discussed yesterday at the University of Miami
17 is that construction has now started and will
18 be finished by June on the bridge over Route 1,
19 where we conceded part of our right-of-way. So
20 the ability to get over, which is what impedes
21 a lot of people from even wanting to try now,
22 by June will be done.

23 MR. TRIAS: And that is a significant
24 component of the shared parking idea, the fact
25 that it's a direct pedestrian access to

1 Metrorail, and that's not even considered in
 2 their study. Their study is very conservative.
 3 So the reality is that the shared parking
 4 concept could be even expanded within the
 5 normal ideas of design and planning, if they
 6 choose to go there.

7 So they're taking a very conservative
 8 approach, and I think that the pedestrian
 9 bridge makes it even easier.

10 Now, in addition, we have recommended
 11 electric car charging stations at the parking
 12 garage, and, again, if you make the decision to
 13 go forward, we can discuss the conditions in
 14 more detail.

15 Thank you very much, and that's the end of
 16 my presentation.

17 MAYOR CASON: Kevin.

18 COMMISSIONER KEON: I'm sorry, is there a
 19 provision to burry the powerlines behind this
 20 project?

21 MR. TRIAS: That's a typical condition of
 22 projects like this.

23 COMMISSIONER SLESNICK: What did you ask?

24 COMMISSIONER KEON: To burry the powerlines
 25 on Madruga, so that we can take them out of the

1 middle of the sidewalk and have sidewalks that
2 are walkable.

3 MR. TRIAS: Yes.

4 COMMISSIONER KEON: Thank you.

5 COMMISSIONER LAGO: How are you, Kevin?

6 MR. KINNEY: Good morning.

7 VICE MAYOR QUESADA: Good morning, Mr.
8 Kinney. Quick question for you.

9 You know, whether we approve this or not,
10 whether some iteration of this comes out or
11 not, I just had a general question for you for
12 residential parking permits.

13 If I look at the shared parking, in Ramon's
14 presentation -- and, Ramon, thank you so much
15 for you and your team. I know we've asked a
16 lot of you for two days' worth of work. So
17 thank you.

18 MR. TRIAS: And I thank you, because I want
19 to thank my team. I forgot to do that.
20 Because in addition to Kevin's great help, we
21 had Miguel McClaucon, who is sitting here,
22 working very hard for two days. And, of
23 course, Jill Menendez, my Administrative
24 Assistant, who helped us immensely. So thank
25 you.

Bailey & Sanchez Court Reporting, Inc.

Σ ΕΠΙΧΕΙΡΗΣΙΑΚΗ ΛΟΓΙΣΤΙΚΗ Σ.Ε. ΛΟΓΙΣΤΙΚΟ ΚΑΤΑΣΤΑΣΗ
ΣΕΠΤΕΜΒΡΙΟΣ 2023

1 VICE MAYOR QUESADA: Thank you so much.

2 So, Kevin, I wanted to ask you, you are our
3 internal parking expert. You know, whether we
4 approve this or not, I guess I want you to tell
5 me a little bit about residential parking
6 restrictions in certain neighborhoods, because
7 I'm looking at the shared parking aspect of
8 this, and let's say, you know, hypothetically,
9 we all reach a number that everyone's happy
10 with on the project here, I just want to make
11 sure -- and I'm looking at the peak hours and
12 I'm looking at the totals, and I'm looking at
13 the proposed shared parking calculation, and my
14 fear is, always, because we've seen it on --
15 not that this is a comparable neighborhood, but
16 we have to -- us, as Elected Officials, we have
17 to anticipate it's going to be comparable, you
18 know, we've had some issues along Eight Street
19 with parking and people going into the
20 neighborhoods.

21 And we have had some issues with the
22 University of Miami, with students or faculty
23 or visitors to the campus, who will park in the
24 residential neighborhoods.

25 I believe, in some of those locations, we

1 have residential parking restrictions.

2 MR. KINNEY: Some, yes.

3 VICE MAYOR QUESADA: I know, of us on the
4 dais there, the one who lives the closest is
5 Commissioner Lago. Does your neighborhood have
6 a residential parking restriction at all?

7 COMMISSIONER LAGO: Yes.

8 VICE MAYOR QUESADA: It does? Do you ever
9 have any issues with visitors parking in your
10 neighborhood?

11 COMMISSIONER LAGO: I'm going to give you
12 an honest answer in regards to that. I mean,
13 before I got elected, my understanding is that
14 there were significant problems in reference to
15 UM students parking on the swales and even
16 parking in some of individual homes as they
17 left for work.

18 I mean, I'll be honest with you, I probably
19 haven't received a phone call in over a year in
20 reference to that being an issue, but that has
21 to do a lot with the City's management --

22 MR. KINNEY: That's actually a couple of
23 different --

24 VICE MAYOR QUESADA: So how effective is
25 it?

1 COMMISSIONER LAGO: UM has also restricted
2 freshmen driving.

3 MR. KINNEY: Yes. Yes.

4 MAYOR CASON: We heard yesterday, in the
5 last four or five years, they've reduced
6 traffic 37 percent, I think it was. So what
7 they've done internally by prohibiting freshmen
8 from having cars and the Hurry 'Cane and all of
9 the little vehicles and go karts, it's reduced
10 traffic tremendously, such that --

11 COMMISSIONER KEON: 37 percent.

12 VICE MAYOR QUESADA: Well, let me just stop
13 you for a second. Okay. But that's a little
14 bit different from what we're talking about
15 here.

16 MR. KINNEY: It's also the regulations.

17 VICE MAYOR QUESADA: I don't think there
18 are going to be too many UM students parking on
19 that side of the street and going to campus. I
20 don't think that's logical. I think what's
21 more likely is, maybe a lot of people on a week
22 night or on a weekend, going to the restaurant,
23 or visitors to the building.

24 You know, we talked about the parking quite
25 a bit, and we always pull you into these

1 conversations. You know, we have some
2 buildings that are overparked. There's too
3 many parking spaces. No matter what, there's
4 always a hundred spaces available.

5 MR. KINNEY: Yes.

6 VICE MAYOR QUESADA: And we have other
7 buildings that there's not enough parking. So
8 it's always very difficult for us to judge
9 where the sweet spot is, you know, where is it
10 that it's never going to overflow, there's
11 always going to be ten or fifteen spaces
12 available, even on the Black Friday scenario.

13 So my biggest concern, again, whether this
14 gets approved or not, I really want to talk to
15 you about, in this area, do they currently have
16 issues with the Holiday Inn, if you're aware
17 of, of maybe visitors parking in the
18 residential neighborhood? I know they have a
19 big parking lot. So is there any kind of
20 overflow there? And what has the effectiveness
21 been of the residential parking permits?

22 MR. KINNEY: Okay. I'll approach this in a
23 couple of different ways. First, just on the
24 Residential Parking Zones, in those
25 neighborhoods where we have installed them, I

1 would say, they are very successful.

2 Right now, it happens one of two ways,
3 either the neighborhood approaches me and asks
4 me to take a look at their neighborhood and see
5 if there's intrusion, traffic that's coming
6 from outside. And, then, if half the people in
7 that neighborhood or on that street ask for a
8 Residential Zone, they get it.

9 The other way is in this process, in the
10 development process. If there's a problem that
11 we foresee, we've actually required that the
12 Residential Zone be established as part of the
13 development process.

14 And the most recent one would be the
15 Bacardi Building, across Le Jeune, that
16 neighborhood. That Residential Zone was
17 required as part of the development process.

18 VICE MAYOR QUESADA: And has it been
19 effective in keeping those vehicles out?

20 MR. KINNEY: Yes.

21 VICE MAYOR QUESADA: How do you measure
22 that? Do you have metrics that you keep?

23 MR. KINNEY: Phone calls. It's based on
24 how many citations.

25 COMMISSIONER KEON: Letters, e-mails.

1 MAYOR CASON: All of the normal ways.

2 MR. KINNEY: Well, the first way we hear it
3 is phone calls.

4 VICE MAYOR QUESADA: Okay.

5 MR. KINNEY: But if we're not issuing
6 citations, and we do patrol the Residential
7 Zones -- I mean, it's not every hour, like we
8 do in commercial areas, but we do patrol. So
9 if there are citations being issued, we do find
10 out about it.

11 VICE MAYOR QUESADA: And the citations do
12 change the behavior?

13 MR. KINNEY: Yes.

14 VICE MAYOR QUESADA: Okay.

15 COMMISSIONER SLESNICK: And how many signs
16 do you have to put up, per block, for no
17 parking?

18 MR. KINNEY: For the long block phases,
19 which are 600 feet, usually three signs.

20 COMMISSIONER SLESNICK: Three signs?

21 MR. KINNEY: One at each end, and one in
22 the middle.

23 COMMISSIONER SLESNICK: On each side?

24 MR. KINNEY: Yes.

25 COMMISSIONER SLESNICK: So you have to put

1 up six signs per block?

2 MR. KINNEY: But I will say, with the new
3 regime, I am now putting up decorative signs.

4 COMMISSIONER SLESNICK: Thank you.

5 MR. KINNEY: They look like -- if you've
6 seen the sign in front of the Merrick House,
7 they look like that sign.

8 COMMISSIONER SLESNICK: But that is an
9 intrusion of signs. So you're suggesting that
10 if this goes through, that the Developer -- I
11 mean, that it is a requirement of the Developer
12 to have the signs in the neighborhood,
13 residential parking only?

14 MR. KINNEY: You've required that in the
15 past. Even if that was not required, if, after
16 the fact, the neighborhood came and petitioned
17 me for a Residential Zone, if there was
18 intrusion happening, they would get it.

19 MAYOR CASON: And it could also be a part
20 of the five-year review. If ten percent comes
21 up, you could -- that can be one of the
22 mitigation.

23 MR. KINNEY: Yes.

24 COMMISSIONER SLESNICK: I had also asked at
25 one of the other Commission meetings, just like

1 you have on, I believe it's Sevilla, where you
 2 can only enter Le Jeune Road, you can't -- from
 3 Sevilla, where you changed the pass by allowing
 4 only an exit into Le Jeune Road, would you
 5 suggest that down there on Hardee Road, so that
 6 the traffic doesn't go on Caballero and down
 7 Hardee?

8 I'm just saying, that's a major end street.

9 MR. KINNEY: I think, in that area, it's a
 10 bigger question, and Public Work -- and there's
 11 a lot of people that have to weigh in on that.

12 COMMISSIONER SLESNICK: Because over on the
 13 street that's just east of where the passover
 14 is going, when we've taken that one lane of the
 15 street there -- what street is that? Somebody?

16 COMMISSIONER KEON: Mariposa. At Mariposa.

17 COMMISSIONER SLESNICK: Mariposa, yes.

18 COMMISSIONER KEON: On Mariposa.

19 COMMISSIONER SLESNICK: On Mariposa,
 20 already -- I've gone down there several times,
 21 and the traffic coming into US-1 is blocked up
 22 so much, because there's no turning lane now,
 23 because of the construction. So that's going
 24 to continue. So if trucks come into the
 25 development, they're going to have to come in

1 on Mariposa or Maynada and work their way over
2 or come in from Caballero and go behind.

3 MR. KINNEY: We haven't even started
4 talking about the staging plan.

5 COMMISSIONER SLESNICK: The traffic. But
6 if the neighbors wanted it -- I'm just
7 concerned about the neighborhoods -- could we
8 have one way there on Caballero, so that
9 traffic doesn't go into the neighborhood? I
10 mean, if the neighbors want to be restricted,
11 as far as traffic.

12 MR. KINNEY: I think that's a bigger
13 question than what I can answer right now.

14 MAYOR CASON: It would seem to me that
15 since there's going to be an obligation, if
16 traffic goes up more than ten percent, to find
17 a solution, there's a whole range of things
18 that can be done as the solution.

19 I mean, if it turns out that the only thing
20 you could do is make it one way, and the
21 neighborhood agrees, you could do it. So, I
22 mean --

23 MR. KINNEY: Yeah, I think it's one of the
24 things that will be on the table.

25 MAYOR CASON: Yeah.

1 COMMISSIONER SLESNICK: Back, one more
 2 thing, to the parking. I get a lot of e-mails
 3 from people that live on North and South
 4 Greenway Drives, because of the four-way stop
 5 over in Alhambra, and because Coral Way is
 6 bogged down all of the time -- the traffic
 7 between 4:00 and 6:00, I can hardly get out of
 8 City Hall, because of the traffic -- I love the
 9 traffic circles, and it expedites the flow, but
 10 it's backed up from Granada, up Coral Way, back
 11 to City Hall, that you can't get your cars out.

12 MR. KINNEY: Yes.

13 COMMISSIONER SLESNICK: And we've all
 14 experienced it, getting out of the City Hall
 15 parking lot.

16 They wanted to make North or South
 17 Greenways one way, so it would slow down
 18 traffic.

19 Down on Sunset, I get a lot of letters
 20 about the Riviera Health Facility down there,
 21 when that was built. There's not enough
 22 employee parking. So all along Sunset, every
 23 day -- and there aren't a lot of Single-Family
 24 homes there, but along Sunset, there's a
 25 massive parking lot on Sunset.

1 MR. KINNEY: At the Presbyterian Church.

2 COMMISSIONER SLESNICK: At the Presbyterian
3 Church. Even though we have a public parking
4 lot there, people don't use it. They park on
5 the swale.

6 MR. KINNEY: That, actually, is a sold out
7 parking lot. Most of the people that buy those
8 spaces are at the Riviera Day School.

9 COMMISSIONER SLESNICK: When that building
10 was done, there just was not enough parking
11 required for that location for employees.

12 MR. KINNEY: What we have negotiated with
13 them is, they now purchase from Sunset Place,
14 I'm going to get the number wrong, but it's
15 somewhere around 80 parking space.

16 COMMISSIONER SLESNICK: 80 parking spaces,
17 but still full every day.

18 MR. KINNEY: Yes, and there are some
19 regulatory things that are being worked on, on
20 Sunset, to try and get some of their employees
21 off of the street.

22 COMMISSIONER SLESNICK: But for Vice Mayor
23 Quesada's question, I'm really concerned about
24 parking. Right now, again, when I've been
25 driving in the neighborhood, just to get an

1 idea of the impact the neighbors would have,
 2 and I see people parking in the Jaycee Park
 3 spots and walking over to the Gables One Tower.

4 MR. KINNEY: That should not be happening.

5 COMMISSIONER SLESNICK: They have been
 6 ticketed, but -- you can't speak, but I'm just
 7 saying --

8 MR. KINNEY: No, I'm more than happy to
 9 write tickets.

10 COMMISSIONER SLESNICK: All right. All
 11 right.

12 MR. KINNEY: We're more than happy to go
 13 down there and write tickets.

14 COMMISSIONER SLESNICK: I mean, you don't
 15 have to be a resident to use Jaycee Park. So I
 16 want to ensure that we have --

17 MR. KINNEY: There's a two-hour limit.

18 COMMISSIONER KEON: There's a two-hour
 19 parking limit.

20 COMMISSIONER SLESNICK: Okay.

21 COMMISSIONER KEON: I think that's also a
 22 problem with people that have handicap. We
 23 have a lot of people that have handicap parking
 24 emblems or decals hanging from their cars,
 25 that, you know, it's questionable that they're

1 handicapped.

2 But I think -- isn't that, also, a two-hour
3 parking limit, with a handicap?

4 COMMISSIONER SLESNICK: Or four.

5 MR. KINNEY: Four.

6 COMMISSIONER KEON: A four-hour parking
7 limit. So somebody can't go into a spot all
8 day long and park there, like at the Riviera
9 Health Rehab Facility, either, which is
10 surrounded by handicap parking. They're only
11 allowed to park there for four hours. And you
12 really need to mark -- we need to mark the tire
13 and we need to strictly enforce handicap
14 parking.

15 MR. KINNEY: The only unfortunate, when you
16 have the Riviera Day Center, is that there are
17 some spaces in that area that are free, that
18 there's no restrictions on. And that's some of
19 the changes that we're making.

20 COMMISSIONER KEON: We're making those
21 changes. There is a tremendous abuse of
22 handicap stickers.

23 MR. KINNEY: I would just try and answer
24 Commissioner Quesada's second part of that,
25 about the sweet spot. In this case, the shared

1 parking analysis is really just based on this
2 project.

3 As some of the things that Ramon mentioned,
4 in addition -- so I feel very comfortable with
5 the shared parking analysis, and it being
6 conservative. But we're actually pushing to
7 dissuade automobile traffic even further in
8 this project. When they're required to come to
9 me and get an Employee Parking Plan approved,
10 that could include a lot of things, such as
11 free transit for employees. I mean, there's a
12 lot of things in this plan. The Valet Parking
13 Plan, that has to be approved.

14 So there's a lot of things, that they're
15 required to come in and get plans approved,
16 where we're going to be able to push aggressive
17 programs, like car sharing, that will reduce
18 the amount of vehicle traffic that has to come
19 from outside the City to this spot.

20 MAYOR CASON: You know, I would like to
21 ask, when the Applicant speaks, to talk about
22 who they anticipate will use the hotel and the
23 apartments, because my feeling is, with the
24 construction across the way of UM's Medical
25 Facility, a lot of the people who are going to

1 be there are going to come in -- it will be
2 people who are going to have medical
3 procedures, that are going to come in on an
4 Uber or a taxi, and stay at the hotel.

5 You're going to have professors. You're
6 probably going to have, you know, a lot of
7 people, who are going to walk across the
8 street, who won't necessarily need cars,
9 because people are going to come in from all
10 over the place to get medical, and it might be
11 International, as well.

12 So I'd ask to address what they anticipate
13 the market will be for that.

14 Any other questions on parking?

15 COMMISSIONER SLESNICK: Mr. Kinney, and,
16 again, this was done yesterday, I think the
17 developer said that they were going to take off
18 one level of apartments, one floor.

19 MR. KINNEY: I didn't look at that part.

20 COMMISSIONER SLESNICK: Okay.

21 MR. KINNEY: I just looked at the parking.

22 COMMISSIONER SLESNICK: But did you do the
23 relationship -- I mean, if they take off one
24 level of the apartments, then they shouldn't
25 have to have as many parking spaces.

1 COMMISSIONER SLESNICK: I can see that,
2 but, I mean, should we -- I mean, it changes.
3 So since the hotel is coming down, and the
4 apartment building is coming down one level of
5 apartments --

6 MR. TRIAS: Well, one level of the parking
7 garage. The apartments remain the same, the
8 same number.

9 COMMISSIONER SLESNICK: No. I thought I
10 heard yesterday they were taking out one level
11 of apartments.

12 MR. TRIAS: Well, the Applicant could
13 explain that more directly.

14 COMMISSIONER SLESNICK: Okay.

15 MAYOR CASON: All right. Any other
16 questions? We'll ask, then, the Applicant to
17 come up.

18 MR. LEEN: I'd just like to remind the
19 parties, anyone who is speaking, and my
20 understanding is, the architect is going to
21 speak, and, also, the planner for you -- no?
22 Okay. You remain under oath. This is a
23 continued hearing. Just remember that.

24 MR. BASS: Mr. Mayor, Members of the
25 Commission, good morning once again.

1 Jeffrey Bass is my name. 46 S.W. First
2 Street is my address. We've been at this a
3 long time, so I think the most efficient use of
4 my time right now would be to have
5 Mr. Hernandez walk you through the design that
6 emerged from our late night design study the
7 other night, following into the other day, and
8 so that he could highlight for you the changes,
9 and answer these development program questions.
10 And then I'd just like to reserve a few minutes
11 to wrap it all up.

12 Before I do ask Mr. Hernandez to step up,
13 I'd like to thank the Commission, in
14 particular, Commissioner Lago, for driving this
15 discussion about the floor to floor slab
16 heights on the hotel, to have us have the
17 ability to take a look at how we could be
18 honest to our program, and at the same time,
19 address your concerns, by addressing height,
20 while still bringing forward the essential
21 vital design aspects and public realm
22 improvements.

23 And I'd like to emphasize that
24 notwithstanding the five revisions that we've
25 done with respect to the height, during those

1 (B) The quality of life issues, like the
 2 Mixed-Use, which we've heard a little bit about
 3 this morning, and (C) The aesthetics, the
 4 beauty of the project.

5 It has, I must say, warmed my heart, that
 6 everyone that has spoken on the project, and I
 7 thank the neighbors for this, has recognized
 8 the quality of the design. And that's what I'm
 9 trying to protect, most of all, because we live
 10 in a beautiful City we all love. We may have
 11 differences of opinions about which way it
 12 should inflect, but there's no question about
 13 our commitment to this City and why we love it.

14 And I think the protection of aesthetics
 15 and the beauty of the City, from greening to
 16 architecture, is one of the reasons we choose
 17 to live here, if we can afford it.

18 And so I see that as a heavy burden on my
 19 shoulders, to care for, look for, and protect
 20 the quality of the beauty of this design. And
 21 so I'll explain to you, in a little bit, how it
 22 is that I've done that. But these boards are
 23 just sort of reminders of that.

24 So we have been here, aside from the fact,
 25 which you've heard before, but I think it

1 merits repetition, that, you know, we've had
 2 numerous meetings with the neighborhood and
 3 continuous dialog with the neighborhood. In
 4 some cases, we've been able to have a meeting
 5 of the minds with some neighbors. In other
 6 cases, there's still a little bit of a distance
 7 or a great distance or what have you, but
 8 certainly this has been a process where you
 9 have engaged us to be, again, collaborative,
 10 but also engage in compromise, and so has our
 11 discussions with the neighbors.

12 And as of Tuesday night, we came up with
 13 these two alternatives, which you have before
 14 you. And I'm happy, in answering a question,
 15 to pull out elevations, which you saw from
 16 Mr. Trias' presentation, or typical floorplans,
 17 but the gist of the solution relies on this
 18 section of the building. So I'm going to
 19 really focus on this section of the building.

