

**City of Coral Gables City Commission
Special Meeting
April 2, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Patricia Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

City Manager, Cathy Swanson-Rivenbark

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Director of Planning & Zoning, Ramon Trias

Public Works Director, Glenn Kephart

Public Speakers:

Mario Garcia-Serra, Attorney for Applicant

Eduardo Avila, Developer for the Project

Susan Trevarthen, Outside Special Counsel for the City

Timothy Plummer, Traffic Consultant

John McCulloch, Traffic Engineer

Stan Michael Vaughn, Retail Consultant

[Note: This is a continuation from the March 25, 2015 Commission Meeting].

Mayor Cason: (INAUDIBLE) Regular Commission meeting of last Tuesday. The City Attorney has a couple items before Commissioner Keon arrives that we'll get out of the way.

Craig Leen: Thank you, Mr. Mayor. The first item is one of importance to everyone, but of particular importance to me; it affects me. It's the -- it's a proclamation because today is World Autism Awareness Day. And I appreciate the Mayor and the Clerk and the Commission and the City Manager being here and putting this together so that this could be presented. We happen to have a Commission meeting today on World Autism Awareness Day. I know that this affects many people throughout our City, many children, many adults, and that there are employees and people who work here who have loved ones who have autism. And every April 2, it is World Autism Awareness Day, and we take a moment to just think about people who have autism, and to support all of the research and efforts that are being done to address this ailment. And so with that, I would just say on behalf of the Mayor, that today is proclaimed as World Autism Awareness Day in Coral Gables. Thank you, Mr. Mayor. The second item -- and I'd like to ask the Deputy City Attorney to come up -- is an item related to the canvassing board for the election. Could you present the item on behalf of the Clerk and myself?

Miriam Ramos: Yes, of course. Good morning, everyone. This is a resolution that was put on today's agenda. I'll read the title first. It's a resolution approving the Honorable Carlos Busman, circuit court judge of the Eleventh Judicial Circuit, as a substitute canvassing board member, along with the Honorable Patricia Keon and the City Clerk, Walter J. Foeman, for the upcoming City of Coral Gables general biannual election of Tuesday, April 14, 2015, in the event that the Honorable Rudy Ruiz is unable to serve for the purpose of canvassing the presumed invalid absentee ballots and precinct returns; further authorizing said board to certify the results of said election. Do you have any questions, I'm happy to answer them.

Mayor Cason: We have a motion?

Commissioner Lago: I'll make a motion.

Mayor Cason: Commissioner Lago makes a motion.

Vice Mayor Kerdyk: Second.

Mayor Cason: Vice Mayor seconds it. City Clerk.

Walter J. Foeman: Vice Mayor Kerdyk?

Vice Mayor Kerdyk: Yes.

Mr. Foeman: Commissioner Lago?

Commissioner Lago: Yes.

Mr. Foeman: Commissioner Quesada?

Commissioner Quesada: Yes.

Mr. Foeman: Mayor Cason?

Mayor Cason: Yes.

Commissioner Lago: Thank you.

Unidentified Speaker: Thank you.

Mayor Cason: Thank you very much. I think we're going to wait just a couple more minutes until Commissioner Keon gets here, because it's important that she hears the presentation.

Mr. Leen: You know, Mr. Mayor, regarding World Autism Awareness Day, I forgot to mentioned, I have two children with autism. I just wanted to -- in case they're watching, I just wanted to tell them I love them. And they're doing very well, and they're making a lot of

progress, so that's why it affects my family. I forgot to mention that. But that obviously is very important, and that's why you've been so kind to do this today, so thank you.

Mayor Cason: You might mention the card that we discussed several months ago.

Mr. Leen: Yes.

Mayor Cason: The card that's available by our police.

Mr. Leen: Our City has been doing a number of things. The Police Department, particularly, Bart Barta, who's really led this, but we actually have a card that we're spearheading where, if someone with autism -- and sometimes autism affects the ability of someone to communicate -- is able to have this card. I have it in my wallet. Where they can give this to a police officer or to a government official or to anyone to show that they have autism and why they can't communicate. Also, I know that the Police Department has been working on a -- there's a bracelet that can be put on to track someone in case they get lost or they go away. And I know our Police Department has been part of that as well. And so I think we're really at the forefront of -- in this area.

Mayor Cason: While we're waiting for Commissioner Keon, could you give us an update on the -- how we've been doing on the injunctions? We've had some great successes recently.

Mr. Leen: Yes. We have -- thank you, Mr. Mayor. We have a very aggressive and fair and good nuisance abatement program in this City and we're very proud of it and it's come from the Commission. They've asked the Manager, myself, Code Enforcement, the police to identify and -- you know, residences, houses which are abandoned or vacant so no one is living there, but that have significant Code Enforcement violations that rise to a level that is affecting the community itself; the street, the block, and that you'll have a house that is -- could be dilapidated or it could be attracting people into the house that shouldn't be there. So what we've done is we've identified some houses. Currently, on the list, there are 15, and we've just taken two of the houses off the list. But we have done a very concerted effort related to these residences, which

again, are vacant, to go to court and to get injunctions to have the mortgage companies or the property owners, but usually the mortgage companies, because again, they're abandoned, come in and fix the properties. And we've met tremendous success, I have to say, with that. And this Commission has passed several ordinances that addresses this very issue, including first the swatters ordinance; second, the abandoned property ordinance, the enhanced abandoned property ordinance, and now lastly, the -- a special assessment ordinance that allows all these things to be put on the tax bill. So we just had a number of successes in a row where we were able to get injunctions from court, including one which was contested, a contested injunction, which is the first time we've had that where we had to go to court; the other side, which was a bank, was well represented; and we presented our ordinance to the judge and we were able to get an order, an injunction order, a temporary injunction, but it essentially is going to be -- it looks like the injunction that solves the case to have that house fixed up and to make it nicer for the street. So I think it's something that the Commission can be very proud of.

Mayor Cason: I think the City of Coral Springs is looking to adopt something similar.

Commissioner Quesada: ... following our path

Mr. Leen: Yes. We -- actually, I speak on this topic and I tell them what our City has been doing at different seminars in the state, and we always get a very good reaction. And people will come up to me and they will say, wow, I never thought that that could be done. But then we'll show them the case law, we'll show them our ordinances, we'll show them -- we'll talk to them about municipal home rule power, and different ways you can address public nuisances, and we do have cities that are adopting them. In fact, the City of Miami has adopted our swatters ordinance or a very similar one. It doesn't quite go as far as ours in the sense that they still go to -- they still have to go through a court process. We established our own magistrate process to facilitate the squatters ordinance. So I do really think that it -- these are state-of-the-art, excellent ordinances that have been extremely effective.

Mayor Cason: You want to talk about the ground rules for today?

Mr. Leen: Yes. So today, as the Mayor mentioned before, and now we're going into the hearing on the Mediterranean Village project, and we had -- we're still part of what's called the First Reading. So on any sort of project like this that is a land use and zoning project where it's a development that is seeking an approval or Comp Plan changes or Zoning Code changes, under our law, it goes to a Planning & Zoning Board and then it comes to the City Commission for two readings. We are presently on the First Reading, but we're not at the beginning of the First Reading; we're in the middle of the First Reading. We've already had a public comment session; basically, a public hearing where the public has had the opportunity to speak, where evidence has been presented, and now it's time for Commission deliberation.