20 On your left is Alternative A, which
 21 Mr. Trias already presented, but I will
 22 reiterate. It has 122 feet of height on US-1,
 23 and then it steps down for 10 feet. And that
 24 10-foot step down occurs 125 feet back from
 25 US-1.

1 It then continues, at that step back height
2 of 110 or 112 feet, until it gets to about 62
3 feet 5 inches from the Madruga property line.
4 And, at that point, it steps down to the 46
5 feet. That's Alternative 1, which I think is
6 what everybody has called it so far.

7 COMMISSIONER KEON: A.

8 MR. HERNANDEZ: That's Alternative 1, which
9 has the stepping down from 122, on US-1, to
10 then 112, for the remainder of the apartment
11 building, to the finally 46 for the top, the
12 parking plinth, which is where the pool is, and
13 then you have the Madruga property line.

14 Alternative 2 starts at the 112 on US-1,
15 and remains at that height all of the way until
16 it comes down to the top of the parking plinth,
17 and that setback is shorter, as you see, from
18 Alternative 1. It's about 22 feet from the
19 Madruga property line.

20 MAYOR CASON: And you give up the pool on
21 Option 2?

22 MR. HERNANDEZ: The pool would be brought
23 into the courtyard.

24 MAYOR CASON: Okay.

25 MR. HERNANDEZ: So, in a sense, it screens

1 the pool. It's more internalized.

2 In Option 1, the pool is at the deck to the
3 south. In Option 2, the pool is in the
4 courtyard. That's the main option (sic).

5 And, Commissioner Slesnick, in response to
6 your question, the variation of the mass,
7 Alternative 1 and Alternative 2, is how we've
8 been able to take the floor of apartments off
9 without losing units. We haven't lost units.
10 These are the same units, but we sculpt the
11 mass differently, so that we can take the
12 additional height off. That's the answer to
13 the -- you were asking units, vis-a-vis,
14 parking, the reduction in the parking floor.

15 So what we have done lately is gone -- when
16 we've eliminated one floor of parking -- we did
17 this on Tuesday night, we eliminated one floor
18 of parking, we eliminated one floor of
19 apartments, and now we are resculpting that
20 floor of apartments to eliminate another floor,
21 whether it's 122 to 112 or whether it's the 112
22 straight across.

23 So it's really the sculpting of the clay,
24 let's say, that produces those height
25 differences.

Bailey & Sanchez Court Reporting, Inc.

אנו מציעים לך שירותי כתיבה ודקלום של תוכן המשפט
באמצעות טכניקות מתקדמות של כתיבה ודקלום.

1 COMMISSIONER SLESNICK: Does this mean
2 you're having more units per floor?

3 MR. HERNANDEZ: Yes. In some cases, yes.

4 COMMISSIONER SLESNICK: Smaller units,
5 instead of --

6 MR. HERNANDEZ: No, not necessarily. The
7 unit mix is the same, because that's important,
8 to offer the market. The mix is the same. We
9 have floor -- when the building is more
10 compressed and taller, we have fewer units.
11 When it's lower and longer, we have more units
12 per floor. But the total summation, mix and
13 number of units, is the same.

14 COMMISSIONER SLESNICK: And the mix of the
15 units, along with the number of parking spaces
16 required for that, is the same?

17 MR. HERNANDEZ: That's correct.

18 COMMISSIONER SLESNICK: You're not taking
19 out parking spaces?

20 MR. HERNANDEZ: That's correct.

21 COMMISSIONER SLESNICK: I mean, you're
22 taking out units and parking spaces, but it's
23 all as required?

24 MR. HERNANDEZ: It's all blended and
25 coordinated, yes, with the proviso of the

Bailey & Sanchez Court Reporting, Inc.

אשרי אלוהים יתברך ויחיה וימלא כל הארץ כבודו
אשרי אלוהים יתברך ויחיה וימלא כל הארץ כבודו

1 shared parking, which we heard about earlier.

2 Yes.

3 MAYOR CASON: From your perspective, are
4 these equal? I mean, you don't care which one?
5 Or do you have a preference for 1 or 2?

6 MR. HERNANDEZ: Quite frankly,
7 personally --

8 MAYOR CASON: No, I mean, as the Applicant.
9 Well, let's do it both ways, as the architect
10 and then as the Applicant.

11 MR. HERNANDEZ: I can answer as the
12 architect, and then the Applicant can answer.

13 MAYOR CASON: The Applicant can answer in
14 their whatever --

15 MR. HERNANDEZ: I say that, because of the
16 discussions we've had on aesthetics. That's
17 why I say, for me. Aesthetically, this is not
18 about planning issues or anything like that,
19 aesthetically, I don't think, aesthetically,
20 that the 10-foot set down is a strong enough
21 gesture.

22 So, aesthetically, when you have a step,
23 you want to read the gesture. So the profile
24 of this step is certainly legible, but the
25 profile of that step is barely legible.

Bailey & Sanchez Court Reporting, Inc.

303 4400 1st Street, Suite 100, San Francisco, CA 94103
415-774-8888

1 Now, is that good or bad? No. But you
2 asked me, professionally, as an architect.
3 Aesthetically, I don't think the 10-foot step
4 back is legible, while I think the 112 feet on
5 US-1 is certainly legible. That's my
6 professional opinion. But I would be proud of
7 either of the two designs.

8 COMMISSIONER KEON: Can you tell me, on the
9 first design, where you go to 122 feet, and
10 then how far do you come back before you step
11 down?

12 MR. HERNANDEZ: Yes. 125.

13 COMMISSIONER KEON: 125.

14 How many apartments -- if you took that out
15 altogether, how many units would you lose?

16 MR. HERNANDEZ: Can I answer that? Can I
17 continue the presentation and then I can
18 answer, because I don't have that committed by
19 heart.

20 COMMISSIONER KEON: Yes. Okay. Thank you.

21 MAYOR CASON: Either way, it would seem to
22 me, on US-1, people are going to be driving in
23 their cars. I'm not sure they're going to be
24 looking up at, you know, how high. I mean, I
25 think it's less relevant there. I mean, if it

1 was a mass, if it was a canyon, which obviously
2 it's not. And in the back, you showed us
3 before that you were not going to be able to
4 see it, at any rate, from the trees, and it's
5 very far away --

6 MR. HERNANDEZ: Yes. It is impossible to
7 see this height on US-1, even at 125 feet back
8 from the neighborhood. It's impossible. It's
9 physically impossible.

10 If I had the trusted marker, I could draw
11 the line. I mean, I can draw it with this pen.

12 It's impossible to see that, which is the
13 122. There's a little guide drawn here in the
14 section.

15 Yeah. Yeah. Yeah.

16 So I'm told, for the record, since you
17 asked, the Applicant prefers Number 2.

18 MAYOR CASON: Number 2.

19 MR. HERNANDEZ: Yeah.

20 Lastly, to talk just very briefly about the
21 hotel, we did take the hotel down -- just to
22 reiterate, the height of the apartment building
23 has come down now five times. We started at
24 153, then 142, then 145, then 122, and now
25 we're at 112 -- blends or mixes of 112, okay.

1 The height of the hotel has come down from
 2 142 to 135 to 126. There was a discussion, by
 3 Mr. Trias, as, can we go a little lower? We've
 4 already cut height on the first and second
 5 level of the hotel. And if you -- now talking,
 6 again, about aesthetics and quality of design,
 7 if you look at the arcades, the thousand liner
 8 feet of arcades that surround the public realm,
 9 if you pull that floor one or two down any
 10 lower, it will squash the proportions of those
 11 arcades. They start to get a little fat and
 12 inert, rather than upright and elegant.

13 So that's why I'm holding that line where
 14 it is, and we can deliver the hotel at 126.
 15 Also, we've already taken the height of the
 16 social floor, which are the public rooms of the
 17 hotel, and brought them down to 11 feet. For a
 18 large room, let's say, this size, for people to
 19 gather, if you do an eight-and-a-half or
 20 nine-foot ceiling, it's not a quality
 21 development. We don't want to do this, from
 22 the get-go, and start with a development that
 23 everybody is not proud of, and particularly the
 24 City.

25 MAYOR CASON: As we were discussing -- what

1 was it -- the Collection Residences, we had the
2 discussion over the importance of having higher
3 ceilings, because it's more elegant and you
4 don't feel confined. I would assume -- I don't
5 know how tall the rooms are in the current
6 hotel, but they're probably very confining,
7 sort of like a Motel 8 kind of.

8 COMMISSIONER LAGO: What is the national
9 standard in regards to hotels of this
10 magnitude?

11 MR. HERNANDEZ: For a flagship hotel, and
12 we can't disclose the name, but we are
13 conversing with a flagship hotel operator,
14 we're at that number, the 11 floor to floor.
15 We're at that number.

16 COMMISSIONER SLESNICK: What is it? How
17 high?

18 MR. HERNANDEZ: 11 floor to floor.

19 COMMISSIONER SLESNICK: 11.

20 MR. HERNANDEZ: Floor to floor, not floor
21 to ceiling. Floor to floor. So it means the
22 ceiling height is --

23 COMMISSIONER SLESNICK: Nine feet high?

24 MR. HERNANDEZ: Nine, nine and a half feet
25 in height.

1 MAYOR CASON: So that's what the potential
2 hotel chain would want?

3 MR. HERNANDEZ: Wants.

4 MAYOR CASON: Is that standard? That's
5 standard?

6 MR. HERNANDEZ: Yes. The discussion on
7 height and elegance in interiors is very easy
8 to have in this room. This room is 20 feet
9 tall.

10 COMMISSIONER SLESNICK: This room?

11 MR. HERNANDEZ: This room.

12 COMMISSIONER SLESNICK: And on the
13 conferences on the second floor?

14 MR. HERNANDEZ: We're now at 12 feet. So
15 if you remove 8 feet from this room, that's
16 where we're at.

17 COMMISSIONER SLESNICK: Maybe up to --

18 MR. HERNANDEZ: Top of that wooden cornice,
19 middle of that wooden cornice.

20 I don't know if there are any other
21 questions.

22 COMMISSIONER SLESNICK: Oh, here we go.

23 MR. HERNANDEZ: Thank you.

24 COMMISSIONER SLESNICK: You don't want to
25 mess up your boards.

1 MR. HERNANDEZ: No. No, it's all right.

2 It's impossible to see that from there. It
3 impossible.

4 COMMISSIONER KEON: Go back to like Jaycee
5 Park. If you're at Jaycee Park, what could you
6 see? I mean, because the further back you are,
7 the more --

8 MAYOR CASON: Do you have any photographs
9 or anything that might show what you can see?

10 MR. HERNANDEZ: We don't. But Jaycee Park
11 would be here, let's say.

12 COMMISSIONER KEON: Right.

13 MR. HERNANDEZ: And if you go -- the point
14 is, Commissioner Keon, the tree canopy gets in
15 the way first, and you still would not see it.

16 COMMISSIONER LAGO: Let me ask you another
17 quick question in regards to what Commissioner
18 Keon just mentioned. You did a balloon test,
19 correct, previously? And I think it was like
20 at 150, when the building was being considered
21 at 150 --

22 MR. HERNANDEZ: Yes.

23 COMMISSIONER LAGO: -- 152?

24 MR. HERNANDEZ: Yes.

25 COMMISSIONER LAGO: And what was the

1 outcome of that balloon test, when the building
2 was supposed to be 150, versus the 120 to 112
3 option?

4 MR. HERNANDEZ: You don't see the building
5 until you come to Jaycee Park. And what I mean
6 by "the building" is: Remember, the hotel
7 portion is the portion that is in the open view
8 of the park. The apartment building, which is
9 the larger of the two buildings, is tucked
10 behind the canopy. So you don't really see it,
11 even at that higher height.

12 One of the people that testified the other
13 day, who bought the house after the project was
14 in the public realm, that bought a house on
15 Manati, he doesn't even see more than the
16 plinth, because of the existing tree canopy.

17 MAYOR CASON: Okay. Mr. Gibbs.

18 Mr. Gibbs, your turn.

19 MR. LEEN: Fifteen minutes.

20 MR. GIBBS: Thank you.

21 Again, my name is Tucker Gibbs, and I'm
22 representing the Riviera Neighborhood
23 Association regarding this. My office is at
24 3835 Utopia Court, in Coconut Grove.

25 I wanted to talk a little bit today, at the

1 beginning, about what we've seen here today,
 2 and what's been submitted to begin with. What
 3 we have here are new plans, a new Staff Report,
 4 and a traffic -- or a Parking Study, all new
 5 evidence, warranting a public hearing.

6 The minute people got up here and talked
 7 about that Shared Parking Plan, which was never
 8 part of this application, and presented
 9 evidence into the record regarding that, you
 10 have opened yourself up to a public hearing and
 11 a requirement for a public hearing. And I want
 12 to put my objection, on the record, that this
 13 is not considered a public hearing. The public
 14 should be able to speak on these issues,
 15 because this is a completely different plan.

16 I understand you are allowed to change the
 17 plan. You're allowed to do that. But once
 18 you've asked somebody to present new plans, and
 19 I'm going to get into those new plans and what
 20 those new plans mean, and new evidence, you
 21 have to open it up. It's due process. It's
 22 basic due process.

23 MR. LEEN: Mr. Mayor, for purposes of the
 24 record, I would just like to state that my
 25 office's view and position is that these issues

1 are all within the scope of the titles of your
 2 items that you're considering. These issues
 3 were raised during public hearing. In fact, a
 4 lot of this is as a response to the comments
 5 made at public hearing. And I believe that,
 6 legally, in terms of due process, there's been
 7 more than sufficient discussion of this matter.

8 MR. GIBBS: And, Mr. Mayor, in response,
 9 the entire issue about this particular plan
 10 came up after the public hearing was closed.
 11 And, therefore, the public had no opportunity
 12 to comment on those plans. However, had it
 13 come up during public hearing, Mr. Leen, I
 14 would agree with him completely.

15 MAYOR CASON: We could always go back to
 16 the earlier version and --

17 MR. GIBBS: That's your choice. I'm
 18 talking about the procedure. Our situation is,
 19 is that the public will have no comment on
 20 these new plans and you all have said you
 21 wanted to choose between 1 and 2. If you want
 22 to choose 1 and 2, and the original plans, that
 23 is obviously -- you all are the legislative
 24 body and the quasi-judicial body and you have
 25 that choice. I'm just stating a procedural

1 issue, primarily for the record.

2 MR. LEEN: Understood, and it's preserved
3 in the record.

4 Mr. Mayor, the other thing I would say is
5 that the tradition of this City has been that
6 Commissioners can ask the Applicant for -- you
7 can ask questions, you can ask them to come
8 back with different ideas, based on what was
9 heard at public hearing, and that really is
10 just a response to a Commissioner inquiry. I
11 mean, their application is their application.

12 Mr. Bass, do you have any response?

13 MR. BASS: I would just like to be heard on
14 this procedural issue. I would like the record
15 to be crystal clear, that Mr. Gibbs has his
16 expert witness here, Mr. Alvarez, that the
17 Commission has afforded Mr. Alvarez the
18 opportunity to speak on behalf of the public,
19 during this allotted time. You have given him
20 that opportunity, as you gave me the
21 opportunity to have Mr. Hernandez present.

22 And Mr. Gibbs, notwithstanding that
23 opportunity, he's electing not to present
24 Mr. Alvarez. So you've given him the
25 opportunity.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. GIBBS: I appreciate that.

MR. BASS: And he's here. And I want the court reporter to take that down, so the record reflects that Mr. Alvarez is present in the Chambers.

MR. GIBBS: I think she will.

Number Two, this application you have in front of you is not complete -- I mean, this set of plans. Even though the plans are dated March 18th, 2015, you're getting them today. These plans, at least the plans that are on the internet, the plans that Mr. Trias had e-mailed me yesterday, at my request -- I'll get to that -- those plans are not sealed. They're not signed.

Your Code requires that the plans that you all approve be sealed. That's a requirement in your Code. They weren't -- they're not presented to you.

No showing of the dimensions of the commercial space. That's critical. You have in front of you a Shared Parking Plan. You have a report from your Planning Director. And talking about requirements, there is no way that you can make a determination about FAR,

1 about parking requirements, without the
 2 entire -- and I can show you on these plans.
 3 Every commercial space does not have any
 4 dimensions. The hotel rooms do not have
 5 dimensions. There is no indication if there's
 6 a restaurant in this project. All it says is,
 7 "Commercial space." All of those go to the
 8 parking requirements for this project, and it's
 9 not included.

10 Now, they can get up here and testify to
 11 it, but I have a problem with that. I received
 12 these plans, my expert received these plans
 13 last night, 16 and a half hours ago. That's
 14 when we got them.

15 And Mr. Bass is absolutely correct. If I
 16 had gotten these, and I know it's impossible to
 17 give them to me five days in advance, but if I
 18 had gotten them this time, my expert would have
 19 had the time, and I would present my expert
 20 here today, but I can't, because my expert
 21 hasn't had the opportunity to fully review
 22 these plans, which don't even show the
 23 dimensions. That's a serious issue.

24 MAYOR CASON: Craig, do you have anything
 25 you'd like to say on that?

Bailey & Sanchez Court Reporting, Inc.

אנחנו מציעים שירותי כתיבה ורישום משפטיים באמצעות טכנולוגיה מתקדמת. אנחנו מומחים במתן שירותי כתיבה ורישום משפטיים באמצעות טכנולוגיה מתקדמת. אנחנו מומחים במתן שירותי כתיבה ורישום משפטיים באמצעות טכנולוגיה מתקדמת.

1 MR. LEEN: I do have some things I'd like
2 to say. This is ultimately a development
3 approval. Any plans are going to have to
4 comply with whatever is approved by the
5 Commission. They're going to have to be
6 certified.

7 My understanding -- Mr. Planning Director,
8 could you come up?

9 Can you respond to Mr. Gibbs, in terms of
10 what will happen -- let's assume,
11 hypothetically, the Commission approves the
12 Site Plan today. Where will it go from here?

13 MR. TRIAS: Well, it would be reviewed by
14 the different disciplines that review building
15 permits, including Zoning. And Zoning would
16 make sure that the plans are in compliance.

17 Now, it is not unusual to have minor
18 changes through the process, that are not
19 material to the approval, but those are
20 reviewed very carefully, and they are sealed
21 plans and professional plans.

22 MR. LEEN: I would just like to note that
23 these proposals are in response to Commission
24 request, based on comments made from the
25 public, in an attempt to address the harms that

1 have been raised by the public.

2 Many of these are, in a sense, Conditions
3 of Approval. And that's why we have this sort
4 of hearing and this sort of process.

5 So, Mr. Mayor, you know, in my opinion,
6 it's legally sufficient.

7 Now, what I could tell you is, there may be
8 a challenge, and that may be what Mr. Gibbs is
9 preserving, for the record. And ultimately a
10 Court may look at all of this. All we can do
11 is present our best case. But, in my opinion,
12 you should go forward, as the governing body,
13 and make your best decision on what's been
14 presented to you today. And we will defend
15 whatever the Commission decides.

16 MR. GIBBS: In addition to the lack of a
17 seal, a lack of dimensions, there's also a lack
18 of scale. There's no scale on these plans. So
19 if you don't have a scale, and it's not sealed,
20 and you don't have the dimensions, I am very
21 concerned about the ability of the Planning
22 Director to make a determination regarding the
23 required amount of parking, in making a
24 decision or a recommendation based on shared
25 parking, and how the person who made the shared

1 parking determined the numbers and the square
2 footage.

3 And I can't believe that this project is so
4 important to the City of Coral Gables, that you
5 can't say, "Bring us back a plan that's
6 complete."

7 My clients would appreciate the fact that
8 their expert could actually review it and give
9 you an opinion about it. I think my clients at
10 least deserve at least that consideration.

11 So it's my position that without --

12 COMMISSIONER KEON: Mr. Gibbs, you know
13 what, I so distinctly remember asking that this
14 be set for next week, to give everybody time,
15 and it was to accommodate your schedule that it
16 was not set later. It was to accomodate your
17 schedule that it was set as soon as possible.

18 MR. GIBBS: I'm terribly sorry, and I
19 appreciate that effort on the part of this
20 Commission, but I will tell you --

21 COMMISSIONER KEON: So why didn't you say
22 that then? Why didn't you say that the other
23 night, when you know that in three days we're
24 going to be back here?

25 MR. GIBBS: I appreciated that. Because I

1 didn't know what was going to happen.

2 COMMISSIONER KEON: Mr. Gibbs, how many
3 times have you done this, that you don't know
4 what was going to happen?

5 MR. GIBBS: Then, if it's my fault that
6 this Commission is going to make this decision,
7 based on this information --

8 COMMISSIONER KEON: It was made on the
9 assurance that you believed you had adequate
10 time to do this, and now you're telling us that
11 you're not.

12 MR. GIBBS: No, it was based on my
13 assurance that I would be here.

14 COMMISSIONER SLESNICK: Commissioner Keon,
15 I believe the Developer also said he was going
16 to be out of town all next week. Isn't that
17 correct? Just to be fair --

18 MR. GIBBS: I'm only going to be missing on
19 Wednesday and Thursday evenings. That's the
20 only time I was going to be missing next week.
21 I was available at any other time.

22 Without this information, it's impossible
23 to make calculations for the parking
24 requirements. That means that the Shared
25 Parking Study is useless. It has no probative

1 value whatsoever. It makes it impossible to
2 calculate your FAR.

3 So we get to the next issue. This is a
4 quasi-judicial proceeding regarding PAD and the
5 MXD approvals. And my client and other members
6 of the public have a right to notice, an
7 opportunity to be heard, and many of my clients
8 are here. My client is here.

9 The notice and opportunity to be heard is
10 not effective if the material you were
11 reviewing is not available for review until the
12 last minute. And I'm going to put this in the
13 record, because it is an issue. It is an
14 issue. And I'm sorry.

15 If I get a document fifteen and a half
16 hours before this hearing, and I'm expected to
17 review it -- I understand, they took -- they
18 worked night and day to prepare these. I get
19 it. Even though they're dated March
20 whatever -- March 18th. But we got them late.
21 And we didn't have that opportunity. And
22 that's the issue for us here.

23 There's no opportunity to be heard on these
24 plans, when there's no opportunity to
25 adequately review the plans and be able to

1 adequately speak to their compliance with the
2 Code.

3 The new Staff Report, the new plans and the
4 Parking Study are evidence, and they're new
5 evidence. There was no notice of the Shared
6 Parking via the PAD process. There is no
7 mention of shared parking, except as a notation
8 on the plans, with an asterisk. There was no
9 public notice of the shared parking, as part of
10 the PAD Shared Parking Study, not based on
11 sealed drawings, scaled drawings and showing
12 the dimensions of the major areas.

13 The PAD does not waive Code provisions or
14 allow the wholesale creation of new situational
15 Site Specifics Zoning Regulations. Yet the
16 proposed share parking crates a new Site
17 Specific Regulation, seen nowhere else in Coral
18 Gables, and that's shared parking.

19 The waiver of the setbacks --

20 MAYOR CASON: I'd ask the attorney to weigh
21 in on this one, because I don't think he's
22 correct.

23 MR. LEEN: Just understand that Mr. Gibbs
24 is placing all of his objections on the record.
25 I understand that. That's how he's chosen to

1 MR. GIBBS: Right, absolutely, but a Shared
2 Parking Study, which nobody said was going to
3 be presented at this hearing -- I found out
4 about that particular study last night, when
5 Mr. Trias sent me what they produced for him.
6 Nobody said it was going to be produced.

7 MR. LEEN: Look, the point I would make is,
8 I think the Court will consider all of these
9 things. You're here. You have your planning
10 expert here. The bigger issue is whether this
11 evidence is considered or not by a Court.
12 Shared parking is permitted by our Code. It
13 has been discussed at the meeting. There's a
14 purpose, during this hearing, and the continued
15 hearing, so going back to Tuesday, it was
16 discussed.

17 I've made it clear, for a long time, that
18 shared parking is permitted, pursuant to a PAD.

19 Your Planning Director -- Mr. Trias, could
20 you come up again?

21 During this hearing -- there's been two
22 readings before the Comission, and there was a
23 reading before the Planning and Zoning Board.
24 How often has shared parking been brought up?

25 MR. TRIAS: Multiple times.

1 MR. LEEN: Have you talked about it? Did
2 you analyze the shared parking?

3 MR. TRIAS: Not in detail. In concept,
4 many times. And what happened is that the only
5 new information is the detailed study that the
6 Applicant provided, which we requested. We
7 requested that, because of the fact that we
8 wanted Staff to review it.

9 MR. LEEN: And the Commission has raised --
10 to the extent that you're concerned about a
11 harm from the shared parking, which I assume
12 your concern is that there could be parking
13 outside the building, the Commission has
14 offered to put a condition that there will be
15 residential parking permit in that area. So I
16 don't see how else it would affect your
17 clients.

18 MR. GIBBS: Mr. Trias, can I ask you a
19 couple of questions?

20 You said that shared parking -- you've
21 talked about it, in general. Have you made --
22 did you make an analysis, prior to this
23 analysis that was presented to you, did you
24 evaluate this project for shared parking, how
25 much shared parking, in terms of what uses

1 would be requiring shared parking? Did you do
2 that as part of this study?

3 MR. TRIAS: We did, and I was not
4 comfortable with the level of information.
5 That's why I requested additional expert
6 information.

7 MR. GIBBS: So up until today, there's been
8 no shared parking analysis that was presented
9 to this Commission? And no discussion about
10 how much parking was shared and how much --

11 MR. TRIAS: No, there was discussion about
12 the numbers and there was discussion about how
13 much parking was shared.

14 MR. GIBBS: How much specific parking would
15 be needed for shared parking was discussed
16 before the City Commission?

17 MR. TRIAS: I don't recall the specifics of
18 the Commission discussion, but that has been
19 discussed with the Applicant.

20 MR. GIBBS: But has it been discussed
21 publicly, at a public hearing, is my point?

22 MR. TRIAS: I don't recall.

23 MR. LEEN: And the record speaks for
24 itself, but we have known the number of parking
25 spaces that was originally in the application,

1 that was changed. And it's clear that shared
2 parking was part of this application. And it
3 did come up, I believe, a couple of times in
4 our discussions regarding the PAD. And I made
5 it very clear that the PAD --

6 MR. GIBBS: You and I talked about it on
7 the record.

8 MAYOR CASON: And let me say something
9 else. When we discussed shared parking in the
10 context of the Mediterranean Village Project,
11 we didn't have the dimensions of the hotel
12 room. We didn't know the specifics of the
13 commercial. We knew, more or less, how much.
14 So I'm not sure that's required.

15 MR. LEEN: I guess, ultimately, the only
16 issue here is, if there's a harm that you're
17 concerned about, the Commission can address it
18 through a Condition of Approval. They've
19 offered to have this residential parking. I
20 don't see what other issue there would be for
21 your client, that you would have standing to
22 raise.

23 MR. GIBBS: I understand that, but I have
24 to raise the issue, for the record, because
25 you've made it very clear that under the PAD

1 commercial uses, makes it very difficult, if
2 not impossible, to find out the exact number of
3 shared parking. And, therefore, the exact
4 number of parking. And, therefore, the amount
5 of parking you're going to need for this
6 project.

7 And to make a decision, when you have
8 approximately 200 and some parking spaces that
9 are -- according to that report, that are
10 shared, if you don't have shared parking, you
11 may have to have a bigger building, and that's
12 the concern my client has. And I want to make
13 sure, legally, that you can do that.

14 MR. LEEN: I understand. Mr. Gibbs, you
15 have about five more minutes. So why don't you
16 move on.

17 MR. GIBBS: No, I had questions that were
18 asked to me and I responded to them. That's
19 what I'm trying to deal with.

20 MR. LEEN: Okay. Mr. Mayor, I would
21 recommend that you consider -- I'm sorry,
22 Commissioner.

23 COMMISSIONER LAGO: Give me one second.
24 One second, Craig. I appreciate it.

25 Mr. Gibbs, I want to have a discussion

1 amongst the Commission to see if I grant you an
2 extension.

3 MR. GIBBS: That's fine.

4 COMMISSIONER LAGO: But if you're willing
5 to just take a step back for one moment.

6 MR. GIBBS: Yeah. That's fine. That's fine.

7 COMMISSIONER LAGO: Have a seat.

8 COMMISSIONER KEON: But whatever time we
9 do, I don't want to hear about anybody's
10 schedule. Anyone's schedule. Because if we
11 set a date, you're going to show up. And if
12 you have something else planned, you know what,
13 make arrangements.

14 COMMISSIONER LAGO: And I want to make this
15 clear. I mean, I'm not asking, you know, for
16 anybody to pat me in the back, but today I
17 missed my daughter's first Christmas recital.
18 On Tuesday, I missed my daughter's first dance
19 recital. On our last meeting, I had to
20 re-arrange a business meeting in Orlando to
21 make sure I was here.

22 I understand that this is what I have to
23 do, as an Elected Official, but I want to make
24 sure that we can come together and make a
25 decision which is in the best interest of the

1 City as a whole. Not just the neighbors, not
2 just the business community, as a City as a
3 whole. And I don't want there to be anything
4 that's ambiguous.

5 So I want to have a conversation with my
6 colleagues and make sure, do they want to move
7 forward today and take a vote on Option A or
8 Option B or do you want to maybe postpone this
9 a week, which would give both sides enough time
10 to maybe sit in a room and have a real
11 discussion.

12 Because, by the way, Mr. Gibbs, at the last
13 meeting, which you basically breathed down my
14 throat, you were extremely rude to me, in the
15 sense of, when I questioned why you had
16 provided them the document from the neighbors
17 about the 97 feet, which you were proffering,
18 and I had to pull you in my office and explain
19 to you that I'm going to afford you a lot of
20 leeway, but I don't speak to the residents, I
21 don't speak to anyone in that fashion, and you
22 even admitted that, that was incorrect of you,
23 the way you had basically barked at me at the
24 last Commission meeting.

25 So I want to make it clear that we're here

Bailey & Sanchez Court Reporting, Inc.

800 3 442-8888
1000 N. 17th St., Suite 100, Phoenix, AZ 85003

1 to do what's in the best interest of the City.
 2 And I have a little bit of a concern, in
 3 reference to the Tim Haas report that was
 4 provided today, and I want to make sure that if
 5 we are going to render a decision, it's a
 6 decision that is as a Commission as a whole,
 7 and that there's nothing outstanding.

8 MAYOR CASON: Did you have anything else
 9 that you wanted to say?

10 MR. GIBBS: Yes.

11 MAYOR CASON: I would suggest we hear
 12 everything else you want to say, and then we
 13 have that discussion.

14 COMMISSIONER LAGO: I mean, there's nothing
 15 else to say, from my understanding.

16 COMMISSIONER SLESNICK: I would really like
 17 to grant Mr. Gibbs a little bit more time,
 18 because we have been asking questions. And my
 19 family is in Disney World today, and I'd really
 20 rather be in Disney World today.

21 COMMISSIONER KEON: You know, each and
 22 every one of us --

23 COMMISSIONER SLESNICK: Not that I don't
 24 love everybody here.

25 COMMISSIONER KEON: Yes, I changed travel

1 plans, and changed tickets, to be here this
2 morning, to accommodate -- Mr. Gibbs, to
3 accommodate your schedule.

4 MR. GIBBS: I don't think I was the only
5 one.

6 COMMISSIONER KEON: You were the only one I
7 asked, because the residents were more
8 important as to who we accommodated than the
9 Developer. I didn't ask the Developer. I
10 asked you.

11 MR. LEEN: Okay. But we need to be careful
12 here how we proceed. There are property rights
13 at issue, too. You need to hear from Mr. Bass
14 if you're considering an extension. You have
15 to hear from him.

16 MR. BASS: I would just like to limit my
17 comments to the request for an extension, if
18 you're going to take that up. But if you want
19 to let him complete, let him complete, and then
20 discuss that, because the record has been
21 misrepresented to justify an extension, based
22 on what has not changed since the prior
23 submittals.

24 And I think, when that's clarified, you'll
25 see that this request for an extension is a

1 just another hollow tactic to delay us and
2 delay us and delay us.

3 VICE MAYOR QUESADA: Mr. Mayor, if I may
4 jump in a second here.

5 You know, one our Commissioners asked us --
6 I guess you want to poll us, to see if we want
7 to continue or not and --

8 COMMISSIONER LAGO: I just wanted your
9 opinion.

10 VICE MAYOR QUESADA: My determination, at
11 this point, and I'd like to ask -- that was one
12 of the reasons I asked Kevin up earlier, on the
13 parking aspect of it. When I saw the numbers
14 changed, I wanted to pick his brain a little
15 bit, because he looks at every project that we
16 have in the City, when it comes, from a parking
17 perspective, just so members of the audience
18 understand that, and those watching at home.

19 And, also, for those watching at home, and
20 maybe you haven't really participated and
21 really watched us have these meetings in the
22 past, you may have noticed, at the first
23 meeting, the First Reading on this, I got very
24 upset that documents were presented at the last
25 second.

1 And after that meeting, we had another
2 meeting in between, and, actually, we passed a
3 new Code, that requires -- actually, we haven't
4 passed it yet, we're working on it -- setting
5 minimum requirements of how many days we get
6 things before.

7 And Your Honor, and the crowd understands,
8 when you say, get something the day of, it's
9 tough to listen and read at the same time, and
10 you're seeing all of us do it this morning. We
11 had a packet sitting up here, that we were
12 reading, and listening at the same time. So if
13 you see us looking down and writing, it's that
14 we're trying to absorb both at the same time.

15 It's not ideal, obviously, but it happens
16 all of the time. And, obviously, when there's
17 a quick turn around, two days -- we want to
18 settle this.

19 And my opinion is, I don't want to push it
20 off. What I want to do is, I want to have more
21 questions with Kevin related to this topic, and
22 I want him responding to some of the issues
23 that Mr. Gibbs brought up.

24 The further we push it, the closer we get
25 to the holidays, the closer we get to

1 traveling. We have people here now. We had
2 people here two days ago. I think everyone
3 involved in this process, whether you're for
4 the project or against the project, everyone
5 wants closure and everyone wants to fully vet
6 it, at the same time, as well.

7 So my position, to go to your point,
8 Commissioner Lago, is, I would like to have
9 some finality to this today, if we can, if I
10 feel satisfied with additional questions and
11 follow-up that I would like to have with Mr.
12 Kinney, pursuant to some of the points raised
13 by Mr. Gibbs, on that topic.

14 MAYOR CASON: One of the reasons we're
15 holding this meeting today is because this was
16 the only time we could find where everybody
17 could be here. You're leaving --

18 COMMISSIONER KEON: No, I'm here. I was
19 leaving. I'm not leaving now.

20 MAYOR CASON: I mean, when we said we would
21 do it in two days, there was a presumption that
22 there would be something new coming up, and to
23 use that against the Applicant, that in two
24 days they've come up with something that seems
25 to be going in the direction that you want, and

1 to use that against them -- so I'm not in favor
2 of pushing it off anymore.

3 MR. GIBBS: Mr. Mayor, I did ask for an
4 extension of time. I'm not asking for that.
5 Mr. Leen knows what I'm putting on the record.
6 I'm an attorney. I represent my clients. I
7 have to represent my clients zealously. If I
8 see if there's an error, I have to put it out
9 there, because it's malpractice if I don't.

10 So I understand the concern of the
11 Commission, but the fact is, if I see what I
12 think is an error, I have to say it, for my
13 clients, and I don't like apologizing -- I'll
14 apologize to Commissioner Lago every day for
15 losing my temper, but I cannot apologize for
16 representing my clients to the best of my
17 ability. And that's all I'm doing, is putting
18 this on the record. You all make the decision.
19 You all are making the decision. And I'm not
20 asking you to delay this.

21 I am telling you what I think are the
22 errors. And you want to blame for me doing
23 that, that's fine.

24 MAYOR CASON: No, of course not. Of course
25 not. Continue on for what else you want to put

1 on the record.

2 MR. LEEN: You have about five more
3 minutes.

4 MR. GIBBS: Thank you.

5 I was dealing with the PAD, talking about
6 the waiver -- okay. We talked about the shared
7 parking creates a new Site Specific Regulation.

8 Okay. The waiver of setbacks, which is a
9 critical issue for my clients, is also not
10 permitted by the PAD Ordinance. The PAD
11 Ordinance only allows a deviation from the PAD
12 Regulations, because the PAD Ordinance says,
13 you either do the underlining zoning or you do
14 the PAD Regulations. That's what it says.

15 And it says, "Where the Planning and Zoning
16 Board recommends and the City Commission makes
17 certain findings," and it says -- that's your
18 basis, "If the Planning and Zoning Board."

19 The Planning and Zoning Board, I didn't see
20 them making a specific recommendation to the
21 City Commission regarding shared parking.
22 There was no language regarding the waiver or
23 creating a new Site Specific Regulation. And
24 even if there was such language, the Planning
25 and Zoning Board never made a recommendation,

1 as required by the Code.

2 Tract A, you all talked about, is -- you
3 all are assuming it's going to be removed from
4 whatever district you create, and my clients
5 want that, that not all of Tract A, that this
6 only apply to the Holiday Inn.

7 I wanted to talk a little bit, after I was
8 retained, I met with the City Attorney. And
9 one of the questions that was asked was, do you
10 want -- do your clients really want to settle
11 this? And I said, "Yes," and I explained what
12 was going on.

13 And I said, "When I represent a client, the
14 first thing I do, when I'm retained, is, I hire
15 an expert." And I've worked with Mr. Alvarez
16 for many years. And he's a fine expert. And
17 he's a great urban planner. And he's
18 independent. And he'll tell me, "You don't
19 have a case," and I'll go back to my clients
20 and say that.

21 And I told Mr. Leen that when I got that
22 report, that our position would be based on
23 that report. And that's what it was. You've
24 seen the report. It's very detailed. And it
25 comes up with a conclusion. The conclusion was

1 what we had proposed.

2 For my clients to support or accept either
3 one of these proposals, and even if we had all
4 of the information, it runs counter to the
5 evidence we've presented to you regarding the
6 height, the setbacks, the FAR, the scale and
7 bulk and other measures of appropriate
8 development, especially when my clients haven't
9 had the opportunity to really do a full
10 analysis of it, because what we saw at the last
11 meeting was a line. That's what we saw. And
12 that's what you all saw.

13 But if we're going to do this properly, you
14 do -- I didn't know there were going to be no
15 dimensions on that. Even I could have figured
16 out, if I looked at the dimensions, how much
17 parking would have been required. But no
18 dimensions were forthcoming. And there was no
19 way for me to know that, until I got those
20 plans last night.

21 And so that's the reason why I'm pretty
22 upset. I'd like to see the dimensions. I
23 don't see them.

24 So our position is very simple, we'd like
25 Mid-Rise Commercial Land Use, eight stories,

1 maximum height of 97 feet, as you all know.
2 Retain the City Code setbacks and step backs,
3 and, in particular, the step back and setback
4 on Madruga, which is the closest part to my
5 clients and the closest part to the
6 neighborhood.

7 We'd like an FAR of 2.6, but I believe that
8 as that building height comes down to 97 feet,
9 the FAR is going to come down to around 2.6,
10 but we're putting it in there.

11 And we also want it only to apply to the
12 Holiday Inn site.

13 That is our compromise. And it's a
14 compromise that was based on competent and
15 substantial evidence, based on the planning
16 expert's position as an expert, and that's all
17 I could rely on.

18 I'm not pulling it out of my hat. And I
19 have this awful feeling that you all think that
20 we're just sitting there and saying no, no, no.
21 We have a rational basis for our position. And
22 these are the neighbors who live in this
23 neighborhood. And you all can talk all you
24 want about whether one person didn't sign or
25 one person did sign, but the fact is, that map

1 reflects, not a legal position, but the
 2 position of those people regarding this
 3 particular proposal, the proposal that
 4 apparently was in front of the City. That's
 5 the concern that we have.

6 And if you all approve this, we'd like to
 7 know why. Why now? Why, with all of the
 8 things that we've talked about? We've talked
 9 about the TOD District. They talked about the
 10 TOD District early on, and said that was the
 11 reason why. So we showed you what the TOD
 12 District said, eight stories.

13 They talked about Merrick's plan. And
 14 Merrick's plan talks about that big setback.
 15 So, yeah, Merrick's plan also talked about 150
 16 feet. So if they build 150 feet, they're got
 17 to build that huge setback in the back. But
 18 you all can make that determination.

19 They talked about new urbanism during the
 20 Visioning process and during the Peer Review.
 21 And you know what, we looked at new urbanism.
 22 By God, what new urbanism? The two examples of
 23 new urbanism we have in Dade County are you
 24 guys -- straddling you all, South Miami and
 25 City of Miami. T-8 in the City of Miami, which

1 is eight stories, and eight stories in South
2 Miami.

3 I don't know what more we can do to try to
4 explain to you that we're not just somebody
5 screaming. We don't have the pitched forks and
6 fire. What we have is a basis, and I think
7 it's worthy -- and I know you all are
8 struggling with this. That's why you had the
9 meeting. You had today's meeting. We're
10 struggling with it, too, because my clients
11 have to live it. Once this thing is built,
12 they're living it, and it's there. The gift
13 that keeps on giving. Thank you very much.

14 COMMISSIONER KEON: Are you asking for an
15 extension?

16 MR. GIBBS: Pardon me?

17 COMMISSIONER KEON: You just said, you're
18 not asking for an extension. Is that right?
19 You're not asking for an extension?

20 MR. GIBBS: No, I'm not asking for an
21 extension.

22 COMMISSIONER KEON: You have all of these
23 issues, but you're not asking for an extension?

24 MR. GIBBS: No. I mean, I think that's
25 your decision. That's your decision as members

Bailey & Sanchez Court Reporting, Inc.

303 4400 W. 19th Avenue, Suite 100, Miami, FL 33155
305-553-1111

1 of this body, to make that determination,
 2 because your City Attorney has told you -- he
 3 told you that everything I've said is really
 4 not a big --

5 MR. LEEN: No, I have great respect for
 6 what you're saying. It's just that, my
 7 opinion, what you're doing is legally
 8 sufficient. We will defend this.

9 And you have to make the decision that's in
 10 the best interest of the City. And that's
 11 ultimately your decision.

12 MR. GIBBS: That's right. And that's why I
 13 didn't ask for the extension.

14 COMMISSIONER KEON: The issue is, you're
 15 not asking for an extension. That's all.

16 MR. GIBBS: I didn't ask for the extension,
 17 for the reason that you all can make that
 18 decision, based on what Mr. Bass is going to
 19 say and has said, what I said and what Mr. Leen
 20 said.

21 MAYOR CASON: So regardless of what would
 22 have come out in the last two days, if we had
 23 gone and not had this extension from a couple
 24 of days ago, your position is the same? So
 25 that time was, in a sense, wasted?

1 MR. BASS: According to Mr. Gibbs, not
2 according to us.

3 MAYOR CASON: Go ahead.

4 MR. LEEN: Mr. Bass, your rebuttal.

5 MR. BASS: Mr. Mayor, Members of the
6 Commission, thank you for your patience. Let
7 me just try to be very brief, and tie a few
8 loose ends, that I think that are important,
9 and answer any questions you might have.