Now, one thing the Mayor and I spoke. I'm the Mayor's parliamentarian, and we spoke about what would be the procedure for today, and we do have a couple memos that we need to put in the record formerly, which I will do right now. The first is a memo from Ramon Trias to -- who is our director of Planning & Zoning, to Cathy Swanson-Rivenbark, who is our City Manager, which listen to a lot of the comments that were made at public hearing and then tried to address them in a memo with different ways that -- concerns that were raised by the public or that were raised through the presentations or that were raised in questions could be addressed. So I have a copy of that memo here. And Mr. Mayor, with your permission, I would formerly place that in the record.

Mayor Cason: Yes. And I think also we have a copy of the agenda. Mr. Clerk, is that correct? That's outside.

Mr. Foeman: That is correct.

Mayor Cason: Anybody wants the agenda on the --

Mr. Foeman: It's in here. It's inside.

Mayor Cason: OK.

Mr. Leen: Then, Mr. Mayor, second, there's also -- I received a question, because an issue came up regarding the vacation of the alleyway and whether that caused any liability for the City or whether we thought that that in any way violated a principal of law that could subject the City to liability, because of course, not only does the City not want to be subjected to liability, but also the City wants to do what's right, and that's important to us. So we did take a look at that issue, and we prepared a memo that discusses the issue of alley vacation, and what our -- what is the law relating to access to a property, because just for purpose -- for the audience, there was an issue that was raised as to whether vacating an alley would affect access to a property and how much would it affect access to the property and whether that caused a legal issue or not.

And what I would say to that is we have a memo. It's from special counsel to myself. I have adopted it as a City Attorney opinion, and given you some of my own thoughts as well. And our view is that there is no legal liability that sufficient safeguards are being recommended that, if adopted, there would not be liability; that would be sufficient access in terms of a legal or constitutional level. So we believe that there would not be liability. And with that, Mr. Mayor, I'd like to place that in the record as well.

Mayor Cason: All right. Thank you.

Mr. Leen: Thank you. And I will bring copies of those to the Clerk. Now, lastly, so at this point, the Mayor has asked -- and I believe we're going to wait a moment till Commissioner Keon comes in.

Mayor Cason: She's almost here, I'm told.

Mr. Leen: But what Mayor Cason would like to do is -- we have this memo. We believe it's very important that the applicant -- the Commission -- the Mayor has told me that he would like to talk to staff about the memo, which is his prerogative as the Chair. So we're going to start with the memo, and we -- the Mayor also is asking that Agave have a representative come up to be able to -- as we go point by point through the memo and through the PowerPoint, that can respond point by point and then so can determine what -- where there is agreement and where there is not agreement and then the Commission can discuss those areas of non-agreement. Of

course, the Commission can speak about anything, and ultimately, the Commission has to make a decision on the whole thing, but that was the idea for the procedure. So with that --

Ms. Swanson-Rivenbark: And Mr. Mayor, if I may? I'm going to ask staff to help pass out copies for anyone that would like to follow with that memo. We have ample copies for everyone that wants it. So it's -- if my two brave volunteers to help pass those out.

Mr. Leen: And while that's being passed out, the last thing that I wanted to mention -- and again, this was in discussions with the Mayor, who, again, as the Chair, sets the procedure. but this is ultimately up to the Commission as well as to how to proceed, but one approach and a procedure that's going to be adopted initially is that following that discussion and then the Commission discussion, first the Commission would take up the legislative items, and then, secondly, would take up the quasi-judicial items in terms of the order of voting. And the reason for that is that legislative items are under a different standard of review than quasi-judicial ones, and the legislative items are really precursors to the quasi-judicial ones. The quasi-judicial items can't be passed unless the legislative items are passed because there -- this quasi-judicial item, this site plan that's being requested would require a change in the law in order to be adopted, so the Commission will first look at the issue of the change in the law and determine whether in terms of voting -- I'm not necessarily saying debate. In terms of debate, they can discuss them at all once, but in terms of voting, the idea would be they would vote on that first and then they would move to the quasi-judicial items, which is basically the site plan, also the development agreement, and the vacation of the alleyway. We are treating those as quasi-judicial items for purposes of the procedure today.

Commissioner Quesada: If I can just jump in for a second. I mean, I have a number of questions where I want to pick up from last time whenever it's appropriate to jump into that point. But one thing I want to mention is there are a number of pages from all the documents that we have, that I want to make sure we can make them available on the TV (television) so those that are watching from home can see what we're referring to. And I don't know if that's our Gables TV staff that will have access to that or they can use the camera to focus in on the screen that we have here.

Mayor Cason: Have you identified the pages that you want that are on the screen?

Commissioner Quesada: Yeah. I have a few. I mean, I can give them a few now, but I think maybe what might be the best thing for Gables TV is maybe -- if we can put the slide -- because I believe the applicant has everything on their PowerPoint presentation, on their computers. They can put on that screen, and maybe Gables TV zooms into that screen. I just think some of the illustrations really help walk through some of the questions that I have.

Mayor Cason: OK.

Unidentified Speaker: Staff has the presentation that we have today, so.

Commissioner Quesada: OK. What I'm going to do is I'm going to

Ms. Swanson-Rivenbark: And we'll make sure that our -- the staff that can really use it has access to it too. So whoever has the -- your flash cards, right? So whoever has the flash cards for the presentation that happened last meeting, we believe CGTV (Coral Gables Television) already has it, so if you can confirm. Thank you, sir.

Mayor Cason: Madam City Manager, do you want to start off with yourself and then with Ramon Trias running through the presentation, then we'll have Agave have a representative up here and the City staff on this side?

Ms. Swanson-Rivenbark: Certainly, sir. So at the -- at your last meeting, you all raised some questions, the public raised some questions. We took note of those questions, and the staff met to review what those issues are and to provide some recommendations associated with those responses. And so Ramon is going to review what those recommendation were; approximately 10 different team members joined in to come up with those responses based on their expertise, and we're going to go point by point based on the citizen comment that was shared in advance of the continuance.

Mayor Cason: OK. Ramon. Good morning.

Ramon Trias: Good morning, Mayor, Vice Mayor, Commissioners. The memo that has been passed to everybody has been complete information based on the comments from staff as the City Manager explained. The presentation that I'm going to go through at this point goes point by point, and allows for an explanation by the applicant as you requested, if they choose to do so. For those watching at home and the citizens, I'll make a very brief description of the project. The location of the project is just one block south of the Central Business District, which, as everybody knows, ends at Almeria. The project is three city blocks, and it has one house in the center, which is not part of the project. If the -- I think that the -- here you go. The boundaries of the project are, I think, fairly clearly shown here, Sevilla to the north, Malaga to the south, Galliano and Ponce de Leon -- Ponce de Leon is the main frontage of the project, and the proposed project along Ponce de Leon would look something like this. As you can see, it's a mixed use project. It includes a variety of uses, which are described here. It's about 6.72 acres, 4.375 FAR (floor area ratio), which is about 1.2 million square feet. The project has different heights and different locations, depending on the building type. All of this was discussed extensively last time by the applicant, and I'm sure that if you need any illustrations, we can look for them and show them to you. The program [sic] includes 229 residential units, about 300,000 square feet of office space, and about 300,000 feet of restaurant entertainment and retail with a hotel that is 184 rooms. The total number of parking is about 2700 spaces. As the City Manager and the Mayor have explained, on March 25, there was the first part of this meeting. There was extensive public comment. In fact, there were many, many multiple people who spoke, and staff took notes. In the presentation that follows is basically trying to address all of different issues that were raised point by point. The first issue was a concern about public safety, and there are two memos that are attached to the memo that I submitted to you, two attachments, one from the Police Chief another one from the Fire Chief that go into some detail on this issue. But the concern was about the impact of the project and the ability to provide a service to the community. And the recommended action is that following on the very good advice of the interim Police Chief and the Fire Chief, there's some money enhancements to their ability to provide service that from staff point of view could be worked into the development agreement.