10 I, too, would like to thank your Staff for
11 their tireless responsiveness to the fluid
12 process that has developed, in the spirit of
13 compromise, based on our attempt to meet the
14 request of the opponents to lower the height.

15 And what you've heard was a lot of
16 complaining now, not about height, but about
17 shared parking, and the inability to look at
18 the parking within the context of the program.
19 That is a hollow objection, because the ground
20 floor commercial aspects of our project have
21 not changed. Those numbers are the same. That
22 is a spitball shot, to try to distract you from
23 the decision that you're making. It is
24 entitled to no consideration.

25 There was an argument that our drawings

1 were not to scale. Of course our drawings are
2 to scale. They're to the same scale of all of
3 our other drawings that were submitted.

4 There was another little objection. Now,
5 these are not objections from people who want
6 to settle. These are objections from people
7 who want to meddle. They want to meddle with a
8 project, until they take all of the air out of
9 it. And we're here now to tell you that, on
10 the merits, this application is fundamentally
11 solid.

12 There is a question about the drawings not
13 being sealed by an architect. Mr. Hernandez
14 was here. He testified before you, as the
15 architect, under oath, of record. That is not
16 an issue that justifies any type of deferral,
17 even if you were inclined to give one. It is
18 not a valid objection. The seal is required
19 for the Board of Architects' second review,
20 when the plans are presented to them. And when
21 they are, I assure you, they will be sealed.

22 Mr. Mayor, you asked a question about the
23 hotel and how we view the hotel in the
24 marketplace, so I'd like to answer that
25 question. We view this hotel as serving the

1 vitally important need created by the
2 University of Miami and its current demand, and
3 how that demand will grow when the medical
4 facility opens and is populated by a host of
5 new employees, young professionals, doctors,
6 nurses, technicians.

7 Your Comprehensive Plan has always
8 recognized the University of Miami to be a
9 substantial employment center. We certainly
10 all hope that, that continues. And we expect
11 that a great number of visitors to the hotel,
12 consistent with the existing Holiday Inn at
13 present, are driven by business or affiliations
14 with the University, either personally or
15 through family members who they are coming to
16 see.

17 And as somebody who lives in the
18 neighborhood, I could tell you that we also
19 hope the hotel serves the current needs of
20 people who live in the neighborhood and wish to
21 have a place where they can put family and out
22 of town guests or stay themselves during home
23 improvement and home renovation issues.

24 At the end of the day, you're going to base
25 your decision, I hope, on the evidence. And

1 there has been no evidence presented by the
2 objectors, in general, much less in connection
3 with the objections you heard today, that our
4 project in any way causes a harm to anyone.
5 They haven't come to you with evidence about
6 traffic. They haven't come to you with
7 evidence of how the height of our building will
8 affect them in any way. And I'd like to
9 emphasize, evidence is not the plural form of
10 anecdote.

11 Just because lots of people say the same
12 thing, doesn't turn that same thing into a
13 truth, into a fact, into data or into evidence.
14 It just simply means there's a lot of people
15 saying the same thing. We understand that.

16 I think it's important to note, and I'd
17 like to thank Commissioner Keon, that Land Use
18 decisions, to a large extent, involve
19 vocabulary, and the vocabulary of High
20 Intensity was something for which this Board
21 expressed discomfort, and, quite honestly,
22 which the Planning Board expressed discomfort.

23 But if you take a look at where we are
24 today, where we stand before you today, with
25 the substantial revisions that we've made,

Bailey & Sanchez Court Reporting, Inc.

1003 W. 10th Street, Suite 100, Denver, CO 80202
303.733.1111

1 including the switch of our request for High
 2 Density to MXD, the application that we stand
 3 before you asking you to approve is essentially
 4 the application that would have been approved
 5 and was approved by the Planning Board, when it
 6 recommended approval on all of our component
 7 requests, except for the request for High-Rise,
 8 for which they had no recommendation. They
 9 played to a push three-three on that.

10 So taking High-Rise off the table, and
 11 substituting in its place MXD, the application
 12 that we're asking you to approve converges,
 13 essentially, with the substance of the
 14 application that the Planning Board approved,
 15 made better still by the hard work that we've
 16 done since our application has been before you.

17 We've done the work, and we've given, and
 18 we've given, but I think it's quite important
 19 to note that, while giving, we have not taken
 20 away.

21 We ask for your approval. It's the right
 22 time. It's the right project. And today is
 23 the day that you vote to approve this project.
 24 And I can't thank you and your Staff enough for
 25 the gracious time and consideration that you've

Bailey & Sanchez Court Reporting, Inc.

1003 W. 10th Street, Suite 100, Phoenix, AZ 85003
 (602) 258-1111

1 given us.

2 MAYOR CASON: Yeah. Thank you.

3 You had your -- was it a motion or just a
4 straw --

5 COMMISSIONER LAGO: No, a discussion.

6 COMMISSIONER KEON: No, Mr. Gibbs is not
7 asking for an extension. So I vote --

8 COMMISSIONER SLESNICK: Just a point of
9 information. And I'm down as this end. And I
10 had said that I could come back Monday, Tuesday
11 or Wednesday. And Mr. Brent said that -- Brent
12 Reynolds said that he really wanted to have it
13 today. So I think we all tried to accommodate
14 your schedule, because you were going to be out
15 of town next week. And there's a time line
16 coming on here. So I agreed to this morning,
17 because -- and I'm sorry you're missing your
18 daughter's recital, Commissioner Lago.

19 I would like to see this voted on today and
20 not extended, because there's a time line
21 involved in this, and the Developer needs to
22 get on with the purchase of the property. So I
23 would really like -- on the other hand,
24 Mr. Gibbs, the Mayor had said that when we
25 voted on the Agave project, you know, we really

1 didn't have all of these plans, and that was my
 2 first major development that we voted on here,
 3 and I studied the plans for two weeks.

4 And the City Attorney was very clear. He
 5 asked me if I had studied the plans, because I
 6 hadn't been here for the two years or three
 7 years beforehand, when those were coming up.
 8 And another project we voted on was the
 9 Collection Residences. In both of those
 10 instances, I had regular blueprints of the
 11 whole building, and I knew that we were going
 12 to have a first and second floor retail and
 13 where the space was going to be, and where the
 14 docking bases were going to be, underneath, in
 15 the parking garage, and where the parking was
 16 going to be for the townhouses along the back.
 17 So we had very -- I just want to point out that
 18 we had very specific plans for those projects
 19 before we voted on the Second Reading on what
 20 was going into those buildings.

21 Mr. Hernandez -- I mean, it's a lot of time
 22 to keep changing plans up and down and moving
 23 things around, but I really don't feel we have
 24 -- I really don't have a clear idea, right now,
 25 of where all of this is going to be, because I

Bailey & Sanchez Court Reporting, Inc.

... 5

1 really haven't seen the plans move back and
2 forth, as far as ingress and so forth, for this
3 project.

4 So I do want to clarify that I have not
5 seen specific plans for this building, that
6 really explain where the parking is going to be
7 and what parking spaces would be taken out and
8 what would be put in and so forth.

9 Mr. --

10 MR. TRIAS: Yeah, if I could clarify. The
11 ground level has not changed. By that, I mean,
12 the public spaces, the location of commercial
13 and so forth. That hasn't changed.

14 What has changed is some of the
15 configuration within the section of the
16 building, within the interior of the building,
17 as a result of the comments from the
18 Commission.

19 But I think that the numbers have not
20 changed, unless the Applicant says otherwise.
21 The numbers have not changed, in terms of
22 units, square footage.

23 COMMISSIONER SLESNICK: Well, no, it has
24 changed, on the proportion of units, for both
25 issues.

1 MR. TRIAS: Well, maybe they could address
2 that.

3 COMMISSIONER SLESNICK: No?

4 COMMISSIONER KEON: No.

5 MR. HERNANDEZ: I can answer that.

6 Yeah, the numbers that were presented to
7 you on Tuesday have not changed.

8 COMMISSIONER SLESNICK: But even the pool
9 location and moving --

10 MR. HERNANDEZ: Let me finish, please.

11 COMMISSIONER SLESNICK: Okay. Go ahead.

12 MR. HERNANDEZ: So the numbers that were
13 presented to you on Tuesday, which is roughly
14 35,000 square feet of commercial, has not
15 changed. The number of apartment units, 218,
16 has not changed. The number of keys in the
17 hotel has not changed. The only thing that has
18 changed from Tuesday -- and, by the way, the
19 drawings are to scale. If the scale is -- if
20 the name of the scale, which is like one inch
21 equals twenty feet, the drawings are at the
22 same scale that all of the other drawings
23 submitted to you have been, historically, and
24 any professional can grab a scale ruler and
25 measure it.

1 Okay. But because we've done this in two
2 days, as you know, the only thing that has
3 changed, which is what I outlined last Tuesday
4 and brought today, is the sculpting of the
5 hat -- let's call it a hat -- which is the top
6 of the residential building. It's the same
7 number of units, but I've re-configured the
8 hat, so that, in one case, the hat goes from
9 122 to 112 to 46. And in the other case, the
10 hat stays at 112. That's it. There's no
11 change in the number of units. There's no
12 change in the square footage of commercial.
13 There's no change in the number of keys.
14 That's why we didn't make an issue of it.

15 The shared parking was shared with you last
16 Tuesday. The number of reduced parking spaces
17 were shared with you. I testified to that.
18 It's in public testimony. And the discussion
19 of removing a floor, by the use of the shared
20 parking technique, was entered into testimony
21 last Tuesday.

22 COMMISSIONER SLESNICK: And you did mention
23 shared parking last Tuesday.

24 MR. HERNANDEZ: Yes. I just want to be
25 clear, for the record. But thank you for

1 the --

2 MR. LEEN: Mr. Mayor, maybe what would be
3 best --

4 MR. HERNANDEZ: And the plans reflected it.

5 MR. LEEN: I understand.

6 Mr. Mayor, maybe what would be best would
7 be to just recap for you the four items that
8 you're voting on.

9 MAYOR CASON: Right.

10 MR. LEEN: What the standard is for each of
11 you.

12 The first item is a Comp Plan Map change.
13 The Comp Plan Map change was originally High
14 Intensity -- that was the recommendation --
15 with a restrictive covenant that would limit
16 the height to what was proposed here.

17 The recommendation of Staff is now that it
18 be an MXD designation.

19 So that is the first item that you will be
20 deciding. You can decide anything, up to High
21 Intensity. So you could approve High
22 Intensity. You could approve Mid Intensity.
23 You could approve MXD. And the recommendation
24 of Staff is MXD.

25 From a legal perspective, I believe MXD

1 most meets the goals of this project and your
 2 goals, if you decide you want to proceed with
 3 the project. But that is the one that is most
 4 unique and sets the least precedent.

5 Item Number 2 is the Site Specific. The
 6 Site Specific will be regulating the height,
 7 from a legal perspective, in the Zoning Code,
 8 and I think that the Planning Director, once
 9 I'm done going through these four, should
 10 remind you again of what will be in the Site
 11 Specific.

12 That's a legislative determination.

13 Also, the first item, the Comp Plan change,
 14 is a legislative determination.

15 In making that decision, you have to act in
 16 a manner that is fairly debatable. What that
 17 means is, there has to be a rational basis for
 18 what you decide. You're acting as a
 19 legislative body, when you're making that
 20 decision. That's the law. There can be no
 21 conditions imposed on that. You're acting as a
 22 legislative body.

23 So those are the first two issues. If you
 24 do not approve those, you cannot approve -- you
 25 really don't go to the quasi-judicial vote,

Bailey & Sanchez Court Reporting, Inc.

Σ ΕΠΕΛΕΓΜΕΝΟΙ ΤΕΧΝΙΚΟΙ Σ.Ε. - ΔΕΙΧΤΕΡΟΤΗΤΑ
 ΟΡΓΑΝΟΤΑΚΤΙΚΑ

1 because those items are dependent on a change
2 in the law, that would allow this project to go
3 forward. So Items 1 and 2 --

4 MAYOR CASON: Logical sequence is to vote
5 on 1, then on 2, and based on that, to go to 3
6 and 4.

7 MR. LEEN: Well, 3 and 4 are the
8 quasi-judicial items. In a quasi-judicial
9 proceeding, you're acting as judges. You're
10 going to look at the record that's been
11 presented to you, the evidentiary record.
12 You're going to make a determination. Whatever
13 you do needs to be supported by the following
14 three factors. One, there needs to have been
15 due process given.

16 I've given you an opinion that due process
17 is present here. There's been extensive record
18 testimony taken. And, in fact, there's been
19 three public hearings. One of which has been
20 -- I believe the public hearing before the
21 Planning and Zoning Board was continued at one
22 point. And, also, this Second Reading public
23 hearing was continued. So there have been
24 multiple public hearings on this item.

25 MAYOR CASON: And we've had, I think I

1 counted last time, 87 people spoke earlier this
2 week, and we had -- we roughly had 200 people
3 appear before us.

4 MR. LEEN: The second thing you will be
5 looking at is, are you applying the correct
6 law. Here, the law is clear. I've given you
7 my view of the law. This is the way that we've
8 interpreted the law in the past. The Planning
9 Director agrees.

10 In my view, you will be complying with the
11 law, applying the correct law, and you will not
12 be departing from the essential requirements of
13 law.

14 Item Number 3 is, and, really, this is the
15 issue for you -- whatever you decide needs to
16 be supported by competent and substantial
17 evidence in the record. So if you've heard
18 testimony on an item, and you believe it's
19 credible and supportable, you can make a
20 determination based on that testimony.

21 That's what a court will be looking for. A
22 court will not second guess your decision.
23 They will not weigh the evidence again. That's
24 up for you to do. And then you make the
25 determination. And as long as there's

1 competent and substantial evidence in the
 2 record supporting what you decide, that should
 3 be upheld by a Court.

4 Items 3 and 4, which is the quasi-judicial
 5 ones, is -- the Planned Area Development is
 6 Item 3. That's an Ordinance. The Planned Area
 7 Development is where you're going to place a
 8 number of these conditions that have been
 9 discussed today. That's also where this
 10 project would essentially be able to obtain the
 11 height that's necessary, through the MXD.

12 In addition, there's a Site Plan Review
 13 attached to the PAD. And, also, because this
 14 is a Mixed-Use Development, that's Item Number
 15 4, that's a Resolution, you'll be deciding that
 16 for the first time today. It was before you at
 17 the last public hearing, but there was no vote
 18 taken on it, because it's a Resolution.

19 So the PAD and the Site Plan, I recommend
 20 that you place the same conditions on both,
 21 depending on what you decide to do, but I would
 22 not reach them if you decide to reject 1 or 2.
 23 Really, 1 is the one where you're going to make
 24 a determination whether you want to allow a
 25 Mixed-Use Development here.

1 Another thing you could do is, you may want
2 to do a straw poll regarding the project before
3 you vote on any of them.

4 MAYOR CASON: At this stage, I want to find
5 if anybody has any more questions you want to
6 ask, so we can get the questions out of the way
7 and then we can move into a vote.

8 VICE MAYOR QUESADA: Yes, I do.

9 Because of some of the issues raised by
10 Mr. Gibbs, I want to speak to Mr. Trias and
11 Mr. Kinney, as well. And I also want to see
12 Kevin stand up and sit down a few more times.

13 COMMISSIONER KEON: Unpark yourself.

14 VICE MAYOR QUESADA: I just want to drill
15 down a little bit into the Shared Parking
16 Analysis, the way it's changed from Tuesday to
17 today.

18 So, Ramon, I'll start with you. This is
19 just for my own education here.

20 Under our standard Code -- under our Code,
21 without any revisions, not under shared
22 parking, how is the calculation, with the
23 number of parking spaces, determined?

24 MR. TRIAS: It depends on the use, by the
25 number of units, by the commercial rations and

1 so on.

2 VICE MAYOR QUESADA: So if it is a
3 residential project, I'm just talking
4 hypothetically, in a vacuum here, a residential
5 project, all residential units, how many
6 parking spaces per -- how is the calculation,
7 per door, per bedroom? How does it work?

8 MR. TRIAS: Per bedroom. And what happens
9 is that all of that, in a Mixed-Use project, is
10 added up together. You know, whatever you need
11 for residential, whatever you need for
12 commercial, whatever you need for the hotel.

13 VICE MAYOR QUESADA: Just remember my
14 question. I'm sorry, just follow me for a
15 second, because I'm just trying to resolve
16 something through my mind.

17 Is it 1.75 per bedroom? Is that what it
18 is?

19 COMMISSIONER KEON: No.

20 MR. TRIAS: No.

21 TRIAS: I prefer to look at the Code when
22 you ask me those questions.

23 COMMISSIONER KEON: I think it's 1.25 for
24 one second bedroom, and it's 1.5 for two
25 bedrooms.

1 very comparable to what's allow in the City of
2 Miami under the Miami 21.

3 Now, when Mr. Gibbs says that only eight
4 stories are allowed, the reality is that twelve
5 stories are allowed, with certain bonuses. So
6 even Miami 21 has a lot of different moving
7 parts.

8 Now, 628, from my perspective, was fine,
9 except that I requested more additional
10 professional explanation, so that you, as a
11 Commission, could have better data. That's
12 what they provided yesterday. They simply
13 explained the number a little bit better.

14 VICE MAYOR QUESADA: Okay. Thank you for
15 that.

16 Can we go back to my questions? So we have
17 a calculation. We have a ratio per bedroom.
18 And for commercial space or for retail space,
19 it's based on square footage that's going to be
20 actually used. And there are assumptions built
21 into our Code of how many office desks will
22 take place or how many cars will be traveling
23 to a restaurant, when certain groups are eating
24 at a restaurant, certain sizes of the different
25 groups.

1 So our true conservative -- you said,
2 "Conservative at 620," but the true
3 conservative number is the 826 under our
4 Parking Code. So I want to understand how the
5 628 was arrived, because all we have here is
6 the proposed shared parking calculation. I
7 just have that number.

8 So I don't want to know the theoretical. I
9 want to know the quantitative aspect of it. So
10 were you guys interpreting that, you know, it's
11 not going to be 1.75 parking spaces for a one
12 bedroom, it's 1.5? Can you tell me that metric
13 and how that changed, so I can better
14 understand it? I'm being a little selfish
15 here, but I want to fully understand this.

16 MR. KINNEY: That's really not how it
17 works, with ULI, Urban Land Institute, and
18 that's the most common one used. When they do
19 a shared parking calculation, they take each
20 individual use, and through the day, they tract
21 peaks and valleys.

22 And what would happen in a Mixed-Use
23 operation, they'll take the five different uses
24 and they'll tract the peaks and valleys. Then
25 they add up every hour, and the hour that adds

1 up to the maximum, that's the number that's the
2 shared use number.

3 So they take hotel, separate from
4 residential, separate from restaurants,
5 separate from commercial, and they track each
6 one through the day, peaks and valleys, and
7 then the total is added up, at that hour, is
8 the highest, that's the number they use for the
9 shared parking calculation.

10 MAYOR CASON: Now, generally, those
11 standards, historically, have been -- when the
12 project is built, have they been basically
13 pretty much on?

14 MR. KINNEY: Yes. It's across the country.
15 And, in this case, some of the things that
16 Ramon added as potential conditions or a few of
17 the things we talked about earlier, if those
18 are added on top, that's going to drive demand
19 down even further for those spaces.

20 MR. TRIAS: Now, to answer your question
21 directly, that study was attached in that
22 document provided to you, and that was the
23 study that I requested, that you did not have
24 last time, okay.

25 Now, this study was prepared by a

1 professional parking consultant, and it
2 includes the graphic that Kevin just described.

3 MR. KINNEY: It will look like this.

4 MR. TRIAS: Yeah. Okay. So that is the
5 new information that you didn't have before.

6 MAYOR CASON: And what is the peak hour?

7 MR. TRIAS: So it doesn't change the
8 proposal. It simply explains it better.

9 COMMISSIONER LAGO: I'm not asking you to
10 look into a crystal ball, Ramon, and I know
11 that you can't also do that, Kenny, but my
12 question is, if we were to adopt the shared
13 parking mechanism, do you foresee any residents
14 or any visitors to the project potentially
15 parking in the street and that becoming an
16 issue?

17 MR. KINNEY: I think we operationally need
18 to protect against that. For example, when
19 they're required to get their Employee Parking
20 Plan approved by the City, we need to make sure
21 that the plan takes into consideration things
22 that are going to prevent the employees from
23 going into the neighborhood.

24 I mean, there's a lot of options there.
25 One could be that they can't charge their

1 MAYOR CASON: The other option, which has
2 not been explicitly discussed is, what we're
3 going to do with the trolley, what UM is going
4 to do with the trolley, maybe what the
5 Applicant might end up doing, which could,
6 again, reduce some of the problems.

7 MR. TRIAS: One of conditions is a mobility
8 contributing that Kevin could probably make a
9 recommendation on.

10 COMMISSIONER LAGO: In the presentation, it
11 doesn't give a real detailed analysis of what
12 their contribution is going to be. It just
13 says that it will be discussed after Second
14 Reading.

15 MR. KINNEY: And in this particular case,
16 I'm not sure. I mean, when we were talking
17 about Mediterranean Village, clearly, right on
18 the trolley route. Their contribution needed
19 to be the trolley.

20 In this case, it may be connectivity with
21 University Station. It may be something a
22 little different.

23 MAYOR CASON: Let's assume that it's built
24 and we're off by 30 parking spaces. If we're
25 underparked, great. If we're over, what are

1 the remedies that the Applicant will have to
2 take or that can be taken? But you're saying,
3 basically, this method leads to accurate, you
4 know, results.

5 MR. KINNEY: Well, if, when we get the
6 final determination of what the units are, if
7 it stays with this, so 628 is the number, and
8 hopefully it's the sweet spot that Commissioner
9 Quesada was talking about, but baked into this
10 plan is requirements from the City to drive
11 down demand even further.

12 So we're going to try and make it so that
13 even though we hope 628 is the sweet spot, that
14 they're always going to have empty spaces.

15 MS. SWANSON-RIVENBARK: Mr. Mayor, you were
16 asking for other suggestions. And if you look
17 at the Parking Study, it identifies that the
18 estimated peak hour is 6:00 p.m., on weekend
19 evenings, and that happens to be, when, at
20 least in today's world, the IRE Building is
21 empty, because they're closed.

22 And you could require an agreement -- that
23 they secure an agreement with the adjacent
24 building, when the building is closed, so that
25 they can have the right to park there.

1 MAYOR CASON: That's an idea.

2 COMMISSIONER LAGO: For like, let's say,
3 evening employees or the --

4 MR. KINNEY: Or the restaurant, valet.

5 COMMISSIONER KEON: Or restaurant valet.

6 MAYOR CASON: Again, those are things that
7 we can do, if we're off, to fix it.

8 COMMISSIONER LAGO: But I think that the
9 owner needs to make an effort here, and they
10 need to make a commitment, like Commissioner
11 Keon stated, in reference to employee parking
12 and contributing to that, because if you run
13 the numbers, it's pretty significant the amount
14 of money they're saving by adopting a Shared
15 Parking Plan. You're talking about almost five
16 million dollars.

17 You know, I want to make a request from the
18 Developer, from the Applicant, if we're going
19 to go this route, they have to be make sure
20 that all of their employees have paid parking,
21 so that it doesn't become an issue for the
22 neighbors.

23 Because when it becomes an issue for the
24 neighbors, then it becomes my issue, and --

25 MR. KINNEY: I can tell you one that is

1 going to be on the table is employees can't pay
2 for parking. There's no way. I mean, we've
3 seen it --

4 COMMISSIONER LAGO: But I want to clarify
5 it right now, before we even move any further.
6 I just want to make sure that this is discussed
7 here today, and I get an answer from the
8 Applicant.

9 COMMISSIONER KEON: Yes.

10 MR. KINNEY: Absolutely.

11 COMMISSIONER LAGO: Along with a trolley,
12 because it's a little ambiguous -- on one of my
13 notes here that I was going to discuss later
14 was the issue of what is going to be the
15 contribution for the Mobility Plan. I want to
16 have it set in stone.

17 MR. KINNEY: Well, and I also think, for
18 this project, car sharing is a key component.

19 COMMISSIONER LAGO: And I also was
20 mentioning, too, City Bike. I know that the
21 Manager is working diligently on potentially
22 bringing City Bike to the City, but with the
23 University of Miami there, South Miami, there's
24 a lot of opportunities to really adopt City
25 Bikes, and maybe it could be incorporated into

1 banquet facilities.

2 COMMISSIONER SLESNICK: No?

3 COMMISSIONER KEON: There's no banquet --

4 COMMISSIONER SLESNICK: There are no
5 banquet facilities.

6 MR. TRIAS: There are some meeting rooms on
7 the second floor. That's the only thing.

8 MAYOR CASON: And I think that's important,
9 because to the extent that people are worried
10 about, you know, a big party, a wedding,
11 bringing a lot of cars in, if you don't have a
12 banquet, you're not going to have that.

13 COMMISSIONER SLESNICK: I mean, I'm glad to
14 know that. And I'm sorry, I forgot -- we were
15 talking about the second floor yesterday, and
16 the meeting facilities -- that you really
17 cannot have -- you can have lots of meetings
18 there, but you really cannot have the
19 facilities, the type of quality that people
20 would want to have for banquets or for weddings
21 and so forth, which is really detrimental to
22 the neighborhood, with the parking issue.

23 MAYOR CASON: You had other questions?

24 VICE MAYOR QUESADA: No.

25 MS. SWANSON-RIVENBARK: Mr. Mayor, if I can

1 just --

2 COMMISSIONER KEON: I'm sorry, I did ask,
 3 and they were going to come back and tell me,
 4 how many units you lose if you remove the -- in
 5 Alternative 1, if it only goes to twelve feet,
 6 and you retain the setbacks, the other things.
 7 Off that top piece, how many units do you lose?

8 MR. HERNANDEZ: We're working on
 9 Commissioner Keon. I'll get it for you.

10 COMMISSIONER KEON: Okay. Thank you.

11 MAYOR CASON: Cathy, you had something --

12 MS. SWANSON-RIVENBARK: Just two points.
 13 One, you all asked us several months ago to
 14 develop a Shared Parking Ordinance, and Ramon
 15 can speak to where we are in the process, but
 16 that is being developed.

17 And, secondly, Kevin Kinney is working on a
 18 Zip Car or Cars To Go piggy-back. These are
 19 issues that we've been working on for quite a
 20 few months. I don't want you to think it's
 21 something that we just developed this week.
 22 And both of them can provide that status.

23 MR. TRIAS: The status of the Shared
 24 Parking Ordinance is that it was reviewed by
 25 Planning and Zoning, and they did not take

1 action, because they want further information.
2 So it's in the process already. It's been
3 discussed publicly. And this study is
4 consistent with the contents of the Ordinance.

5 MS. SWANSON-RIVENBARK: And if you want the
6 Zip Car and the Cars To Go status, Kevin is
7 knowledgeable about both.

8 COMMISSIONER KEON: Right.

9 UM also told me, with ZipCar, yesterday,
10 that there isn't an age requirement. It's not
11 the 25 that we usually see in rental cars. So
12 they can be used by people younger than 25.

13 MR. HERNANDEZ: Do you want me to answer
14 that?

15 COMMISSIONER KEON: Yes, if you could
16 answer that question for me, please.

17 MR. HERNANDEZ: Yeah. So in Alternative 1
18 and 2, the unit count is the same. That's 211.

19 COMMISSIONER KEON: It's 211.

20 MR. HERNANDEZ: And it was 218 on Tuesday.

21 COMMISSIONER KEON: Okay. But if you lose
22 this -- you know, that first plinth --

23 MR. HERNANDEZ: I'm looking. You can point
24 at the paper. I'm looking.

25 COMMISSIONER KEON: This plinth here, this

1 piece here, how many do you lose?

2 MR. HERNANDEZ: Yes. That would be 16
3 additional units lost.

4 COMMISSIONER KEON: You would lose 16
5 additional units?

6 MR. HERNANDEZ: Additional units.

7 COMMISSIONER LAGO: How much square footage
8 would you lose?

9 MR. HERNANDEZ: Approximately 15,000, maybe
10 a little more, because the corners are larger.
11 Let's say, about 16 or 16,500.

12 COMMISSIONER KEON: 15,000? What
13 percentage of your project is that?

14 MR. HERNANDEZ: I don't do quick math.

15 COMMISSIONER KEON: Don't know. That's too
16 quick? Okay. All right.

17 MR. BASS: If I may?

18 MAYOR CASON: Yes. On the two.

19 MR. BASS: If I may respond to Commissioner
20 Lago's comments.

21 COMMISSIONER LAGO: Yes, sir.

22 MR. BASS: On behalf of the Applicant,
23 great ideas for City Bike, ZipCar or Cars To
24 Go, and us paying for employee parking, and we
25 would accept those conditions.

1 COMMISSIONER LAGO: So I've got a
2 commitment from the Applicant in regards to
3 that?

4 MR. BASS: You do.

5 COMMISSIONER LAGO: Okay. But I want to
6 make sure, and I'm not just, you know, trying
7 to make an example of you, I want to have it
8 set in stone today, before we leave here, if
9 there is a decision made, either positive or
10 negative.

11 MR. LEEN: It will be put into the Site
12 Plan and the PAD. It will be Conditions of
13 Approval.

14 MAYOR CASON: So they have to be done in
15 order to be approved.

16 COMMISSIONER LAGO: Okay.

17 MAYOR CASON: Any more questions of anyone?
18 Otherwise we're going to have a one minute
19 bathroom break and come back and take up the
20 four items. Two minutes. Two minutes. No
21 other questions.

22 Don't go away. Please don't leave, because
23 it's herding cats.

24 (Short recess taken.)

25 MAYOR CASON: All right. If everybody can

1 have a seat. All right. Again, make sure your
2 phones are off, please. Everybody have a seat.

3 All right. I think we've asked the
4 questions we want to ask. We heard from our
5 attorney, his point of view. And the City
6 Manager made a suggestion earlier, in terms of
7 the possibility for using that building after
8 six o'clock to pick up excess parking.

9 So, at the recommendation of the Attorney,
10 I think we should take them in order, 1, 2, 3,
11 4.

12 VICE MAYOR QUESADA: Well, actually, real
13 quick, Mr. Mayor, I would like to have Ramon --
14 this is a real quick line of questioning. I
15 think it's very relevant, and Mr. Hernandez,
16 Jorge, if you can please come up to the other
17 microphone.

18 Okay. Talk about this 97-foot habitable
19 height, okay. This is a technical
20 architectural question. That's why I've asked
21 both of you to be up here.

22 How much more can you have above the
23 habitable height? Another 25 or 30 feet? Is
24 that correct, under the Code?

25 MR. TRIAS: Yes, 25.

1 VICE MAYOR QUESADA: Okay. Maybe that was
2 a Ramon question.

3 So, really, the number that was proffered
4 by RNA is 97, and another 25 or 30, whatever
5 the number is? So it's really 125, 130 feet?
6 Is that correct?

7 MR. TRIAS: Yes.

8 VICE MAYOR QUESADA: That's correct.

9 Now, you shouldn't have told him to sit
10 down, because now it's his question.

11 MR. HERNANDEZ: It's okay. I can get up
12 and down.

13 VICE MAYOR QUESADA: Yeah, you and Kevin.
14 It's up and down club today.

15 You mentioned on Tuesday that there is, and
16 I forget the term that you used --

17 MR. HERNANDEZ: Parapet.

18 VICE MAYOR QUESADA: The parapet is used to
19 cover the machinery on the roof, or the ACs or
20 whatever --

21 MR. HERNANDEZ: Minor equipment. There's
22 minor and major.

23 VICE MAYOR QUESADA: Minor equipment.
24 Typically how tall is that?

25 MR. HERNANDEZ: Ten feet.

Bailey & Sanchez Court Reporting, Inc.

903 W. 10th St. Suite 1000 Phoenix, AZ 85003
(602) 998-8888

1 VICE MAYOR QUESADA: Ten feet.

2 MR. HERNANDEZ: Yeah. That's what the
3 Mediterranean Bonuses require.

4 VICE MAYOR QUESADA: So if we did --
5 hypothetically, if we said we were okay with
6 the 112, we can still keep that building at the
7 same total height that the RNA was going for?
8 If the equipment goes up ten feet, we can go up
9 fifteen feet off the 112 and still be at the
10 height level all of the way across?

11 MR. HERNANDEZ: Could you ask the question
12 again, I'm sorry?

13 VICE MAYOR QUESADA: I'm sorry. I was
14 making it up as I go.

15 MR. TRIAS: I can answer.

16 VICE MAYOR QUESADA: What I'm trying to
17 understand is, at 97 feet habitable, you can
18 have a total building height, what you can see
19 from the neighborhood, of 125, 130?

20 MR. HERNANDEZ: Yes.

21 VICE MAYOR QUESADA: I'm estimating. Just
22 tell me if I'm within the realm of
23 reasonableness here.

24 MR. TRIAS: Yeah, within the range.

25 VICE MAYOR QUESADA: The Developer's

1 proposal is 112 of habitable. Can it be
2 designed, so you don't see any machinery
3 anywhere, so that no matter where I'm standing
4 in the neighborhood, at the 112 habitable, you
5 have a 125 with the parapet, so now we have the
6 same exact height of the building --

7 COMMISSIONER LAGO: Because what the Vice
8 Mayor is saying --

9 VICE MAYOR QUESADA: I'm sorry if that was
10 a poorly phrased question.

11 MR. HERNANDEZ: No. No. I --

12 COMMISSIONER LAGO: At 97 feet habitable,
13 as per the neighbors, you have ten feet on top
14 of that, because of the parapet.

15 MAYOR CASON: I think you're saying, if
16 your concern is the height, because of whatever
17 the reason, that even with 97 feet, with the
18 bonuses and all of the towers, you could go as
19 high as --

20 VICE MAYOR QUESADA: I'm saying, the actual
21 total height. Just for the purpose of this
22 question, forget about habitable. Can you
23 still construct that project of 112 feet to be
24 under 130 feet total?

25 MR. HERNANDEZ: Yes.

1 VICE MAYOR QUESADA: And there's not going
2 to be any kind of eyesores on top, with seeing
3 any machinery or anything of that nature?

4 MR. HERNANDEZ: That's correct. I must
5 clarify, that would be able to be done under
6 scheme or Alternative 2, because it's the one
7 alternative that is the 112 height throughout.

8 VICE MAYOR QUESADA: I understand, because
9 of the step down.

10 Now, I just want to clarify something that
11 the Mayor just said. 97 feet, Mr. Mayor,
12 wasn't only for height, it was also for the
13 precedential effect of other projects in the
14 area.

15 Okay. Thank you, Mr. Hernandez. That was
16 it that I had for you.

17 MR. HERNANDEZ: Thank you.

18 VICE MAYOR QUESADA: Mr. Trias.

19 MR. TRIAS: Yes, sir.

20 VICE MAYOR QUESADA: And Mr. City Attorney.

21 MR. LEEN: Yes.

22 VICE MAYOR QUESADA: Can we limit this
23 Mixed-Use designation just to the parcel and
24 require that entire Tract A and the rest of it
25 stay completely unchanged, stays at the

1 Low-Rise designation? It's a two-part
2 question. So that's question number one that I
3 want an answer to.

4 And the second question I want an answer to
5 is, reading the exhibits of what we have to
6 vote on, on the Ordinance, there's discussion
7 in here as to restrictive covenants in place.
8 Can we put a restrictive covenant in place,
9 legally? And this is something for discussion
10 obviously among us up here. I briefly met and
11 discussed it with the two of you before we
12 walked in here -- that the residents would
13 control what would be allowed in the future in
14 those other places, in that regard.

15 Is that too out there? Has that been done
16 before? Can it be done?

17 So it's a two-part question. If you guys
18 can just address the first one -- address them
19 in the order that I asked.

20 MR. LEEN: I'll address the first one --

21 MR. TRIAS: Let me --

22 MR. LEEN: I would like to answer both, but
23 go first.

24 MR. TRIAS: Part 1, in terms of what you
25 have before you, you have two things, which is

1 the Mixed-Use designation, which is only for
2 that parcel. It doesn't include anything else
3 beyond the parcel.

4 And then you have the Site Specifics, which
5 are the regulations that go attached, that are
6 related to the Mixed-Use. And the Site
7 Specifics are also applied only to the
8 southwesterly 360 feet of Tract A.

9 So there it's very clear. So you have two
10 ways to limit that parcel, from what's before
11 you right now.

12 MAYOR CASON: Craig.

13 MR. LEEN: Okay. So in answer to the first
14 question, you could keep the other part of
15 Tract A Low-Rise. In fact, that would, under
16 this proposal.

17 The MXD, you can effectively -- you know,
18 we're basically regulating the height through
19 the PAD and also through the Site Specific. So
20 are you saying, can it be an overlay?

21 VICE MAYOR QUESADA: You know, I don't know
22 the procedural vehicle that's proper.

23 MR. TRIAS: Yeah. If you look at
24 Attachment E, which is the Site Specifics, you
25 can see that there's a significant amount of

1 control that you have. There's maximum height.
 2 There's density. There's intensity. All of
 3 that is contemplated in the Comp Plan.

4 It says, MXD, you regulate density, height,
 5 intensity through the Zoning. So here it is.

6 MR. LEEN: Well, see, the nice thing about
 7 the MXD for you is, you can't even put a
 8 Low-Rise -- if the concern was, hypothetically,
 9 a Walmart, by changing it to MXD, they won't be
 10 able to put that there.

11 VICE MAYOR QUESADA: Okay.

12 MR. LEEN: So, you know, MXD probably is
 13 most protective, in my opinion, of the
 14 neighborhood, if that's the concern.

15 Now, the second question is, yes, there
 16 will be a restrictive covenant placed on this
 17 property. We have taken the position, in front
 18 of the Third District Court of Appeals, on
 19 another case, that we cannot require basically
 20 75 percent of the residents. The reason is
 21 that -- the reason we've given that is, it
 22 would essentially delegate the police power to
 23 the residents, based on their -- they don't
 24 have to do a quasi-judicial review. They just
 25 vote whatever their interest would be -- which

1 is fine, that's what they should do -- but the
 2 concern is that you're delegating the Zoning
 3 power then to specific properties.

4 Now, we have allowed in the past, and we
 5 did this in the Somerset case, in a settlement
 6 context, we have allowed the residents to enter
 7 into their own restrictive covenant with the
 8 property, but I don't think that that's
 9 possible here, from what I'm hearing.

10 VICE MAYOR QUESADA: Okay. Thank you.

11 COMMISSIONER SLESNICK: Mr. City Attorney,
 12 right now there's a Site Specific for
 13 everything along there for 45 feet, is that
 14 right?

15 MR. LEEN: Yes. Well --

16 COMMISSIONER SLESNICK: The one that was
 17 set in 1979.

18 MR. LEEN: But there's the Low Intensity
 19 Land Use designation, which is 45 feet, with
 20 Mediterranean Bonus, up to 77 feet.

21 COMMISSIONER SLESNICK: So that would not
 22 be affected, if it was voted on today, for all
 23 of the rest of that property?

24 MR. LEEN: No. In fact, that would remain
 25 Low Intensity. So would that other part of

1 Tract A.

2 VICE MAYOR QUESADA: If we proceed under
3 Option 1. Ramon suggested Option 1, the
4 Mixed-Use designation.

5 MR. LEEN: Yeah, Option 1.

6 MR. TRIAS: But just to follow-up with your
7 question. If you look at Attachment E, which
8 is the Site Specifics, you can see that the
9 four stories and 45 feet remain. Meaning,
10 we're not changing any of that. We're simply
11 saying, we're recommending that you consider
12 that the southwesterly 360 feet of Tract A be
13 modified, and be modified, very precisely, in
14 terms of maximum height, up to a point,
15 intensities and densities, et cetera. You have
16 that ability through this document.

17 In fact, we also included a line in
18 intensity that says, "Maximum intensity on the
19 following described properties shall be
20 consistent with Mid-Rise Commercial Land Uses."
21 You know, just to be more clear, so that
22 there's no suggestion that it should be
23 High-Rise.

24 So all of that is a tool that allows you to
25 really control the Land Use.

Bailey & Sanchez Court Reporting, Inc.

1003 W. 10th St., Suite 100, Phoenix, AZ 85001
602-944-8888

1 VICE MAYOR QUESADA: I just want to make a
2 statement. Then I'm ready to proceed.

3 MAYOR CASON: Okay.

4 VICE MAYOR QUESADA: I just sort of want to
5 wrap up everything that I've gathered in, and I
6 think everyone, on all sides, deserves the
7 benefits of knowing what my thoughts are before
8 we make a vote up or down.

9 You know, when it comes to these types of
10 projects, something that always goes through my
11 mind is, you know, looking at what we have
12 there, seeing what's being proposed, if we
13 think it fits in with, you know, the character
14 of the neighbor, if it can improve what's
15 currently there.

16 And, assuming, if we're not going to
17 approve it, can we live with what's currently
18 there for another, you know, twenty, thirty
19 years. And that's typically something that
20 always goes through my mind.

21 So when a project comes as-of-right,
22 obviously, it's easy. There are basic property
23 rights. We really can't do much.

24 When a developer is coming in and asking to
25 get something more, you know, through,

Bailey & Sanchez Court Reporting, Inc.

800 3 111-1111 1111 1111 1111 1111 1111 1111 1111
1111 1111 1111 1111 1111 1111 1111 1111 1111 1111

1 obviously, the proper manners, you think this
2 is really something special, that really makes
3 sense, and is it really worth it. You know, do
4 we really want to give this.

5 And you're typically looking at the
6 designs, and we also -- you know, we put
7 everyone through the wringer, the developer and
8 the neighbors, because we really want to vet it
9 as much as possible.

10 I've got to tell you, my experience, you
11 know, I've only been on this dais five years,
12 but, I mean, this was -- it was amazing how
13 many meetings were had and how much input was
14 received. You know, the Peer Reviews aren't
15 typical. I know there were a lot of concerns
16 with the propriety of the Peer Reviews, but,
17 again, those are atypical proceedings.

18 You know, that was really Staff putting
19 that on the Developer, to really make sure we
20 have additional public input.

21 Something that's been true, that I've heard
22 in the -- from what I read in the Planning and
23 Zoning Board minutes, something that we heard
24 at the First Reading, something we heard at the
25 Second Reading, and something that I read in

1 the e-mails in the last three days, in the
 2 quite a bit of e-mails, the vast majority of
 3 people, both for and against the project, don't
 4 think it's an ugly project. The overwhelming
 5 factor, the common theme that we really heard,
 6 was the height.

7 You know, a lot of people said, "Look, it's
 8 a beautiful project, you know, if it was on the
 9 other side of US-1, closer to the University."
 10 Or "It's a beautiful project, if it was
 11 considerably shorter."

12 You know, and it's tough, and I understand
 13 what it's like, you know, as an attorney, when
 14 I represent a client, it's tough to sort of
 15 concede a little bit to the other side, saying
 16 it's a nice project, but you still don't want
 17 it.

18 So I realize how difficult that is for
 19 someone in your position, so I really value the
 20 honesty of, you know, the residents who were
 21 against it.