We're not recommending any additional contributions from the applicant. It's simply a better way to allocate the funds to better address the community concerns.

Mayor Cason: A question on that.

Mr. Trias: Yes.

Mayor Cason: The -- when would the extra Police and Fire be made available? I mean, the project's going to take, what, three or four years to build? When would you estimate that we would need to hire these extra people?

Ms. Swanson-Rivenbark: But I -- the Chief is in a hearing right now. But sir, this is related to the construction and occupancy of the project, so we would look at this as by certificate of occupancy.

Mayor Cason: OK.

Ms. Swanson-Rivenbark: We will have them on board. And again, we want to reiterate, we are not asking the developer for any additional monies. We have a fire fee. We have an impact fee for capital. The capital needs, the personnel needs will be met. We are asking for a reallocation, which we could talk about between first and Second Reading with the developer on two pieces that would not jeopardize their program, nor our expectations associated with the development agreement.

Mayor Cason: OK. Thank you.

Mr. Trias: And again, there's two memos. Yes, sir.

Commissioner Lago: Excuse me, Ramon, thank you. Another quick question in regards to ... we're discussing about Police and Fire. Are we going to potentially discuss having a substation on site? Or is that not been something that's been discussed?

Mr. Trias: That was one of the issues that I discussed with the applicant and ... design the last couple of days, finding a location on the ground floor.

Commissioner Lago: OK

Mr. Trias: And the applicant --

Ms. Swanson-Rivenbark: And in fairness to the applicant, this came forward as a part of our staff discussions this week. We looked at the Merrick Manor solution that you all had pursued, and so we want to have that conversation with them about onsite.

Commissioner Lago: No. I think -- first of all, I agree with what the City Manager's saying, but I think it brings a dual benefit here. I mean, It's not only a benefit for the community, but it's also a benefit for the developer, which is a similar situation which happened with one of your previous clients where we requested a substation be placed near the development, which escapes my mind right now.

Mario Garcia-Serra: Merrick Manor.

Commissioner Lago: Merrick Manor, excuse me. And at the end of the day, not only the developer, but the people who live in that building will be ecstatic about the fact that they have that substation in place, you know, foot step a away from the residents.

Mr. Trias: And I discussed the specifics in the last couple of days, including parking for that substation. So I think that there is a design solution that can be achieved if the applicant is willing to make those changes.

Mr. Garcia-Serra: We're in agreement with those recommendations, indeed. It only enhances the project to be able to ensure that it has sufficient Police and Fire services as well as, you know, ... facilities located on site also, so.

Mayor Cason: OK.

Ms. Swanson-Rivenbark: And Mr. Mayor, if I can, on a global issue, each of you has expressed concern about with the development that is coming online. You want to make sure all developments that are coming online, not just this project, that we are adequately staffing Police and Fire, and so this is the type of review we will be doing on our projects moving forward.

Commissioner Lago: Perfect.

Mayor Cason: Thank you.

Mr. Trias: Thank you. The second item, the second large topic was traffic. Now traffic was extensively discussed for the past few months, and there were many conditions already in the materials provided to you. But there was some public comment expressed about the concern about stacking into Ponce de Leon, concern about peak hour access to the project, cut-through traffic through the neighborhoods, and concerns about the specifics of the traffic-calming plan. Now, as a result of that discussion, we have an attachment, an attached memo to -- that was distributed in the back, which goes into great detail, and it was prepared by the Public Works director, and the consultant to the City, and in collaboration with the Police and Fire staff that explains and expands on the conditions that were originally proposed as part of the project.

So if you have any specific questions, the experts are here; the City's consultant, Tim Plumber, is here to discuss it. But I think, in general, all of this was addressed and the information. We're giving you some additional, more precise answers to the questions that the public had.

Mayor Cason: Do any of you want to hear -- maybe for the public that's at home, what those -- some of those elements that are in Attachment "C"?

Vice Mayor Kerdyk: Yeah.

Mr. Trias: If you have --

Mayor Cason: Yeah, I think it'd be helpful to go through --

Mr. Trias: In that case, what I'll do is I'll ask Tim Plummer if he could explain the memo.

Ms. Swanson-Rivenbark: And as Tim comes forward, Glen Kephart, the Public Works director, Kevin Kenny, the Parking director, interim Chief Hudak for police, Marc Stolzenberg, in addition to Tim Plummer as our traffic consultant, and Carmen, our assistant City Manager, all were very involved in the formation of these considerations as a part of that traffic memo.

Mr. Trias: And that's Attachment "C" in the back of

Mayor Cason: That's Attachment "C," correct.

Mr. Trias: Yeah. Would you like to ask questions or would you like Tim to make a presentation?

Commissioner Lago: I mean, I think Tim should --

Tim Plummer: It's six pages. Do you want me to read them into the record or --?

Commissioner Lago: No, I don't want you to read it into the record, but I --

Mr. Plummer: That's ... for.

Mayor Cason: Hit the highlights.

Ms. Swanson-Rivenbark: But, Commissioner, there are recommended actions for both Second Reading and prior to permit, and I think it would be appropriate for him to outline those recommended actions, and then you may have specific follow-up.

Mayor Cason: Yeah.

Ms. Swanson-Rivenbark: Could we do it that way?

Commissioner Lago: That's fine.

Mr. Plummer: I'll try and summarize the best I can. On page 206, the recommended actions part of Second Reading, the applicant has proposed traffic calming improvements in the -- and traffic flow modifications in the neighborhoods to the east, as well as Coconut Grove Drive being one way. The City is requiring that the applicant get a conceptual letter of approval from Miami-Dade County for those improvements prior to Second Reading. The valet drop-off area on the south side of the Palermo, it was in front of Art Center building, and the City is requiring the applicant to move that further east. The parking garage design. There's some deficiencies that I had in a memo dated March 12 that those need to be addressed and to see a schematic design of that -- of the parking garage and to see what the effect is on the traffic parking count with those modifications.

Mayor Cason: So in other words, the question that came up about turnarounds and dead ends, that's going to be addressed?

Mr. Plummer: Correct. We'd like to see a schematic design of that so we can see what the parking count is prior to Second Reading.

Vice Mayor Kerdyk: Do you have any ideas of how many parking will be ... or no; it's just preliminary?

Mr. Plummer:

Mr. Trias: Mayor, I met with the architect yesterday, and this is a significant redesign that is going to affect the numbers. We don't know how many exactly, but it's --

Mayor Cason: OK.

Vice Mayor Kerdyk: OK. It's going to affect it. OK.