22 And one person really sticks out at me, in
 23 First Reading. I believe her name was
 24 Ms. Santa Cruz. And she got up and she goes,
 25 "Look, you know, I think it's a beautiful

1 project, if we can just scale it down some."
2 And I know, based on the questions I've been
3 hearing, and the statements made by the rest of
4 us on this dais, that's really been the focus,
5 you know, how can we scale it down and keep a
6 nice project. And I think that's a theme that
7 at least I've been hearing up here.

8 You know, I read an e-mail -- I'm not going
9 to try to pronounce her last name -- last night
10 or this morning. Astrid U-W, I'm going to say,
11 a strange last name.

12 COMMISSIONER KEON: Winkle.

13 VICE MAYOR QUESADA: I'm sorry?

14 COMMISSIONER KEON: Winkle.

15 COMMISSIONER LAGO: Winkle.

16 VICE MAYOR QUESADA: Maybe, yeah.

17 And I felt the same common theme, you know,
18 coming through that, as well, you know.
19 They're not against moving the City forward,
20 bringing in new projects. You know, the
21 Holiday Inn doesn't really contribute, in that
22 it's a landmark piece that we need to keep
23 forever, but it's got to be something that is
24 within the scale, and it's within the realm,
25 you know, that makes sense.

1 Let me tell you, you know, what I like and
 2 what I don't like about the project more
 3 specifically. You know, I like the fact that
 4 there's a lot of green space. That forty
 5 percent number we saw, I think -- even on the
 6 map today, it said 215,000 square feet of green
 7 space there. So I think it's nice. It's much
 8 better than an inaccessible, you know, paved
 9 parking lot on US-1 or one of our main
 10 corridors.

11 I like the fact that it's pedestrian
 12 friendly. You know, I like that it is -- when
 13 that bridge is built, obviously one of our
 14 goals, when it comes to this project and other
 15 projects, and we talk about it quite a bit now
 16 with streetscape -- Miracle Mile is -- you
 17 know, traffic is not going to go away. We are
 18 a cut-through City, just because of where we
 19 are graphically.

20 So whatever we can do to really force
 21 people to use, you know, public transit -- I
 22 know it's limited. It's tough for us, but
 23 we've done everything we could in our corridor,
 24 Downtown, where we get the most traffic. So
 25 when that bridge comes in, you know, it's a big

1 plus.

2 So, obviously, you know, we talk about it,
3 and we're not used to it. If you live in Miami
4 -- I drive everywhere. If it's ten blocks
5 away, I'm getting in a car.

6 And some people will change. Not everyone
7 will change. But we have to try to promote
8 those types of aspects. So I think about that
9 when I think about this project.

10 You know, my biggest fear, and it's tough,
11 because I don't want to get pulled into the
12 fear, is getting an as-of-right project that
13 comes in, that we would hate, that we couldn't
14 do anything about.

15 You know, we've seen those projects come in
16 the City, since I've been a Commissioner, and
17 you can't do anything about it. And we've
18 discussed here how we can change the Code to
19 address that, you know, more thoroughly, so we
20 have more control even over the as-of-right
21 projects.

22 So when it comes down to me, it comes down
23 to the height and how we can control it. You
24 know, the idea that I just brought up, the
25 question that I brought up, you know, the

1 something we have experienced -- Ingram Park
 2 was actually one of my first initiatives as a
 3 Commissioner, the renovations there. And we
 4 learned a little bit, with the neighbors, that
 5 the lights at night were very annoying to
 6 neighbors. So I just want to make sure that we
 7 have some lighting restrictions, if this is
 8 going to pass today, that doesn't affect the
 9 neighborhood.

10 You know, obviously they need their light,
 11 for the typical public safety, but it should
 12 not be an arena, you know, pointing down on
 13 them.

14 Residential parking restriction absolutely
 15 need to be in place. My experience is that
 16 they work very effectively. I asked Kevin
 17 Kinney, our Parking Director, a litany of
 18 questions, because he's got the most
 19 experience, more than anyone else that we know
 20 in our City, related to parking restrictions.
 21 So I want to make sure, you know, if there ever
 22 comes a point of overflow, never will there be
 23 a car in that residential neighborhood.

24 Taxis should never have been allowed into
 25 any residential neighborhood, unless that taxis

1 is specifically picking up or dropping off a
 2 resident that called them. And I was actually
 3 thinking this is something that -- you know, my
 4 fear is, having a hotel near -- again, assuming
 5 this passes, near a residential neighborhood, I
 6 don't want a taxi waiting, stalling, saying,
 7 "You know something, you know, I know there's a
 8 big group that's going to be leaving on Sunday
 9 afternoon. I'm just going to sit in the
 10 residential neighborhood and wait for them to
 11 make a call, so I'm the first taxi in." You
 12 know, I want to put something in place that the
 13 police officers can ticket them or move them
 14 along, so they're not sitting, parked,
 15 standing, in a residential neighborhood.

16 MR. LEEN: You could place that as a
 17 Condition of Approval, restrictions --

18 VICE MAYOR QUESADA: I think that taxi
 19 aspect is broader than just this specific
 20 project. I think that's something for --

21 MR. LEEN: Well, what I was saying was, the
 22 project can agree that they will, to the extent
 23 they can, not have taxis there. And then we
 24 could also, separately, work on a Code
 25 provision, that will apply City-wide.

1 VICE MAYOR QUESADA: I really don't want to
2 get into that right now. I would not approve
3 it, at this point, to be a condition, because I
4 think it's broader than that, and I think we
5 need to have a further study on that, to do
6 that. And if we do pass it, then we can put
7 something in this Ordinance, if this passes,
8 that it would have to incorporate any of those
9 revisions, but it's almost moot, because it
10 would apply to everyone anyway.

11 MR. LEEN: I understand, but you want us to
12 start working on a Code provision?

13 VICE MAYOR QUESADA: If the rest of the
14 Commission agrees with me.

15 MR. LEEN: Okay.

16 MR. TRIAS: The way we phrased it, it's in
17 Condition H, a Taxi Management Plan, for
18 example. Many of those --

19 VICE MAYOR QUESADA: I understand that, but
20 I just want to be clear what I expect when I
21 think of a Taxi Management Plan.

22 So, you know, I'm going to vote --

23 MAYOR CASON: Item 1, you're talking about?

24 VICE MAYOR QUESADA: I'm talking generally
25 on the issue, and then --

1 COMMISSIONER KEON: Can we say how we feel,
2 as opposed to how we're going to vote?

3 VICE MAYOR QUESADA: Okay. So I feel that
4 because this project has come down from 153 to
5 112 and 142 to 122, and we've put the height
6 restriction -- that has to be a condition --
7 the parapet cannot be any higher than what the
8 97, with the parapet option, would be, I feel
9 inclined to grant it.

10 COMMISSIONER KEON: I don't understand.
11 But the building height now is at 112, and
12 you're saying 97. Do you expect them to bring
13 it down?

14 MAYOR CASON: No.

15 COMMISSIONER KEON: Oh, you're saying that
16 you feel it meets the 97?

17 MAYOR CASON: Yes.

18 VICE MAYOR QUESADA: Our Code allows an
19 additional 25 or 30 feet, I don't know the
20 exact number, but Ramon told me I was in the
21 range --

22 MAYOR CASON: On top of the 97.

23 COMMISSIONER KEON: For the parapet.

24 VICE MAYOR QUESADA: So what I'm saying is,
25 they can build 112 feet habitable, but they can

1 only do a parapet of no more than fifteen feet.

2 COMMISSIONER KEON: Oh, okay, because our
3 Code only addresses -- the Zoning Code only
4 says habitable height. When they tell you the
5 height of a building, it's habitable height.
6 So 97 means 97 habitable height. But you're
7 allowing additional?

8 VICE MAYOR QUESADA: What is the true
9 height of that building?

10 MAYOR CASON: What he's trying to say is --

11 COMMISSIONER KEON: No, but it's habitable
12 height. You're allowing it to go beyond the 97
13 habitable height, to 112.

14 VICE MAYOR QUESADA: That's correct, but
15 the total height remains the same, either 97
16 habitable or 112 habitable.

17 COMMISSIONER KEON: Okay. Okay. Right.

18 MAYOR CASON: In other words, for those who
19 are concerned about the height, at 97, you
20 could put all kinds of stuff on top, that would
21 make it even higher --

22 (Simultaneous speaking.)

23 MR. LEEN: She has to take everything down.

24 COMMISSIONER KEON: Okay.

25 COMMISSIONER LAGO: Mr. Hernandez, when you

1 is 25 plus 10. That's 35. And what I
2 understood you to say is, can you do your
3 building at 35, habitable, plus sculpting?

4 MR. TRIAS: Can I give a direction --

5 VICE MAYOR QUESADA: What I'm saying is, I
6 will not allow -- I will not support a position
7 that allows any additional height than what the
8 97 foot habitable would allow with the
9 architectural features and the parapet, which
10 is also included in there. Is that clear
11 enough?

12 MR. TRIAS: It's very clear to me. What I
13 understand is this, if you have Mid-Rise, you
14 can get to 97 habitable, and 122 at the very,
15 very top of the decorative top of the building,
16 122.

17 Now what you're proposing in your building
18 is 112 habitable and 127, okay. So now if the
19 Commission wants 122, certainly that could be
20 the Condition of Approval.

21 MAYOR CASON: The question was, can you
22 hide the mechanical stuff at 122?

23 MR. HERNANDEZ: The answer is, we can hide
24 the mechanical stuff. The reason I keep going
25 back is, we have Mediterranean Bonuses. The

1 Med Bonus requires, on top of the 10, an
2 additional top.

3 VICE MAYOR QUESADA: So you're saying, your
4 hand is forced.

5 MR. LEEN: But we have given legal
6 opinions --

7 MR. TRIAS: Let me correct the facts. The
8 fact is -- it's not his mistake. It's just, 25
9 is the maximum. The 10-foot parapet is within
10 the 25.

11 MR. HERNANDEZ: Right. Right.

12 MR. LEEN: Mr. Vice Mayor, we have given
13 opinions in the past, that if you impose it as
14 a condition, then they can comply with it.

15 COMMISSIONER LAGO: Yeah, I would impose it
16 as a condition.

17 MR. TRIAS: The City Commission is the
18 entity that approves the Site Plan. Now, the
19 Board of Architects reviews it. But the City
20 Commission --

21 COMMISSIONER LAGO: Ramon, I respect
22 Mr. Hernandez as an architect. He's a great
23 architect. But I'm trying to limit the height
24 as much as possible.

25 MR. TRIAS: You can.

1 VICE MAYOR QUESADA: He said you can.

2 COMMISSIONER LAGO: No, but I'm saying, he
3 says that his hands are tied due to the
4 Mediterranean --

5 MR. TRIAS: No, his hands are not tied.

6 MAYOR CASON: One person at a time so we --
7 we're making her job difficult.

8 MR. TRIAS: If I can correct just the
9 facts. His hands are not tied. He has to do
10 whatever the Commission approves.

11 COMMISSIONER LAGO: Thank you, Ramon.

12 MR. HERNANDEZ: I'm going to pull a board
13 out for a second, because on the US-1 side, on
14 top of the hotel, there's a clock tower or
15 there's an element. It's not like the entire
16 hotel looks like a tower. There is an
17 additional height that has a clock, which is
18 part of a kind of civic ornament of the design.
19 That could not happen under that height.

20 COMMISSIONER SLESNICK: How deep is that,
21 Jorge? How deep is that?

22 MR. HERNANDEZ: It's an additional 15 feet.

23 COMMISSIONER SLESNICK: No, but how deep is
24 it? Is it like --

25 MR. HERNANDEZ: Oh, it's only like 20 feet

1 deep.

2 COMMISSIONER SLESNICK: Oh, just a facade.

3 MR. HERNANDEZ: It's literally like a hat,
4 to exhibit a clock, that you would see, in the
5 way that you see the Bacardi mural from a great
6 distance up the Boulevard, you would see this
7 clock from a great distance up US-1.

8 COMMISSIONER KEON: I would really ask that
9 we wait before you make that determination that
10 says this height and absolutely not. I think
11 habitable height, yes, we can determine. But,
12 you know, of all people, Commissioner Quesada,
13 as tall as you are, if you require --

14 VICE MAYOR QUESADA: I don't like wearing
15 hats, though.

16 COMMISSIONER KEON: You know, if it
17 required that a jacket length be a standard
18 jacket length, you know what, the style on you
19 would take away greatly from your most handsome
20 appearance as it exist now.

21 And you know what, thankfully, there are
22 exceptions. There are exceptions. And that
23 exception is what makes it -- make you continue
24 to be as handsome as you are.

25 MAYOR CASON: And that's what the PAD

1 allows us to do.

2 COMMISSIONER KEON: You know what, for
3 every one of us. You know what, I'm not real
4 tall. If I had to wear a jacket, it would come
5 down to my knee. So, you know, for each and
6 every one of us -- I mean, we do have to deal,
7 within reason for -- you know, or come to what
8 is habitable, but, you know, what we hope we
9 will -- we will encourage is exceptional
10 design.

11 And for exceptional design, we give height.
12 We're going to give -- for those elements,
13 we're going to give some height, so that we
14 have beautiful buildings.

15 I mean, we have some nice buildings in this
16 City, but we really don't have a lot of
17 really -- particularly new buildings. I mean,
18 our buildings that are most attractive are like
19 the Biltmore, City Hall, these types of things,
20 because of the elements that have come on them.
21 But as we go forward and we want to build
22 really beautiful buildings, it is those
23 elements and those treatments that make them
24 beautiful. It isn't that it increases the
25 habitable height. It doesn't increase the

1 issue of aesthetics certainly has a bigger role
2 to play with the hotel, which is a smaller
3 impact, in terms of the height.

4 COMMISSIONER KEON: I think it makes for a
5 better skyline to have -- you know, that
6 variation in the skyline is pretty, you know,
7 than -- when you see, you know, different
8 heights in a building as you fly into a City
9 and you see those different heights --

10 VICE MAYOR QUESADA: Than just a box.

11 COMMISSIONER KEON: -- it's so pretty

12 MAYOR CASON: And we approved that for the
13 Agave project, the same elements, for the same
14 reasons.

15 COMMISSIONER KEON: You know, we are in a
16 position to really -- to provide or to
17 encourage, you know, beautiful buildings and
18 not strip malls or boxes that are decorated or
19 whatever else, you know, and we have great
20 architects in our community, that are proposing
21 and building these kinds of units, and I think,
22 you know, the Board of Architects, I think,
23 would strongly tell you the same thing.

24 You know, allow people to design to the
25 best of their creative abilities.

Bailey & Sanchez Court Reporting, Inc.

Σ ΕΠΙΧΕΙΡΗΣΙΑΚΗ ΕΤΕΡΟΚΑΤΑΣΤΑΣΗ
ΕΠΙΧΕΙΡΗΣΙΑΚΗ ΕΤΕΡΟΚΑΤΑΣΤΑΣΗ

1 too?

2 Are you ready?

3 COMMISSIONER LAGO: Yes, always.

4 COMMISSIONER SLESNICK: Okay. I want to
5 say that I'm voting, no, for Number 1 and 2
6 today. And I'm saying it up-front, so that you
7 know where I'm coming from.

8 Because this a legislative matter, and I
9 think this should have come up through the
10 Planning and Zoning Board, like all of our
11 changes in the Master Plan have been for the
12 last 90 years. And we went over -- the last
13 Code was updated in 2003 or so -- 2007, and
14 before that, when we had the Mediterranean
15 Ordinance and so forth.

16 I really feel that this is -- I'm voting,
17 no, because I like the building, I like the
18 architectural style, and I appreciate all of
19 the time that everybody has devoted to this,
20 the City Commission and the neighbors, and all
21 of the funds that they had to come up with to
22 have their side represented, but right now,
23 this is going -- this is breaking the law.

24 To me, this is breaking the law, without
25 public input. We have our 45 height limit on

1 the City -- on this area now, which went from
2 1979 until now. And we have a 45 height
3 limit -- 45-foot height limit.

4 That's like having laws here for driving
5 down our streets. You can drive down US-1 at
6 45 miles an hour. And somebody made this point
7 the other day. Now we're asking -- the
8 Developer is asking that they be allowed to
9 drive their Lamborgini or whatever -- and it's
10 a nice project, so I'm equating it to a
11 Lamborgini -- at 112, 121, 122, whatever the
12 speed limit is, to make an exception for them
13 for driving down US-1.

14 If we change this -- and, again, we should
15 have done this with much planning, through the
16 process of all of our Departments, and the City
17 should be the one that changes the Zoning for
18 this. And I have said it time and time again,
19 that I'm not opposed to changing the Zoning all
20 the way from Wendy's here, all of the way up to
21 Maynada, all along US-1, it's Zoned Commercial,
22 basically.

23 We only need to change it as a whole, so
24 that all of the people coming to the City of
25 Coral Gables know what they're going to be

1 doing and what the plans are and not making it
2 piecemeal each time.

3 I can see this coming down, if we vote for
4 this today, and I don't think I have the other
5 Comissioners' support on this.

6 But why the neighbors have to gather
7 together and fight this issue, because here's
8 Wendy's -- can everybody see that -- here's
9 Wendy's, and that's been sold. And in talking
10 to Ramon, that could be a 16-story building or
11 so, that backs up to other commercial, but that
12 could be 16 stories.

13 Where the shopping area is there, where the
14 Riviera Theater is, that property has been
15 sold. That could also be another 16 stories,
16 or even more, with parapets and whatever.

17 Here is the University Inn Condo, which is
18 already built, but they built it at four
19 stories.

20 Here is the old EWM site, which has been
21 sold. You could have 16 stories on either side
22 of that waterway, because they have enough
23 parking spaces over here.

24 I've talked to Ramon about this, but he can
25 clarify it. I'm just saying, we can do

1 whatever we want to do. Just like today, we
 2 can do whatever we want to do. The City is in
 3 charge. So if you have three votes -- and
 4 that's all it takes, is three votes, to change
 5 the whole atmosphere of US-1 and change our
 6 City Code.

7 I mean, forget about the process. Three
 8 votes up here changes the whole complex of what
 9 can come along here. And it's going to change
 10 our City dramatically. And I don't mind the
 11 change. If you want 16 stories all along here,
 12 that's fine. I will vote for it, if the
 13 citizens, and it comes up through due process,
 14 wants 16 stories or 18 stories, whatever the
 15 City basically wants.

16 But I want the City to be in charge and not
 17 each developer piecemeal, coming along, saying,
 18 "This is what we need to do."

19 So whether or not you can build 16 stories
 20 along the waterway here is up to the City
 21 Commission, because everything can be changed.

22 And then you have the Holiday Inn site.
 23 And the poor Holiday Inn site -- the Holiday
 24 Inn has been bashed, and it should be. I mean,
 25 it's not very attractive. And like I said, I

1 worked across the street 20 years, and we went
 2 there every Wednesday morning for meetings.
 3 And it's just not the class of hotel that we
 4 really should have.

5 And I would like to see a beautiful hotel
 6 there. I like what's been planned. We had a
 7 meeting with the University of Miami Board
 8 yesterday. One thing I thought was
 9 interesting, that Vice Mayor Quesada mentioned,
 10 is that six years ago, none of us were here. I
 11 don't know if our City Attorney was here. But
 12 our City Manager wasn't here. None of us were
 13 up here on the dais. Most of the people in
 14 that room representing the City, except for
 15 Police Chief Hudak, were not here in Coral
 16 Gables even six years ago, when that pact with
 17 the University of Miami was made.

18 I was still in town and on several boards,
 19 so I was very involved with that at the time.
 20 But, again, that was just six years ago. We
 21 don't have a lot of history here.

22 Certainly, most of us, were not back to
 23 1979, when three votes put that overlay on the
 24 US-1 tract, after the IRE Building went in.

25 So we have the Holiday Inn here. You have

Bailey & Sanchez Court Reporting, Inc.

305 N.W. 10th St., Suite 100, Miami, FL 33136
 (305) 521-1111

1 center across the street. They have all sorts
2 of dignitaries coming for concerts and so forth
3 at the BankUnited Center. They deserve to have
4 a much, much, much, much, much nicer hotel than
5 the Holiday Inn.

6 And we need it. And they need it. And
7 people coming into town, that visit the
8 University, professors, and people that work --
9 we also need places for the staff and so forth,
10 working at the Medical Center, who could use
11 that there, also.

12 On the other hand, I look at this -- if I
13 could have some help with this. Which way does
14 it go? Upside down.

15 MR. BASS: Wait. I just need to make sure
16 my objection to that stands, as well.

17 MR. LEEN: Yes. Mr. Bass has objected to
18 that document and that continues to stand.
19 This is just a demonstrative, though.

20 COMMISSIONER SLESNICK: This is just so I
21 can show. Here is US-1 again. And here's the
22 Paseo. And here's the different properties
23 that I talked about, which isn't a larger
24 scale, because I didn't have a larger map.

25 What could go along here -- I ran for

1 office seven months ago because -- and last
 2 December, at this time, I had no plans of
 3 running for office, and that's just a year ago.
 4 Things change in a year.

5 In January, I discovered all of the
 6 different projects that were going up in Coral
 7 Gables, and I saw the people that were running
 8 for Commissioner Kerdyk's seat, and I said, the
 9 people that were in the lead really had
 10 pro-development on their mind. And that
 11 invigorated me to file for office in late
 12 February and run.

13 I didn't get a lot support from developers.
 14 I was offered checks from developers, and I did
 15 not take any checks from developers.

16 COMMISSIONER KEON: You know what --

17 COMMISSIONER SLESNICK: Okay. I'll take
 18 that back. Strike that from the record.

19 COMMISSIONER KEON: This is not the
 20 campaign. This is a legislative offering.
 21 Let's talk about --

22 COMMISSIONER SLESNICK: Okay. But also we
 23 did a survey at the seminar that we had, and
 24 we've had a survey, and it took a long time for
 25 me to do that survey. And I had all of my

1 US-1, where we have transportation and public
 2 access to transportation, or along Ponce or
 3 along South Ponce.

4 I'm not anti-development. I think we need
 5 to encourage it. But I think the City needs to
 6 be in charge of changing their Zoning Code, and
 7 not any more developers coming along here and
 8 making the neighbors raise big funds in order
 9 to come along and get their side heard.