Mr. Plummer: The fourth point of the development agreements shall include a condition of -- if it's parking on the public access easement between Palermo and Coconut Grove Drive. Also, the City is requiring that Galliano Street be designed as a bike-friendly street, and that needs to be approved by the City. As part of the development agreement, the applicant shall provide the Parking Director a conceptual plan showing how the planned hotel will manage taxi loading, unloading, and queuing and parking within the project. And the last point is the applicant shall incorporate conceptual employee parking management plan into the development agreement to make sure that there's not spillover parking impacts on the adjacent residential streets.

Mayor Cason: So again, these seven recommended actions are prior to the Second Reading?

Mr. Plummer: Correct.

Vice Mayor Kerdyk: Tim, can I ask you a question?

Mr. Plummer: Sure.

Vice Mayor Kerdyk: Just from a practical standpoint. I go -- you know where my office is, of course.

Mr. Plummer: I sure do.

Vice Mayor Kerdyk: I go out my office nowadays. Traffic has increased significantly in Coral Gables, like it has all throughout the County. And I get backed up -- right now, it's backed up to the front of my office at 4 o'clock in the afternoon. How does a project like this work with traffic already so significant?

Mr. Plummer: Well, it's an interesting dilemma for the City, because as you know, there's projects in the Gables redevelopment infill district. It's in your traffic concurrency exception there. So, you know, getting approvals from traffic, what the applicant needs to do is go through and make as many operational improvements as they can to try and minimize traffic the best they can. One of the things they did, I think, well was they have different access points to the parking garage and the valet stations throughout the project. You don't want one or two with a project of this magnitude. So they've kind of spread that out so that we can use the -- the visitors to the project can access from different parts of our roadway system in the City.

Vice Mayor Kerdyk: So you don't think Ponce is going to take a major brunt of the traffic ... project?

Mr. Plummer: That's what we're trying to do with protecting the residential streets, so that's the balance. Do you protect the residential streets to the east, and that's the plan they came up with for preventing the neighborhood intrusion, and the traffic goes on to Ponce. So if Ponce is really where we want most of our traffic, because it's a major collector of the City.

Vice Mayor Kerdyk: No. And I understand the whole thing.

Mr. Plummer: Yes, sir.

Vice Mayor Kerdyk: I mean, they've been very good as far as the trolley, trying to assess the trolley so that we have traffic move up and down quicker and more efficiently, but the problem is is that we already have an issue on Ponce and then to have additional square footage like this is something that is somewhat of a concern, you know, especially in that area --

Mr. Plummer: Sure.

Vice Mayor Kerdyk: -- you know. Anyway. All right.

Mr. Plummer: Any other questions on the recommended actions prior to Second Reading?

Ms. Swanson-Rivenbark: Yes. If you can go -- oh, I'm sorry. After you're done, if you can go through all of our recommendations that are on both page 2 and 3.

Mr. Plummer: Sure. The recommended actions prior to the first building permit, the applicant's required to do traffic signal warrant studies at three locations: Ponce and Sevilla, Ponce and Palermo, and Douglas and Almeria Avenue. What this is doing is it's requiring the applicant within 90 days of execution of the development agreement to submit those traffic signal warrants to Miami-Dade County. There's always a concern that when you submit traffic signal warrant studies based on the projections, the County might turn it down. I believe the way the County should look at this -- because this is a major project with major traffic impacts -- that they will, with the City support, take a look at the traffic projections as a basis for the signal warrant study, because you want the signals in place when the project's open.

And the alternative, if the City turns down any of those signal warrant studies, there's also a requirement that after the project is substantially complete as determined by the City, they will resubmit those traffic signal warrants based on the actual counts on the ground. Then the recommended action prior to first temporary CO (Certificate of Occupancy). All the traffic flow modifications, including the street design, the widths, the site triangle crosswalks, ... et cetera, will require approval of Miami-Dade County as well as the City. And prior to the issuance of the first CO, the applicant shall construct all the traffic improvements outlined in the applicant's traffic impact analysis, dated January 27, 2015.

Number 10, the applicant shall be responsible for funding and installing signs related to developing and upgrading the residential parking zones in the neighborhoods to the east. Decorative signs shall be approved by the Parking Director and shall be installed and paid for by the applicant prior to issuance of the first TCO (Temporary Certificate of Occupancy). Number 11, a valet operation plan needs to be submitted to the Parking Director. This plan needs to ensure the queuing of vehicles for valet during the large events at peak traffic hours will not block traffic flow on Ponce de Leon Boulevard. Number 12, prior to issuance of the first CO for the hotel, the Parking Director shall approve final plans for loading, unloading of queuing of taxis for the hotel. Number 13, prior to issuance of the first CO for the project, the project -- the Parking Director shall approve an employee parking management plan, again, to ensure that

we're not getting employees parking in the residential neighborhoods. Recommended actions following the temporary CO: At the applicant's expense, the City shall perform traffic calming studies one year from issuance of the first temporary CO at the following locations, basically the streets to the east, as well as the two residential streets east of the LeJeune, Malaga Avenue and Catalonia Avenue. If traffic calming thresholds are exceeded on any of these roadways, the applicant shall construct or pay for any physical traffic calming improvements required by these studies within one year of completion of the studies. Number 15, at the applicant's expense, the City shall perform annual traffic monitoring for a period of five years, commencing six months from the issuance of the first CO. This condition is very similar to what the City did for the Village of Merrick Park. The traffic monitoring shall include a study of the number of external vehicular trips generated by the project during the morning and afternoon peak hours. Should the actual number of external vehicular trips during either of these periods result in a 10 percent increase in the number of external vehicular trips generated by the development above which is projected from the original track impact analysis, the City will conduct traffic impacts studies, at the applicant's expense, to determine the appropriate mitigation. The applicant shall construct or pay for any improvements in the traffic impact studies within one year of completion of these studies. And I'm here if you have any questions.

Commissioner Quesada: I have a number of questions. I just -- I want to wait till -- I know Gables TV staff will be putting up a few slides until we can have an access on the TV some -- if you don't mind, I'm going to wait -- you bring it back up.

Mayor Cason: Do you have a problem with Mario --

Commissioner Quesada: No, no, not at all.

Mayor Cason: Mario, why don't you go ahead and --

Mr. Garcia-Serra: Tim, if you could just stick around for one quick question. In ... for an agreement with all of these recommended conditions, there is many that we had already agreed to before and all of them are consistent with what we wanted. Remember, my client here of

course, is for a long-term hold. You know, they're going to be owning this property for a long time. The last thing they want is the area choking in traffic so that their residents and customers and so forth can get to the project. The only two sort of technical clarifications or questions which I wanted to discuss on these conditions were the first one regarding the County conceptual approval of the traffic calming plan prior to Second Reading. My understanding from our traffic engineer, Tim, is that the County, during the zoning approval process, usually doesn't give that level of conceptual approval.

In other words, they wait for the zoning to actually be approved and then once they know that the project's happening is when they'll go into that type of analysis and give that sort of review. You know, we have no problem of course getting together with the County and perhaps doing a more in-depth discussion of what we've had before, but is that sort of case or what do you think -- you know, what level of comfort are you guys looking from the County?

Mr. Plummer: We've had some preliminary discussions with the County, and I think that they will work collaboratively with both of us and we're willing to go with you. The important issue here is if the County requires some of these traffic mitigation majors to change, then the traffic flow changes, and then we may have to go back and reanalyze the traffic flow and meet with the community again. So we need to know at this point whether we have the County's buy in. I expect that we will, based on preliminary discussions, but we need to tighten that up a little bit.

Mr. Garcia-Serra: OK. So the understanding is get back together with the County, sort of get them to commit to any further level of commitment as far as approval of the plan. So, you know, that's something I think that's certainly doable, especially if the City's there with us in the meeting. And then the comment number 3, talking about deficiencies in the current plan. You know, a lot of these would usually be addressed sort of at the building plan, building permit plan stage of things. So sort of in the same vein, I guess what you guys are looking for is another sit-down to really flesh out those comments and see what can be done and what is Code compliant or what's best practices.

Mr. Plummer: I think we're very clear on the design issues that we're looking for modifications that the current schematic parking garage design does not have and we'd like all of those issues

addressed, because one of the concerns is getting to a final parking count, because some of the issues that we brought forward will affect the parking account -- parking -- final parking counts. We want to get that done at a schematic level with those issues addressed.

Commissioner Keon: Before Second Reading.

Unidentified Speaker: Yep.

Mr. Garcia-Serra: The important thing is keeping it at the schematic level. You know, in other words, not having not to a level of building or preparing building permit level drawings in order to do it. So that is traffic, I believe, right?

Mr. Trias: Mayor, I have another three points that deal with traffic on related issues, so I'll ask Tim to stay and we can continue through the public comment. There was some concern about the delay parking management. Tim already addressed it. Some of it is the design, the actual design of the parking spaces along Palermo. We talked to the architects yesterday. I think it's relatively straightforward, the solution to that. Then we also have, of course, the shared parking calculations, which -- there was some questions about how is that done, what does it mean, what kind of an affect has on the area? And in our view, the Public Works and our consultant has done a really good job explaining all that and is really a better -- I need to express that more clearly. If you have any questions, they're here to answer. The only issue that I would raise is that, as Tim has explained, I expect the parking count to go down as a result of the redesign of the parking garage. So that's still a moving target to some extent.

Commissioner Keon: You're saying the parking count to go down -- you're -- you were too saying is that there will be less parking spaces.

Mr. Trias: Yes.

Commissioner Keon: That's what that means.

Mr. Trias: Yes, that's what I mean. And that's the next issue, which is -- which was expressed by the public, the concerns about the design of the parking garage. So what happens is that the recommendation from our consultant is that all of drive aisles shall have a 15-foot radius. That is to allow people to turn at the same time going in different directions. So that's a good design idea. That no dead ends be located in the parking garage. The only dead ends they had in the design were the lower levels at the valet, but even those can be removed. We will discuss that with the architect yesterday, and I think there's a chance to do that. And the significant one, the one that makes a difference and may mean less parking is the grades of the ramps.

Commissioner Lago: If I could just -- if I could also just interject one second there. I think Commissioner Keon was going to say something about this before. I think that's a big concern for me, because if anybody has been to Miracle Center on Coral Way, I've driven that one time with a stick shift car. I'll never do that ever again. It's a concern. And when I was looking at that and I was reviewing these documents with my appointment to the P & Z (Planning & Zoning), it's something that he brought up and I was happy that he caught it because I had completely missed it. And I think that that's something that especially for somebody who's elderly or has maybe a disability, if you're getting involved in that type of a parking situation, you may run into trouble.

And the last thing we want to do is have somebody, you know, who has an accident or some sort of liability on that. Even though it may be legal --

Mr. Trias: Yeah.

Commissioner Lago: -- to apply that grade, I just don't think it's correct.

Commissioner Quesada: Let me ask you a question about the grade. Are you saying that -- because I know the building that you're referring to just east of us on Coral Way, that Miracle Center. The entrance to the parking garage there when you going by that side, it's a steep grade, it's long, it's winding and I -- it's tight, it's narrow. Will the parking garage be like that at this property?

Mr. Trias: No. And that was designed about 20 years ago. I remember when it was originally built. The first time I drove on that, I was very impressed too. No, they have a different design, OK, which it has some ... type of design going into the -- underground levels, and then some ramps through the project. So it's not just one ramp, but 16 percent slope. However, however, the comments that Tim made are very valid. There are some ramps that may be a little bit too steep for the comfort and the safety or the -- just the general comfort

Mayor Cason: Let me ask a question about -- is there going to be valet for people who don't want to drive up? Mario, is that --

Mr. Garcia-Serra: There's valet for each use in the project. In other words, if you're going there as a resident or as a customer or as, you know, visiting the offices, everybody's going to have access to the various valet stations that there are.

Mayor Cason: OK

Ms. Swanson-Rivenbark: Excuse me, Mr. Mayor, if I can just provide some clarification. While the original design called for 15 percent, the staff believed, including our consultant, that that was too aggressive a ramp up, and so we are recommending not to exceed 12 percent. I don't want the public to think that what we are allowing to be created is the Miracle Center ramp. It is a more acceptable ramp.

Commissioner Lago: Which table ... seen -- you're the parking expert. I'm not saying you're a ramp expert, but you're a parking expert. You've been around many parking garages. So I mean, that's pretty -- that falls pretty much in line with what you see out there now, correct?

Mr. Garcia-Serra: Absolutely. When you get up to 12 percent, you're really talking the maximum. You really -- 10 percent -- 8 to 10 percent is more desirable

Commissioner Lago: The window is --

Mr. Garcia-Serra: Yeah, absolutely.

Commissioner Lago: -- you know, 8 to 12 -- you will see 12 --

Mr. Garcia-Serra: Yeah.

Commissioner Lago: -- but again, the lower we go in the grade, the more parking is sacrificed.

Mr. Garcia-Serra: Correct.

Commissioner Lago: I just want to be clear on that.

Mr. Trias: The staff recommendation is clear, 12 percent should be the maximum, and the design should be revised to accommodate that slope based on the input from our consultant. And that's what the staff is giving you, is our recommendation.

Mayor Cason: How 'bout -- ask on valet. What's -- for example, at the hotel, what is the anticipated drop-off time if you pull in and you get your suitcases out of the car. I mean, are you going to be able to do it quickly?

Mr. Plummer: I mean, that's the goal. They're going to have a valet operations plan where they're going to have that staff that hotel valet stand according to the peak demands. One of the things that we -- that they do have in the project, there are speed ramps for the valet at the hotel, so those will exceed these grades. But those ramps are fine. Those will be valet only. So their processing time will really be a function of the demand and how many folks that they have actually staffing it. So they've done some projections on those numbers and that'll be part of the preliminary plan.

Mayor Cason: So at peak time with the right number of valets, you can get down and park in the valet area quickly?

Mr. Plummer: Well, the valet will take it down to the parking, right. Yeah, you'll be able to take it down. One of the things that Kevin Kennedy, the Parking Director, is also requesting is an operations plan for valet when they have large events in the ballroom and how they're going to handle that.

Commissioner Lago: Let me ask you a quick question in regards to valet, because we're talking about this over the last few minutes. How are we going to -- how are we going to monitor whether their valet system is in line with what we're requiring today? I think that's going to be rather difficult.

Mr. Plummer: That's probably a better question for City staff on how they're going to monitor.

Commissioner Lago: But I mean, have you --

Mr. Plummer: I mean, that's always a concern.