10 I would love to have a seven or eight or
 11 nine-story hotel there. I mean, I really agree
 12 with the neighbors. They came up from 77
 13 stories (sic) -- 77 to 97. That makes sense.

14 It's the process. It's the process of
 15 having any developer come along and change our
 16 Code, and not the City.

17 So I've said my piece. I don't think I
 18 have support. But I just want to tell you, I'm
 19 always in favor of the neighbors, because they
 20 are the stakeholders here in Coral Gables.
 21 They may or may not vote. I don't care. They
 22 have a right to be here, whether they're
 23 renting. And a lot of these are renters here,
 24 because I walked door to door in the
 25 neighborhood. Even as renters, they live here

1 in Coral Gables, and they are stakeholders, and
2 I'm always, always in support of the people
3 that live here in Coral Gables or who own
4 property, and not who have come in just to try
5 to change the property to suit their needs.

6 Thank you.

7 MAYOR CASON: Craig, you wanted to say
8 something?

9 MR. LEEN: Yes, Mr. Mayor.

10 At first, I would just say, this is said
11 respectfully to the Commissioner -- she
12 represents, just like each of you, the
13 community, and she has a right to speak on
14 these items. And that's why I didn't
15 interrupt.

16 But I did want to make a few things clear,
17 just for purposes of the record.

18 First, this is an application, so you must
19 consider it. This is an application. It
20 doesn't mean you have to approve the Land Use
21 change, but you do have to consider it, and
22 there are objective standards. You could not,
23 for example -- unless you passed a moratorium
24 ordinance, you could not tell a party that they
25 can't come and apply for a Land Use change, and

1 I'm not trying to -- if you decline to change
2 the Comp Plan and the Site Specific, then you
3 could not approve -- pardon me, the Site
4 Specific and the Comp Plan, then you could not
5 approve the PAD and the Site Plan.

6 So just to be clear and to recap, that's
7 why I told you, you need to address Items
8 Number 1 and 2 first. You need to make your
9 determination on Items 1 and 2. You need to
10 apply this fairly debatable standard.

11 Once you make that decision, that will be
12 what the law is and what you apply to the
13 quasi-judicial proceeding. So you're not
14 acting illegally at all. I want to be clear.
15 I have to say that, Commissioner, just because
16 I don't want the Court to think that whatever
17 is approved here is illegal.

18 COMMISSIONER SLESNICK: No, I don't feel
19 it's illegal at all. I'm just saying that I'd
20 like the process where it starts at City Hall,
21 and it's instrumental and being approved
22 through public input, by more than just the
23 neighbors.

24 MR. LEEN: So what you're doing is, you're
25 going -- on Items 1 and 2, you're going to

1 was the issue of the process. How many public
2 hearings, how many meetings, did we have just
3 in reference to this project?

4 MR. TRIAS: Well, I listed twenty this
5 morning, but there were additional meetings
6 that the Applicant had.

7 COMMISSIONER LAGO: So the process has been
8 straight-forward and has gone above and beyond
9 the standard protocol for other projects that
10 have come before the Commission? What would
11 you say?

12 MR. TRIAS: Yes. And some of the items
13 that we have done, in an effort to make it even
14 more public, have been actually criticized,
15 such as the Peer Review. And, frankly, if I
16 were to recommend it again, I probably wouldn't
17 do it. Because, at the end of the day, my
18 intent is to have as much public input as we
19 can, because that is what matters for the City.

20 MAYOR CASON: I don't think that there's
21 been anything, in my five years, that has had
22 as much public input as this one. I mean, more
23 people speaking, more e-mails, more letters.

24 COMMISSIONER KEON: Agave.

25 COMMISSIONER LAGO: Agave.

1 MAYOR CASON: Even Agave didn't have that
2 many.

3 MR. LEEN: I'd like to say one final thing,
4 for purposes of the public record, and this is
5 just to satisfy Commissioner Slesnick and also
6 the residents. I think what's come out of this
7 hearing, regarding High Intensity, is that
8 Staff has looked at it and is not recommending
9 High Intensity. So I don't believe that will
10 set a precedent of High Intensity for this
11 area.

12 In fact, that's why we went to MDX. It's
13 that we're trying to meet your concern. I know
14 we haven't fully met your concern, but that's
15 the intent, is to meet your concern, with the
16 MXD.

17 For example, I just want to be clear, if
18 the City approved Mid Intensity for this
19 property, there could be an argument by other
20 properties that Mid Intensity should be all
21 along US-1, and then you could potentially,
22 legally, have as-of-right projects up of 97
23 feet.

24 The benefit of the MXD is that it's unique
25 to this property. And anything that goes there

1 now will have to go through a Conditional Use
2 Review. There could not be an as-of-right
3 project placed there now.

4 So I just want to be clear, in my view, as
5 the City Attorney, I believe this is more
6 protective, legally, of the residents, than a
7 Mid-Rise Intensity.

8 VICE MAYOR QUESADA: Mr. Mayor, with your
9 permission, I'd like to make a motion.

10 COMMISSIONER KEON: Can I finish just what
11 I started when we were talking?

12 MAYOR CASON: Okay.

13 COMMISSIONER KEON: I think, in Alternative
14 1 -- if we talk about the height on US-1 last.
15 But I'd like you to start, in looking at it
16 from Madrugá. If you look at it from
17 Madrugá -- you know, what happens on US-1 -- it
18 is a six-lane highway. To some extent, there
19 is concern from the neighborhood about that
20 height. You know, that height, whether it's
21 110, 120, isn't as big an issue as the
22 relationship between the back of this project
23 to the Single-Family neighborhood. That, to
24 me, is the most important element, is how this,
25 at its closest proximity to the neighborhood,

1 Madruga and the residential community than how
2 it sits on US-1. So I'd like this --

3 VICE MAYOR QUESADA: My only problem with 2
4 -- I'm sorry, finish. I apologize.

5 COMMISSIONER KEON: Let me just finish.
6 What I would like to propose, and I know the
7 Developer isn't happy with this, I would reduce
8 that plinth on the front, that goes to 122
9 feet, I would lose it at 112. They'll lose 16
10 units. And I don't mind doing that at all.

11 Then it goes to the 112, plus whatever the
12 amenities are, and you retain these setbacks
13 and this spacing, and this distance, from the
14 back, is what I would like to discuss.

15 COMMISSIONER SLESNICK: Where are the units
16 that you're losing, on the front?

17 COMMISSIONER LAGO: On the front.

18 COMMISSIONER KEON: On the top plinth, that
19 go to 122 feet. It brings it down to the 112,
20 which is the same as the other one, too. Do
21 you know what I'm saying?

22 COMMISSIONER LAGO: But it's much softer on
23 the rear of the building.

24 COMMISSIONER KEON: But it's much softer as
25 to how it faces and how it reacts and interacts

1 COMMISSIONER SLESNICK: Is that with the
2 pool in the back?

3 COMMISSIONER KEON: Pardon me? From
4 Madruga.

5 COMMISSIONER SLESNICK: The pool is in the
6 back?

7 COMMISSIONER KEON: Well, the pool is in
8 the back, but, I mean, it's landscaped.

9 MAYOR CASON: It's factual. It's either
10 factual or not. Can you or can't you see it?
11 Either version, can you see it from the back,
12 and how far? I mean, because --

13 MR. HERNANDEZ: I tried to do that with
14 this section, but I think we can just do it
15 verbally.

16 VICE MAYOR QUESADA: You're saying, this
17 one?

18 MR. HERNANDEZ: Yes. The cut that you're
19 removing from the US-1 will never be visible
20 from Madruga. It's impossible to see it.

21 COMMISSIONER KEON: But overall height --
22 what I'm asking you is, if there is only a
23 setback of 22 feet, I think -- is that what's
24 in Alternative 2, from Madruga, where it goes
25 up 45, sets back 22, goes up?

1 MR. HERNANDEZ: Yes. Yes. We have that
2 section.

3 COMMISSIONER KEON: You can see that.

4 MR. HERNANDEZ: Yes. Alternative 2, from
5 Madruga, which is the scheme that's the same
6 height all of the way across, is visible from
7 Madruga.

8 COMMISSIONER KEON: It is visible from
9 Madruga.

10 MR. HERNANDEZ: Alternative 1, no portion
11 of the US-1 front, no portion -- so, in other
12 words, you gain really nothing in terms of the
13 neighborhood by reducing the front US-1
14 portion, because no portion of that would ever
15 be visible from Madruga or even Hardee. It's
16 impossible.

17 COMMISSIONER KEON: Right. I think you
18 make a grave disservice to the community if you
19 don't enforce the setbacks that are in
20 Alternative 1.

21 Now, whether you want it -- Commissioner
22 Quesada --

23 MAYOR CASON: He's busy discussing --

24 COMMISSIONER KEON: Commissioner Quesada.

25 VICE MAYOR QUESADA: Oh, I'm sorry.

1 MR. LEEN: Remember, everything needs to be
2 on the record.

3 VICE MAYOR QUESADA: We were looking at the
4 drawing.

5 COMMISSIONER KEON: I know, but if you're
6 looking at it, and you feel that in order -- we
7 need to be responsive -- if you feel an
8 obligation to be responsive to the neighbors
9 with regard to the height on US-1, I would ask
10 you not to do it at the expense of the back.
11 If that is the feeling of this Commission,
12 then, you know, I would ask, you know --

13 VICE MAYOR QUESADA: No, my biggest problem
14 with Alternative 1 --

15 COMMISSIONER KEON: Bring down that plinth
16 on the top, that takes it from 112 up to 122.
17 Take it off. Bring it down. They lose 16
18 units. If they lose 16 units, they lose some
19 intensity, they lose some parking, whatever
20 else. I'm not worried about that.

21 VICE MAYOR QUESADA: I understand your
22 position, and, respectfully, I disagree with
23 it, because I don't want the pool overlooking
24 Jaycee Park.

25 COMMISSIONER KEON: None of them have

Bailey & Sanchez Court Reporting, Inc.

303 W. 10th Street, Suite 200, Kansas City, MO 64105
816-241-1111

1 we just need to get that, as a courtesy. So if
2 someone's called you, as a Commissioner,
3 through the Mayor.

4 MR. HERNANDEZ: Sure. Sure. Thank you.

5 So to answer the question of the pool, the
6 project has two pools; one for the hotel, which
7 is on the south side of the site, and one for
8 the apartment building, which is on -- on
9 Scheme 1, is on the south side of the site, as
10 well.

11 The pool -- so, therefore, if you opt for
12 Scheme 1, both pools are on the south side of
13 the site.

14 If you opt for Scheme 2, the hotel pool,
15 which is in front of Jaycee Park, remains on
16 the south side of the park. The residential
17 pool, which is behind the first neighbor, the
18 first duplex, then moves into the courtyard,
19 and that one would not be on the south side of
20 the site.

21 That's the factual.

22 COMMISSIONER KEON: But currently it's not
23 opposite Jaycee Park. It's over next to the
24 IRE building.

25 MR. HERNANDEZ: Yes.

1 COMMISSIONER KEON: And it's only on the
2 residential building.

3 VICE MAYOR QUESADA: But they're moving it
4 into the courtyard.

5 COMMISSIONER KEON: Well, you know, you can
6 still have them move it to the courtyard. I
7 mean, I don't really care. I haven't heard any
8 objection from the neighbors about the pool,
9 but what I'm telling you is that the step backs
10 and the push back of that bulk and massing away
11 from the neighborhood will make a considerable
12 difference in the neighborhood, as to how this
13 building feels and looks, against a
14 residential -- a Single-Family Residential
15 neighborhood.

16 COMMISSIONER LAGO: I agree. I think it's
17 a great idea and a great option to limit the
18 height to 112 and to make sure, that we offer
19 the step back at 112, also. I think it's
20 essential for the neighbors to make sure that
21 we deliver on that, at a minimum.

22 MAYOR CASON: Go ahead. Yes. I'm going to
23 ask you to -- it's affecting -- may affect your
24 bottom line and ability to do it, and so I want
25 to --

1 MR. BASS: Beyond that, we were here under
2 oath, and you asked us, you pushed us, and the
3 alternatives that we presented to you really
4 had two decisions for you to make. Was the
5 step back to Madrugada more important? That was
6 Alternative 1. Or was the maintaining of the
7 overall height more important? That was
8 Alternative 2.

9 Alternative 2 -- the one that we prefer is
10 Alternative 2. You asked us, however, and my
11 client affirmed, under oath, this was it.

12 And so now what we're hearing is really a
13 counter-proposal three, which we have not
14 drawn, and the request for this
15 counter-proposal is to cut off a significant
16 amount of rooms, on US-1, away from the
17 neighborhood, completely eclipsed by the
18 existing building, that nobody will be able to
19 perceive from the neighborhood.

20 So we go back to where we started. It's
21 Alternative 1, respectfully, or Alternative 2.

22 MAYOR CASON: That's why I don't understand
23 why taking off, that has any effect on the
24 neighborhood. I mean, again, I think if you're
25 driving down Route 1 or walking it, you're not

1 going to notice the ten or twelve feet. It's
2 more important in the back.

3 And so with the options, I would go for the
4 option with the more setbacks in the back, on
5 the neighborhood, even though I don't think you
6 can see past that row of duplexes there. When
7 you get back to the other side of the park, I
8 don't think you can see any of it.

9 COMMISSIONER KEON: On 2, you can.

10 MAYOR CASON: Yeah.

11 COMMISSIONER KEON: On 2, you can.

12 COMMISSIONER LAGO: I mean, you're also
13 talking, you have 122 feet on US-1.

14 MAYOR CASON: I think that's less
15 important, because I think you could --

16 COMMISSIONER LAGO: I think it is.

17 MAYOR CASON: -- because I think you could
18 -- again, back to the 97-foot, you could have
19 put all kinds of things to make it higher. So
20 if the concern is the impact on the
21 neighborhood, that's going to be more on the
22 Madrugá.

23 COMMISSIONER KEON: Right. But I also
24 think the concern is, is how -- is our
25 corridors and how our corridors develop and how

1 our corridors look. And it's that height along
2 those corridors, I think, that do make a
3 difference. And it is less intense. It is a
4 less intense look.

5 You know, I can tell you, in particular,
6 like Palm Beach -- when you go to Palm Beach, a
7 lot of those buildings are at a hundred feet
8 along -- you know, as they go into the center.
9 But, on the island itself, those heights are
10 limited to around a hundred feet or so.
11 They're not real high.

12 And it provides you with a sense of -- it's
13 a less intense, it's a calmer, it's -- I think
14 it's a better aesthetic.

15 I mean, through all of this, you know, I
16 think that -- you know, and I've said it
17 before, and I have all the respect in the world
18 for this Developer and the Architect and for
19 their team, but, you know, they bought a parcel
20 of land that was designated as Low-Rise. You
21 know, they presented much more. That's the
22 risk they take. So anything above what they're
23 currently zoned for, you know, is a gift.

24 If it doesn't work for them, you know,
25 they'll decide not to build this project. But,

Bailey & Sanchez Court Reporting, Inc.

אשרי אלוהים יתברך ואלהינו ואלהינו ואלהינו
אשרי אלוהים יתברך ואלהינו ואלהינו ואלהינו

1 you know, 16 units on, you know, this whole
2 project, I don't really know -- I'm not in a
3 position to know that, and I don't know that
4 he's really going to tell us that, one way or
5 the other, but, you know, I think, as you
6 reduce the cost, you reduce the amount of
7 parking, and you reduce everything else, that
8 it's hard to believe that it's not going to
9 work, 16 units, out of all of the things.

10 But, nonetheless, because I do think -- and
11 with the hotel, I would give them the height on
12 the hotel, because I think that the design
13 elements on that hotel, and the variation in
14 the skyline for that, make it a very, very
15 attractive development, without really hurting,
16 because the mass or the biggest piece of it is
17 lower, and that's what is going to set the tone
18 for height.

19 But, you know, you'll tell me what you
20 think.

21 COMMISSIONER SLESNICK: The hotel right now
22 is 126 feet, as presented.

23 COMMISSIONER KEON: Yeah.

24 I don't have a problem with that.

25 COMMISSIONER LAGO: But I had also heard

1 that there a proposal or an option to go down
2 to 116.

3 COMMISSIONER KEON: I think it's 126. You
4 know, most of that 126 -- I mean, a lot of it
5 is -- it's a narrow building. It has a
6 different look. It has a different feel. And,
7 I think, once it's built, what you're going to
8 notice is there's a variation of the skyline.
9 That is what allows the paseo to open up. It's
10 what allows the open space. It's what allows
11 all of the design elements that everyone who
12 has spoken to this project has asked for and
13 liked.

14 And I've said to the neighbors, from the
15 very beginning, if we want to hide parking and
16 you want to have these types of architectural
17 elements, and you want to have open space, and
18 you want to have these things in a building,
19 you have to give. And what you may have to
20 give is a little bit of height, in a small
21 section, and in a small portion of a particular
22 development.

23 And, you know, I don't think it's a problem
24 overall. And for the long-term, for the
25 neighborhood, I don't see it as that huge an

1 issue.

2 So, you know, that would be where I am with
3 it. And I'm willing to listen to everything
4 you have to say, as to where you are, and why.

5 VICE MAYOR QUESADA: I think I've said my
6 piece.

7 COMMISSIONER LAGO: Yeah, I'm in the same
8 position.

9 VICE MAYOR QUESADA: So if it's okay with
10 the Mayor, I'd like to make a motion, if
11 everyone has said their piece.

12 MAYOR CASON: On Item 1.

13 VICE MAYOR QUESADA: We'll see where it
14 goes.

15 So Item 1 is the Ordinance on the
16 Mixed-Use.

17 MR. LEEN: Item 1 is a Comprehensive Plan
18 Amendment for the Map, which would designate it
19 as an MXD.

20 VICE MAYOR QUESADA: Yes. Correct. I
21 apologize. I'm looking at the actual
22 Ordinance, the exhibits. So I apologize.

23 So I'm going to move to approve it, but
24 with some restrictions. Just to be abundantly
25 clear --

1 MR. LEEN: Just so you know, you cannot put
2 any conditions on a Comp Plan change.

3 VICE MAYOR QUESADA: Well, but I think it's
4 important, because here we have to say whether
5 Alternative 1 or 2, do we not?

6 MR. LEEN: No, that you'll do later. First
7 is just the Comp Plan change.

8 COMMISSIONER KEON: 3 and 4.

9 MAYOR CASON: MXD District.

10 COMMISSIONER KEON: That's 3 and 4.

11 MR. LEEN: So the Comp Change Plan would be
12 to --

13 VICE MAYOR QUESADA: But I do have to
14 clarify that it is Option 1.

15 MR. LEEN: Well, you will, when we get to
16 Items -- so in Item 1 --

17 COMMISSIONER KEON: When we get to 3 and 4.

18 MS. SWANSON-RIVENBARK: Not at this stage.

19 MR. LEEN: Not at this stage.

20 COMMISSIONER KEON: At 3 and 4.

21 VICE MAYOR QUESADA: Okay.

22 MR. LEEN: Item 1 is the Comp Plan change,
23 the Map Designation, from Low-Rise Intensity to
24 MXD.

25 VICE MAYOR QUESADA: However, on Page 3 of

1 the Ordinance, Section 2, there's an area, in
2 the version that was given to us of the draft
3 Ordinance, that says, do we want to include
4 this, and it has a restrictive covenant on the
5 height.

6 MR. LEEN: Because that Ordinance is not
7 the Comp Plan change. Obviously they're been
8 mixed up. They must have been mixed up,
9 because Item 1 is the Comp Plan change, the map
10 designation, from Low-Rise Intensity Commercial
11 to MXD.

12 And let's make sure you have the right
13 documents.

14 COMMISSIONER KEON: Wait a minute. We had
15 D, E --

16 VICE MAYOR QUESADA: I apologize. I need a
17 fifteen-second break for you to line it up with
18 me.

19 COMMISSIONER KEON: Yeah, line up the
20 Ordinances in the right order.

21 VICE MAYOR QUESADA: Okay. The first item
22 to vote on is Exhibit D. If you look at Page
23 3, there's a section highlighted in red, with a
24 comment that said, "Shall we add this or not?"
25 So what I want to add is consistent with this

1 proffer it, you can include a restrictive
2 covenant, even on an MXD.

3 VICE MAYOR QUESADA: Which is what I was
4 getting to.

5 MR. LEEN: Okay. I'm sorry.

6 VICE MAYOR QUESADA: Okay. I'm sorry we
7 were not on the same page.

8 MR. LEEN: I'm sorry.

9 VICE MAYOR QUESADA: But I would prefer to
10 look at the full document on the vote, rather
11 than the summary, so we get the full picture of
12 it, for more clarity for everyone involved.

13 MR. TRIAS: For more clarity, the change to
14 MXD allows you to have those restrictions in
15 the Site Specifics, and that's what the other
16 attachment is. And there, there's maximum
17 height --

18 VICE MAYOR QUESADA: Part of my motion, and
19 you tell me whether it should be included here
20 or not, is to limit the overall total height to
21 the 127 number. You told me, under the 97
22 habitable, it would be 122.

23 MR. TRIAS: Right.

24 VICE MAYOR QUESADA: The architect, for the
25 Developer, said he can work in all of the

1 architectural features, to make it look nice,
2 at 127.