Commissioner Lago: I'm asking -- I'm directing that statement towards you, that question towards you, because again, you have a little bit of experience in regards to this.

Mr. Plummer: Sure.

Commissioner Lago: Have you ever seen a municipality put forth a restriction in regards to how many valet individuals are going to be servicing certain station every day, the requirements. Have you seen that before?

Mr. Plummer: Sure. When you put together the valet operations plan, it's not set in stone then. That's something that's flexible. It's a planning level tool. So you go out and they implement it. The City observes. You may get emails, calls, complaints. City goes out and observes some more, then gets with the developer and they rework the plan, or the hotel operator. They'll actually work with the hotel operator and work the plan and improve it.

Commissioner Lago: And that is all based on stacking, queuing --

Mr. Plummer: Correct.

Commissioner Lago: -- you know, at peak hours.

Mr. Plummer: Absolutely.

Commissioner Lago: O, perfect.

Vice Mayor Kerdyk: Tim, I want to refocus on the parking issue, the parking in general. With the understanding that we're going to -- they're going to lose some parking spaces for reconfiguration. Getting to the initial plan or the initial plan right now, and taking into the situation the shared parking calculations, are they sufficiently parked in that structure there? Or are they lacking parking?

Mr. Plummer: No. My feeling is -- we spent a lot of time going through this. The Urban Land Institute put a process together for mixed-use projects that want to use shared parking. It's been around since the '80s, and we spent a lot of time going back and forth on the calculations and the assumptions and we feel very comfortable, Kevin and I both, very comfortable where we're at right now with that calculation.

Vice Mayor Kerdyk: So they're sufficiently parked right now.

Mr. Plummer: We believe --

Vice Mayor Kerdyk: I guess we'll have to make up the differences if anything that comes about with the redesign of the --

Mr. Plummer: Correct.

Vice Mayor Kerdyk: -- parking garage.

Mr. Plummer: That's correct. That's why we want to verify.

Vice Mayor Kerdyk: OK. I just want to make sure. Because there's a lot of rumors out there that 600 ... cars ...

Mr. Trias: Yeah. And at this point, we don't know what that final number is.

Vice Mayor Kerdyk: Yeah, yeah, yeah, yeah. That's perfectly understandable. But for right now, they're sufficiently parked.

Mr. Plummer: Yes.

Vice Mayor Kerdyk: Thank you.

Commissioner Quesada: If we can go -- if we can pull up slide 77, and this is from the Planning & Zoning submittal. This is -- ... still staying on the same topic. I just -- I like this illustration. I think it's -- so we can walk through it. At the end of last meeting, I was going to -- I was asking you questions related to the traffic impact and Vice Mayor Kerdyk, you know, brought it up, and the impact on Ponce. At the last meeting, I was asking about the impact in the residential neighborhoods. I'm looking at a different slide here. We were discussing stacking and the impact on Ponce. And again, for a reminder for those watching at home and those in the audience here, stacking is the event where you're sitting behind another car in traffic as they're pulling into a project or into an entrance or into a side street.

So this slide -- and, Tim, I don't know if you want to look behind you. They have it up on the screen behind you. And I'm focusing here on the hotel valet. I thought this was a -- a nice representation of I guess what you guys are -- well, I'm sorry. To clarify, Tim is actually -- was retained by the City. This plan was drawn out, I'm assuming, by the applicant and the applicant's parking consultant. So what I'm looking at here on this page -- and if the rest of the Commission, if you have the hard copy in front of you. I think of two different distinct hotels in

South Florida, and I think one does it well. I think one does it right. I think the other one does it wrong. When you drive into downtown -- and again, we don't want to be downtown.

We don't want that traffic experience we have there. The Marriott Marquis. The Marriott Marquis, which was built really not that long ago, relatively new, we all attend events there from now and again. There's a few restaurants that we attend. Many of us have experienced that valet. Commissioner Keon, I see you nodding your head, so you've experienced it. When there's a big event there, the stacking -- the cars, as they're waiting in line for the valet, you know, runners to come grab their car, spill out onto the street. So if you're driving by and you're not going to that event, you get affected by that traffic; you end up almost at a dead stop behind. You have to, you know, dangerously swerve out of that lane. If not, you might have to wait 15, 20 minutes. Well, maybe that -- I'm exaggerating now a little bit.

Commissioner Lago: No, you're not, because it's a -- that thoroughfare is connected --

Commissioner Quesada: And I understand.

Commissioner Lago: -- by many different main corridors.

Commissioner Quesada: And I know. Obviously, I understand that that is a unique intersection because vehicles are coming in from different locations, it's a one-way street, and obviously, you have that stacking impact. When I look at this diagram and I think why this is helpful, it seems that there can be one, two, three, four -- no, maybe a max of eight cars stacked. And I'm thinking that they have a ballroom that they're proposing in this project that's going to seat up to 350 with seats. Obviously, I would -- assuming ... up to 500 standing with ..., you know, without tables. Again, I'm trying to be conser -- you know, estimate here. I'm assuming you're going to have stacking of more than eight cars with the valets coming in there. So I think the Marriott Marquis is a bad example, and I want to hear your opinion, since you know, you are the one that the City retained to analyze this, and I consider you to understand traffic and the City better than anyone else.

I think it's a bad example in downtown, which I don't want to be in. I think a good example in downtown is the Four Seasons. The Four Seasons, the entry into the parking is not on the main

thoroughfare. So even though the building is the main thoroughfare, you know where the Four Seasons is, the signage is there. But the entrance is from a side street, and if there's a big event or wedding or you're driving by, there could be 500 cars getting in there and you don't feel any impact on the main street. So they have almost -- they're stacking internally.

Commissioner Lago: And it's also deep enough in regards to internally where they're stacking.

Commissioner Quesada: Yeah, yeah.

Commissioner Lago: So you can --

Commissioner Quesada: You have to ramp up --

Commissioner Lago: You have that ramp up, and then you have different -- you know, there's an issue in regards to significant stacking. You can park to the left and you can park to the right.

Commissioner Quesada: Because the biggest concerns that I have as we discussed last time is the, you know, traffic impact on residential traffic impact on our commercial community. You know, a lot of people don't realize that we have almost 11 million square feet of office space. What drives our traffic and what drives our parking downtown is the office use. It's Monday to Friday, 9 to 5. That's a significant amount. You know, to give you an idea -- and it's been that way for a long time. You know, Brickell has about 7 million square feet of office space. So that's what's being driven. So I -- you know, I just want to make sure that this design is really anticipating that we don't want that stacking on Ponce. We're going to have more traffic on Ponce.

Is this the right design? Is it not? How can it be improved? Or is this the best that you think that they can deal with it? I'm sorry for such a long-winded question.

Mr. Plummer: No, no. That's OK.

Commissioner Quesada: ... -- that's the experience that we have living in South Florida.

Mr. Plummer: Sure. Those are good questions. They're fair questions. You know, in a design phase, there's always chance for modification. You know, so you have to balance, in my opinion, what the designer, what the developer wants, what the City needs, and that's always the challenge, right? So I think for regular use, you know, what they have for the valet is pretty good. I think it'll work fine. I think the issue with events in the ballroom will be a challenge. One of the things in our meetings this week with staff and Kevin, he wants to see a valet operations plan for special events for the hotel. That will generally come down to working that out with the hotel operator, in conjunction with the developer, on how that plan's going to work. There may need to be alternative places to valet when you have a big event like that.