3 MR. TRIAS: Yes.

4 VICE MAYOR QUESADA: So that's where I
5 wanted to be, for the purpose of my motion.

6 COMMISSIONER LAGO: Frank -- Vice Mayor,
7 excuse me, did you just say you want the
8 habitable height to be 97?

9 VICE MAYOR QUESADA: No, I did not say
10 that. I said, the total height, with all of
11 the architectural features, as required,
12 pursuant to our Mediterranean --

13 MR. TRIAS: Yeah. You're correct. That's
14 the number. However, the hotel, as proposed by
15 the Applicant, is a little higher than that.
16 So I just want to be clear.

17 MR. LEEN: Well, wait, let's hear it. They
18 can proffer a restrictive covenant with a
19 maximum height, but we need to be clear, what,
20 because I know the heights are different for
21 the two buildings.

22 MR. TRIAS: Yes. The simplest way, Mr.
23 City Attorney --

24 MAYOR CASON: Go ahead.

25 MR. TRIAS: The simplest way to do that,

1 and that is what's in the attachment for the
2 Site Specifics, there we have a maximum height
3 of the apartment building, a maximum height --

4 VICE MAYOR QUESADA: Got it.

5 MR. TRIAS: So whatever you'd like, you can
6 do there.

7 VICE MAYOR QUESADA: Okay. Thank you. And
8 I did see that. I am clear.

9 MR. TRIAS: That's the simplest way.

10 MAYOR CASON: Okay.

11 VICE MAYOR QUESADA: Okay. But just keep
12 the other Ordinances handy for the next
13 motions.

14 MAYOR CASON: All right.

15 VICE MAYOR QUESADA: So, then, on this
16 item, Number 1, I move to approve it.

17 MAYOR CASON: Do we have a second?

18 COMMISSIONER KEON: With what? Did you put
19 a restriction --

20 MAYOR CASON: No. That's coming later.

21 VICE MAYOR QUESADA: That's one of the next
22 motions.

23 COMMISSIONER KEON: Okay. Fine.

24 MAYOR CASON: Do we have a second?

25 COMMISSIONER KEON: I'll second it.

1 MAYOR CASON: Commissioner Keon seconds it.

2 MR. LEEN: And to clarify, before the vote,
3 this will change it to MXD.

4 MAYOR CASON: MXD.

5 City Clerk.

6 THE CLERK: Commissioner Keon?

7 COMMISSIONER KEON: Yes.

8 THE CLERK: Commissioner Lago?

9 COMMISSIONER LAGO: Yes.

10 THE CLERK: Vice Mayor Quesada?

11 VICE MAYOR QUESADA: Yes.

12 THE CLERK: Commissioner Slesnick?

13 COMMISSIONER SLESNICK: No.

14 THE CLERK: Mayor Cason?

15 MAYOR CASON: Yes.

16 All right. The second is the Site Specific.

17 VICE MAYOR QUESADA: So I am going to make
18 a motion to approve.

19 COMMISSIONER KEON: Which one is this,
20 which number?

21 VICE MAYOR QUESADA: This is Site Specific,
22 Attachment E.

23 MAYOR CASON: 15.4359.

24 VICE MAYOR QUESADA: E as in Edward.

25 COMMISSIONER KEON: Okay, E.

1 VICE MAYOR QUESADA: And my understanding
2 is, this is what creates the no precedential
3 effect on the other properties, this document?
4 Is that correct?

5 MR. TRIAS: Yes. It also --

6 VICE MAYOR QUESADA: So everything that
7 we're approving makes it specific to this
8 specific parcel.

9 MR. TRIAS: Now and in the future. So it's
10 not going to be any different. Yes.

11 MAYOR CASON: Okay.

12 VICE MAYOR QUESADA: Okay.

13 COMMISSIONER KEON: To this parcel.

14 MAYOR CASON: Okay.

15 VICE MAYOR QUESADA: I move to approve this
16 item.

17 MAYOR CASON: Do we have a second?

18 COMMISSIONER KEON: I'll second it.

19 MAYOR CASON: Commissioner Keon seconds it.
20 City Clerk.

21 THE CLERK: Commissioner Lago?

22 COMMISSIONER LAGO: Yes.

23 THE CLERK: Vice Mayor Quesada?

24 VICE MAYOR QUESADA: Yes.

25 THE CLERK: Commissioner Slesnick?

1 COMMISSIONER SLESNICK: No.

2 THE CLERK: Commissioner Keon?

3 COMMISSIONER KEON: Yes.

4 THE CLERK: Mayor Cason?

5 MAYOR CASON: Yes.

6 VICE MAYOR QUESADA: Okay.

7 MAYOR CASON: 3.

8 VICE MAYOR QUESADA: On the third -- I'm
9 going to make a motion. I want to be clear.
10 Is this where we discuss Alternative 1 and
11 Alternative 2?

12 MR. LEEN: Yes.

13 MAYOR CASON: And can you, again, for those
14 watching, explain 3. This is PAD. This is the
15 -- the conditions go in here?

16 MR. LEEN: Yes. Item 3 is the Planned Area
17 Development. There's also Item 4, which is the
18 Site Plan Review, to approve the Mixed-Use
19 project. Both of those should have the same
20 Conditions of Approval. You don't want them to
21 be inconsistent. This is where you can add all
22 of the Conditions of Approval recommended by
23 Staff and proffered by the Applicant.

24 You also can impose the restrictive
25 covenant.

1 COMMISSIONER KEON: So the first is the
2 PAD.

3 MR. LEEN: By the way, typically, the City
4 requires a restrictive covenant in conjunction
5 with a Conditional Use Review.

6 VICE MAYOR QUESADA: Turn to Page 6 of
7 Exhibit F, Attachment F.

8 MAYOR CASON: Mr. Bass, if you want to
9 comment on the conditions or anything else
10 before we vote on this.

11 MR. BASS: Yes, please, for a moment. Just
12 for a moment. I'd like Jorge Hernandez to be
13 recognized, because the discussion that just
14 transpired about that last cut would be fatal,
15 absolutely fatal. However, due to the extent
16 of the project that would be removed, after all
17 of the other cuts that we've done,
18 Mr. Hernandez can briefly explain to you a
19 friendly amendment to that addressment of the
20 Madruga setback, that would get you, I believe,
21 where you wanted to be, vis-a-vis, Madruga, but
22 still preserve a viable project for us.

23 MAYOR CASON: Mr. Hernandez, is there a way
24 to do it?

25 COMMISSIONER KEON: Thank you.

1 COMMISSIONER LAGO: Can I ask you a quick
2 question, Mr. Bass? I'm sorry, because you
3 used some words that really resonated with me.
4 You said, "Fatal."

5 We reduced parking that saves you, at
6 \$20,000 or \$25,000 a space, you know -- you're
7 talking between four and five million dollars.
8 You know, it's not fatal. I think -- I don't
9 appreciate when you stand up here before me and
10 you put us in a position where you say that the
11 project is -- you know, it's fatal, the cut
12 that we're about to make. We're talking about
13 16 units, to bring the building down to 112,
14 and to have the necessary setback to protect
15 the residents.

16 We're looking at a project here, that,
17 right now, as-of-right, calls for 45 feet, with
18 77 with Mediterranean Bonus.

19 So I'm asking you to work with us and give
20 us an option that really would meet what
21 Commissioner Keon and what myself brought up.

22 MR. BASS: And I'm going to do that, and
23 with the respect and candor befitting of this,
24 I tell you, those were not my words. Those
25 were my client's words, who are the ones who

1 by Mr. Alvarez, already had the 626 spaces in
2 it, for the First Reading.

3 So when Mr. Reynolds got up here and said,
4 "This was the last cut," it had already cut the
5 parking. We were -- I just wanted to clarify.

6 COMMISSIONER LAGO: Ms. Russo, but let me
7 ask you a question, since you just made that
8 statement. First off, let me ask the City
9 Manager a question. There wasn't any
10 additional cuts to parking over the last 48
11 hours?

12 MS. SWANSON-RIVENBARK: Actually, we were,
13 in honesty, working with Kevin to see, could we
14 make additional cuts, but this was the original
15 reduction that they had proposed.

16 COMMISSIONER LAGO: And by the way, when
17 you cut the parking -- when you cut the parking
18 and you go to a shared parking mechanism, the
19 main beneficiary of it is the project or
20 whoever owns the project, because you don't
21 have to build those spaces.

22 And in the case of many projects in Coral
23 Gables, as our Vice Mayor has mentioned on many
24 occasions, you have -- case in point, Merrick
25 Park, you have two levels of parking that are

1 The reduction of the units on US-1, from
2 122 to 112, which was the suggestion of
3 Commissioner Keon, we lose 16 apartments.
4 That's almost a half a floor. And I would like
5 to suggest the following amendment.

6 We have a 62 and a half setback from
7 Madruga. You do not see the building at all at
8 62 feet and a half, if we allow that line to
9 come essentially the length of this desk,
10 actually. I was going to say, less than twice
11 the height of Commissioner Quesada, but
12 essentially the length of this desk. If we
13 allow that line to come up 12 feet closer to
14 Madruga, which means the 62 becomes 50, okay,
15 then we can take off that step.

16 So the US-1 height will be at 112. And
17 that height will stay, all of the way back, 50
18 feet short of Madruga.

19 MAYOR CASON: So just move it from the
20 street to the --

21 MR. HERNANDEZ: 50 feet short.

22 COMMISSIONER KEON: Would you mind putting
23 up your board here and sort of --

24 MR. HERNANDEZ: Yes.

25 COMMISSIONER KEON: There you go. That's

1 Alternative A. Could you put up the second
2 alternative?

3 MR. HERNANDEZ: Let's call it Alternative 1
4 Improved.

5 COMMISSIONER KEON: Okay. But I would like
6 to see what it does, the changes you make, on
7 Alternative 2, because that's what's going to
8 make --

9 MR. HERNANDEZ: No, this is Alternative 1,
10 which has the more profound setback on Madruga,
11 okay.

12 COMMISSIONER KEON: Right.

13 COMMISSIONER LAGO: Which is 112, correct,
14 the setback?

15 MR. HERNANDEZ: No. The setback from the
16 parking plinth back, to the first row of units,
17 is 62 -- 63 feet 6 inches, okay. 63 feet 6
18 inches.

19 And all I'm saying is, if the will of this
20 Commission is to take this off right here --

21 COMMISSIONER KEON: Right.

22 MR. HERNANDEZ: If the will is to take that
23 off, okay, we will still have a loss of about
24 four units.

25 COMMISSIONER KEON: Okay.

1 MR. HERNANDEZ: But we can move that line
2 to here, and the line of sight, as you see,
3 just hits the lower cornice. You would never
4 be looking into anybody's apartment. You would
5 see the famous parapet. You would see the
6 parapet.

7 COMMISSIONER KEON: Okay. You would
8 maintain the arcade at ground level. The
9 arcade goes up and steps up. I mean, it's like
10 10 feet or something. What's the arcade, 10
11 feet?

12 MR. HERNANDEZ: 12.

13 COMMISSIONER KEON: 12 feet. So you go up
14 and go 12 feet. Then you go up to the parking
15 platform. And then you go back --

16 MR. HERNANDEZ: 50 measured from the
17 property line. When we're speaking, we're
18 always speaking from the property.

19 COMMISSIONER KEON: Right. Where is the
20 property line?

21 MR. HERNANDEZ: Here. Well, it's drawn.
22 It's right here. And we're going to draw.
23 That's the property line.

24 COMMISSIONER KEON: Okay. That's the
25 property line. So it's from the property line,

1 but it's not from the plinth? How far can you
2 go back? What's the distance between the end
3 of the parking garage there and your property
4 line? It's 12 feet; is that right?

5 MR. HERNANDEZ: No.

6 COMMISSIONER KEON: Is a 12-foot --

7 MR. HERNANDEZ: No. Let me just clarify.
8 All of the dimensions given with regards to
9 this setback, including the ones enshrined in
10 the Code, are from --

11 COMMISSIONER KEON: Are from the property
12 line.

13 MR. HERNANDEZ: Right.

14 COMMISSIONER KEON: Okay.

15 MR. HERNANDEZ: Madruga, the Code allows us
16 to be at zero. We've never been at zero.

17 COMMISSIONER KEON: Okay. So tell me now,
18 you go up. You're at 45 feet up. And what was
19 originally drawn there was, what?

20 MR. HERNANDEZ; 63.6.

21 COMMISSIONER KEON: 63. And now you're
22 going to?

23 MR. HERNANDEZ: 50.

24 COMMISSIONER KEON: 50?

25 MR. HERNANDEZ: Right.

1 COMMISSIONER KEON: Okay. 50 is an
2 adequate setback.

3 MR. HERNANDEZ: 50, and we can take all of
4 the units -- not all. We can take most of the
5 units, that take the building to 122, away.
6 Totally away.

7 COMMISSIONER KEON: So under that, the
8 building height on US-1 will be 112. You know,
9 we -- I really want us to like talk with regard
10 to habitable feet, because our Zoning Code
11 addresses things in habitable feet. And we
12 need to be consistent with those terms. And we
13 have never, to my knowledge -- maybe -- Ramon,
14 can you help me?

15 Have we ever changed or not used habitable
16 feet, as a measure, when we're talking about
17 height?

18 MR. TRIAS: No. And that only applies to
19 the additional height that is allowed for --

20 COMMISSIONER KEON: Bonuses, but we always
21 talk in terms of habitable feet.

22 I understand what you want to do, but I
23 would please ask you to see if we could not
24 (sic) speak of terms of habitable feet. I know
25 they said, 97. I'm comfortable with 112. That

1 MR. HERNANDEZ: So just to summarize --

2 COMMISSIONER KEON: You'll still lose a few
3 apartments. They're going to lose some units.

4 MR. HERNANDEZ: We're going to lose some
5 apartments. I don't know if it's four or six.

6 But just to summarize, if I may, this
7 allows the best of the both schemes that we
8 devised last Tuesday and that we drew for this
9 morning submitted. It gives us 112 -- and
10 we're talking about the apartment building. It
11 gives 112 on US-1 and it gives us 112 on
12 Madruga. The only compromise is, the 63-foot
13 setback we had, moves to 50, but there's no
14 window to any apartment or French door to any
15 apartment that's visible from the neighborhood.
16 So the person can't look down.

17 That's the best compromise we can give,
18 and, you know, we offer it with the best of
19 intentions.

20 VICE MAYOR QUESADA: Mr. Mayor --

21 COMMISSIONER LAGO: I would support this
22 hybrid.

23 MAYOR CASON: I would support that hybrid.

24 VICE MAYOR QUESADA: Mr. Mayor, I'd like to
25 make a motion on this item, Item 3.

1 MAYOR CASON: Let me ask one question, for
2 the City Attorney.

3 VICE MAYOR QUESADA: Yes.

4 MAYOR CASON: About the compromise, this
5 would have to be in both, 3 and 4?

6 MR. LEEN: Yes.

7 MAYOR CASON: So it's a condition,
8 presumably.

9 VICE MAYOR QUESADA: Okay. So I'd like to
10 make an item (sic) on Number 3, which is the
11 Planned Area Development or the PAD.

12 COMMISSIONER LAGO: What page are you on?

13 VICE MAYOR QUESADA: I'm on Exhibit F.
14 First page.

15 MAYOR CASON: Ordinance about the PAD.

16 VICE MAYOR QUESADA: Development Review,
17 Division 5, Planned Area Development Ordinance.
18 I'd like to move for approval, with the
19 condition of the alternative design, that was
20 presented just now by the Applicant.

21 COMMISSIONER KEON: 1.5.

22 VICE MAYOR QUESADA: I'm sorry?

23 COMMISSIONER KEON: It's 1.5.

24 COMMISSIONER LAGO: Or Hybrid 3.

25 MAYOR CASON: Hybrid 1.

1 COMMISSIONER LAGO: Okay.

2 VICE MAYOR QUESADA: I'm open to any
3 amendments.

4 COMMISSIONER LAGO: I'd also like to make
5 sure, in reference to the Lighting Plan, it
6 states that no signs or lighting above the
7 third floor.

8 COMMISSIONER KEON: I would like to say
9 that there's nothing on the east side of that
10 building.

11 COMMISSIONER LAGO: That's what I was going
12 to --

13 VICE MAYOR QUESADA: That's included on
14 Paragraph 9 of Page 6.

15 COMMISSIONER LAGO: And I wanted to also
16 make sure that we have discussed the issue of
17 the extension of the trolley to UM. The word
18 "may" is used. I want to make sure that, that
19 comes to fruition.

20 Bike sharing, as I mentioned before, I want
21 to make sure that, through the City Manager,
22 we're able to implement potentially City Bike.
23 I know that you're working on some sort of
24 iteration of that.

25 I want to make sure that it is stated that

1 free parking must be provided to all employees
 2 or parking must be paid by employers, to ensure
 3 that the neighborhoods are protected.

4 VICE MAYOR QUESADA: Or they have some sort
 5 of plan with the employer for the Metrorail --

6 COMMISSIONER LAGO: Or they rent next door,
 7 which could be a shared parking option.

8 COMMISSIONER KEON: Transit passes.

9 COMMISSIONER LAGO: Transit passes. There
 10 has to be something.

11 I want to ensure that this is a LEED
 12 building.

13 MAYOR CASON: Are those in the conditions
 14 already?

15 VICE MAYOR QUESADA: All of those are
 16 already in the conditions I'm seeing on Pages
 17 5, 6 and 7.

18 MAYOR CASON: So the question now is, are
 19 there any new conditions anybody wants to
 20 discuss?

21 COMMISSIONER KEON: Can I only ask, rather
 22 than tying it to UM, that they would have to
 23 have a shuttle plan of some sort, because it
 24 may not be UM. It may be a shuttle that takes
 25 people to the airport. It may be a shuttle

1 that takes people across the street.

2 VICE MAYOR QUESADA: You know, I would ask
3 that it be something that be studied by our
4 Staff, before that is included.

5 COMMISSIONER KEON: Yeah. Yeah.

6 MAYOR CASON: I think the reason it's
7 important to let the Staff, because you could
8 have a solution where they pay for parking
9 somewhere else and -- so I don't want to limit
10 their --

11 VICE MAYOR QUESADA: All of that is already
12 contemplated in the draft we have in front of
13 us, upon my cursory review right now.

14 So, again, my motion is to approve the PAD,
15 based on the amendment presented to us by
16 Mr. Hernandez.

17 MR. LEEN: Also, I would ask that you
18 consider adding to that motion, based on all of
19 the public realm improvements, that you're
20 making all of the findings necessary for a
21 Planned Area Development, including -- and I'll
22 just read it into the record -- "Relation to
23 General Zoning Subdivision or other
24 regulations, where there are conflicts between
25 the PAD provisions and General Zoning

1 Subdivision or other regulations and
 2 requirements, these regulations shall apply,
 3 unless the Planning and Zoning Board recommends
 4 and the City Commission finds, in the
 5 particular case, One, that the PAD provisions
 6 do not serve public benefits to a degree at
 7 least equivalent to such general Zoning
 8 subdivision or other regulations or
 9 requirements, or (2) that actions, designs,
 10 construction or other solutions proposed by the
 11 Applicant, although not literally in accord
 12 with these PAD regulations, satisfy public
 13 benefits to at least an equivalent degree."

14 In particular, I'm asking you to make the
 15 finding as to B-2, which is that actions,
 16 designs, construction or other solutions
 17 proposed by the Applicant, although not
 18 literally in accord with these PAD regulations,
 19 satisfy public benefits to at least an
 20 equivalent degree.

21 VICE MAYOR QUESADA: I will incorporate
 22 that into the motion, as well as, that the
 23 motion is based on the evidence presented, as
 24 well the testimony received.

25 MAYOR CASON: All right. Do we have a

1 second?

2 COMMISSIONER KEON: I'll second it.

3 MAYOR CASON: Commissioner Keon seconds.

4 City Clerk.

5 THE CLERK: Vice Mayor Quesada?

6 VICE MAYOR QUESADA: Yes.

7 THE CLERK: Commissioner Slesnick?

8 COMMISSIONER SLESNICK: Yes.

9 THE CLERK: Commissioner Keon?

10 COMMISSIONER KEON: Yes.

11 THE CLERK: Commissioner Lago?

12 COMMISSIONER LAGO: Yes.

13 THE CLERK: Mayor Cason?

14 MAYOR CASON: Yes.

15 VICE MAYOR QUESADA: I would like to make a
16 motion on Item 4, which is the Overlay and
17 Special Purpose District, Mixed-Use District,
18 with all of the conditions and amendments as
19 previously stated on Item 3.

20 MAYOR CASON: Do we have a second?

21 COMMISSIONER KEON: I'll second it.

22 MAYOR CASON: Commission Keon seconds.

23 City Clerk.

24 COMMISSIONER KEON: Before we vote, can I
25 ask one question?

1 MAYOR CASON: Yes.

2 COMMISSIONER KEON: How are we dealing with
3 the hotel?

4 VICE MAYOR QUESADA: How are we dealing
5 with the hotel?

6 COMMISSIONER KEON: Are we including the
7 hotel in this entire thing? The hotel is at a
8 higher height.

9 MR. LEEN: The hotel is included in the
10 approvals and in the Site Plan.

11 MR. RAMON: That's a really good --

12 COMMISSIONER KEON: Okay. I'm sorry. I'm
13 sorry. Go ahead. You can call the roll.

14 COMMISSIONER SLESNICK: At 126.

15 COMMISSIONER KEON: You can call the roll.
16 I'm sorry.

17 MR. LEEN: Right, at 126?

18 MR. TRIAS: At 126, yes.

19 MAYOR CASON: Okay. City Clerk.

20 THE CLERK: Commissioner Slesnick?

21 COMMISSIONER SLESNICK: Yes.

22 THE CLERK: Commissioner Keon?

23 COMMISSIONER KEON: Yes.

24 THE CLERK: Commissioner Lago?

25 COMMISSIONER LAGO: Yes.