Mayor Cason: It would seem to me that the hotel would more likely to queuing because you've got to get your suitcases out and all that. But if you're just coming to an event and you -- guy, you know, comes to the door, you give him the keys, and they're gone.

Mr. Plummer: Right.

Mayor Cason: ... a lot faster.

Commissioner Quesada: Again, I'm coming back to the Marriott Marquis experience that I think many of us have had, and it backs up -- and maybe it's a problem with their design. I know we're not comparing apples to apples here. I know it's a different location, there are different impacts, but you know, my fear is having cars that are waiting in valet spill out into Ponce and really generate traffic when it's -- you know, it's unnecessary. And that's one aspect of it. Second aspect of it is, you know, I think the retail that works -- and we've heard it from, you know, the BID, we've heard it from The Chamber, we've heard it from the business owners and the property owners on Miracle Mile, is that, you know, the retail on Ponce is something that, you know, they all seem to agree on will work, and I think this takes a little away from it.

You know -- and I guess this question is more for the applicant than for you, but, you know, does it make more sense to move the entrance to the hotel, you know, onto that, you know, area of Coconut Grove Drive so you don't -- we don't have those stacking issues in the future? You

know, they could still have the signage right on Ponce, you know, and have that signage directing them in. You get that -- you get the retail and that place right on Ponce, and you can alleviate any potential traffic issues. And again, like I said, I think that question's more for the applicant than for you, Tim.

Mayor Cason: And Mario, the way it's designed right now for the eight cars that would come in, is that one lane or is it possible to have two lanes where you can come in?

Commissioner Quesada: And again, I could be wrong with the eight cars. That's just me counting what seems to be the number of spaces here.

Commissioner Lago: Let me also add on something to what Commissioner Quesada just said. Another concern that I was -- that I'm -- that I have is issue of the trolley. You know, you have the trolley up and down Ponce. The trolley's going to stop in this project to pick up individuals. Are they going to be actually going into the project to get out of Ponce or they're going to be stopping on Ponce, which eventually obviously is going to stop traffic? Because you're -- I mean, I expect there's going to be significant usage of individuals in reference to the trolley that are coming out of this project. Don't you think maybe we could also incorporate the idea that Commissioner Quesada said, and maybe have the trolley go onto Coconut Grove Drive, be able to stop, individuals have the time to get onto the trolley, there is no hurry to get on the trolley. The driver doesn't feel that they're holding up traffic; that they need to really, you know, speed up. You know, you avoid a multitude of issues. I mean, I don't know -- what do you think, Tim?

Mr. Plummer: I understand the issue, and I understand the concerns. We've had a lot of conversation about this as well. I think staff and myself were all in agreement. The priority is for the trolley. So to take the trolley out of a lane of traffic, put it into the site, have to take the time to come back out onto Ponce is really going to hurt the headways, which is the time it takes between from one shop to the next, so we really want to focus in and get as many trolley use as possible. That's why when we originally designed this, we never had pull out phase. We've always had stops. And what happens is if the headways are 10 minutes, you're talking about a 20- to 30-second dwell time every 10 minutes.

Commissioner Lago: Right. I understand.

Mr. Plummer: So we want to --

Commissioner Lago: But I mean, I'm willing --

Mr. Plummer: -- keep the flow.

Commissioner Lago: Vice Mayor and Craig may disagree with me, but I'm willing -- because I know that he's always talks about -- you know, headway. I'm just a little bit concerned that if you're having a trolley, what would you say, every 10, 15 minutes? What are we looking at?

Mr. Plummer: About every 10 minutes.

Commissioner Lago: About every 10 minutes.

Mr. Plummer: Yeah, more or less.

Commissioner Lago: If you're having a trolley stop on Ponce every 10 minutes and you're having, let's say, 5, 6, or 7 people getting on, probably takes a few minutes to get on --

Mr. Plummer: The --

Commissioner Lago: -- you know, get -- and bark on the trip down Ponce, you know. If you have several cars in rush hour traffic, you're going to just see an immense amount of stacking. Now, mix that in with people who are coming to the hotel, people who are coming to the other buildings who are looking to get into valet, if there happens to be a -- you know, a convention. I don't know see that that's the most opportune, you know -- opportunity for us to --

Mr. Plummer: ... -- I --

Commissioner Lago: -- push traffic down Ponce.

Mr. Plummer: I just believe we really need to keep the trolley on Ponce. The dwell times for five, six, seven people are about 30 seconds. So it's 30 seconds every 10 minutes, more or less.

Mayor Cason: Isn't the --

Mr. Plummer: But that's why we keep it on Ponce. What happens to buses and happens to Miami-Dade transit too. You pull off to the bus bay. You take your 30 seconds to load and unload. Then it takes them a minute or two or three to get back out onto Kendall Drive or wherever it is. We don't want that same issue on Ponce. We want to make sure that those trolleys --

Commissioner Lago: I just think that --

Mr. Plummer: -- are moving as well.

Commissioner Lago: -- I just think that --

Mr. Plummer: I understand.

Commissioner Lago: -- stopping without actually going into -- it doesn't have -- like I said --

Mr. Plummer: You're saying --

Commissioner Lago: Like a designated -- like a designated three or four lanes, you know, where they can just, -- you know, parking spaces where they can just be designated for the trolley; can pull into that, get out of the way of Ponce, and then pull back onto Ponce, I think is the most -- the safest, the better use of --

Commissioner Quesada: I understand what you're saying. You're saying almost like at some locations where the buses in Miami-Dade --

Commissioner Lago: Yeah.

Commissioner Quesada: -- County, they're not going into the project --

Commissioner Lago: They're not. No, no.

Commissioner Quesada: -- ... go into parking spaces --

Mr. Plummer: It's called a bus -- it's a bus pullout bench.

Commissioner Lago: A desig -- yeah, there you go.

Mr. Plummer: Right. It's the same issue. So if you --

Commissioner Lago: Got it.

Mr. Plummer: -- instead of parking, you designate that bus pullout bay, only the bus -- only the trolley can go in there.

Commissioner Lago: Yeah.

Mr. Plummer: The issue is not getting in. The issue is --

Mayor Cason: Coming out.

Mr. Plummer: -- getting out, and it really hurts your headway.

Commissioner Quesada: Because of the traffic that's coming behind --

Mr. Plummer: Because of the traffic that's coming --

Commissioner Quesada: ...

Mr. Plummer: -- ... north on Ponce, for instance. It may take them a minute or two to get back into the flow as opposed to they stop in the lane of traffic, 20 to 30 seconds dwell time, and then they're on their way.

Mayor Cason: What about the idea --

Mr. Plummer: So -- something when we went through the planning of this a while ago, we --

Mayor Cason: What about the suggestion of the side street?

Mr. Plummer: I'm sorry.

Mayor Cason: For the --

Commissioner Lago: Coconut Grove Drive, like just pulling around -- going Ponce, pulling into Coconut Grove Drive, picking up maybe on the corner, and then driving around Coconut Grove Drive and coming back around to --

Commissioner Quesada: Yeah, but you know, I think that -- I think you would have a problem be that, Commissioner, respectfully, because then -- that's one way. Then they have to go on Galliano, then we're taking the trolley into a --

Commissioner Lago: I'm just trying to --

Commissioner Quesada: -- residential neighborhood, which I don't think -- you know, I don't any our residents would want to have a trolley driving by -- in front of their homes, so I --

Commissioner Lago: I'm just trying to -- I'm trying to do everything in my power to alleviate --

Mr. Plummer: I hear you.

Commissioner Lago: -- you know, affecting the headway, but --

Mr. Trias: The alternative that was reviewed prior to this was going down Palermo and stopping on Palermo, and the staff recommended against it because of the headways also. So that was the recommendation of the staff that runs the trolley.

Mayor Cason: The vast majority of people, if I recall, are trolley study -- are people getting on at Dixie or coming from Flagler --

Mr. Trias: At Douglas, yeah.

Mayor Cason: -- and in the mornings. During the rest of the day, a lot of times a lot of those stops, no one gets on or off.

Commissioner Quesada: You know, I'll tell you, I -- based on my personal experience, I use it lunchtime quite a bit, and again, I think we all need to keep in mind we have almost 11 million square feet of office space in Coral Gables. The traffic that we all are frustrated with typically comes in the middle of the day. If we have a great solution for the trolley downtown, you're going to have less people that are circling Miracle Mile two and three times trying to find a parking space, you know, at the lunchtime hour or the business hours. That's really where the vast majority of our vehicles are coming from and generating the traffic, and I think you agree with me there.

Mr. Plummer: Absolutely. I think our ultimately goal is to have about five-minute headways during the lunch period, morning and evening as well, so that if you walk out of your office and

you just miss the trolley going south, you can look over your shoulder and see the next one coming.

Commissioner Quesada: Yeah. Because --

Mr. Plummer: That gets people to use it. When we're 10-minute headways, we get good use, but not as good use as

Commissioner Quesada: Yeah. Because the business residents, the residents, the people that are here Monday through Friday, 9 to 5, they need to know that, oh, you know that meeting that's 5 blocks away or 10 blocks away, I'm not going to take my car because the trolley's going to be so quick and efficient --

Mr. Plummer: Correct.

Commissioner Quesada: -- no matter how I cut it, it's going to be faster than jumping on the trolley.

Mr. Plummer: That's correct. That's how we leave those cars in the garage instead of them getting out onto Ponce, driving six, seven, eight blocks, circulating around for parking spot, and then doing the same on the reverse. So we really want to get our headways down to about five minutes, and we can.

Mayor Cason: OK. Thank you.

Commissioner Quesada: If we can get back to that question. I know we digressed a little bit.

Mr. Garcia-Serra: Sure. Let me cover a few other items on the issue of where the trolley stops and how it stops, it's up to the City Commission. We've designed it both ways throughout the life of this project and how it's been elaborated. Whatever your conclusion is, we can work with it. On the issue of the valet operations plan, that's going to be incorporated into development

agreements on ... -- it's going to be a document that's enforceable by the City in order to make sure we're complying with the valet operation and making sure that it's operating correctly and efficiently. And the question about queuing and stacking and how do we compare to those other examples that you mentioned. I'm going to ask John McCuvolich, our traffic engineer, to come up here and answer those questions.

Commissioner Quesada: Sure.

Mr. Garcia-Serra: Thank you.

Mr. McCuvolich: Thank you, Mario. I just wanted to give you a few other pieces of information and clarify the unique differences from us and the J W Marriott, because I'm very familiar with that as a consultant for the City of Miami. So the J W Marriott Hotel actually has over 300 rooms. This project has less than 200, so we do have a difference in the intensity of the hotel use. The other thing if you've ever visited an office at that building with the J W Marriott Marquis, there's no office -- there's no separate office valet. So what happens is that if you're going to valet because their parking garage is rather challenging to self-park --

Unidentified Speaker: You can get in.

Mr. McCuvolich: If you're going to valet for an office meeting, you're going to use that valet, so that adds to the demand of that particular hotel valet. The other thing that's different is that although the configuration looks similar, notice that we have direct ramps from the actual porte cochere down into the valet parking and back up, so that allows us to move cars in and out of parking area without entering the public street, whereas, if the Marriott Marquis, they have to literally go around the --

Commissioner Quesada: Thank you.

Mr. McCuvolich: -- ... one-way streets, and it -- they have no ability to know whether there's room in their valet when they're returning a car, because they're a block away, and they don't see what's stacking, so --

Commissioner Quesada: So you're saying --

Mr. McCuvolich: We have the ability to self-meter ourself when vehicles are coming up to be turning to leave.

Commissioner Quesada: Got it.

Mr. McCuvolich: So I just want to share a few unique things. I agree with you, that is a significantly difficult valet at the J W, and we hope we've addressed that, even though we have the similar problem.

Commissioner Quesada: So you're saying if all of a sudden there's an event and 30 cars show up all at the same time -- and again, I know, as Mr. Plummer mentioned last time, we don't plan for the worst-case scenario, but, you know, I like to think about the worst-case scenario. We get 30 vehicles that show up at the same time. You're saying that you're -- they don't have to -- once the valet receives a vehicle, they don't have to take it right back out onto the street. They go right up -- they're -- it's all internal.

Mr. McCuvolich: Correct. It's the big red arrow --

Commissioner Quesada: Yeah.

Mr. McCuvolich: -- on the north side.

Commissioner Quesada: Yeah.

Mr. McCuvolich: And what we can do is all we have an influx of arrivals --

Commissioner Lago: You could even do the stacking ...

Mr. McCuvolich: -- we'll slow down the cars we bring up so we can use all that space to move down into the garage.

Commissioner Quesada: And you can almost stack indefinitely into the project.

Mr. McCuvolich: Correct. And we have the ability to basically turn this into an arrival-only valet when we have those peak arrivals, and similarly, we -- arrival -- a departure valet. We have that flexibility without ever getting out into the public street.

Commissioner Quesada: OK. No, that clarifies it for me.

Mayor Cason: OK. How many valet spaces are you considering? There was 300 and something?

Mr. McCuvolich: I'm not sure the exact count. There's this -- there's tandem spaces that have to be valet.

Mayor Cason: From down below you have reserved --

Vice Mayor Kerdyk: It's 14 percent of our total counts; about 364, I want to say.

Mayor Cason: Roughly. I just --

Commissioner Keon: Yeah. The problem with the Marriott Marquis is the distance of their parking from the --

Commissioner Quesada: Yeah.

Commissioner Keon: -- from where -- from the valet station. It takes them forever to get --

Mr. McCuvolich: It takes about at least 10 minutes just to drive up to ... parking.

Commissioner Keon: For them to get the car and then to -- yeah, the length of time to get it back, and so everybody's stacking up while they're coming and going. And it's just ... because of the difficulty of their -- the access to their parking for their valet parkers is --

Commissioner Quesada: I just -- you know, I wanted --

Commissioner Keon: -- a huge problem.

Commissioner Quesada: -- to bring it up --

Commissioner Keon: Yeah, it's a huge problem

Commissioner Quesada: -- because I just want to make sure we go in --

Commissioner Keon: Very --

Commissioner Quesada: -- to prevent that experience. If we can go to page 76, which is the page just prior to the one we were just looking at. I'm jumping over to parking now. So -- Tim, where you -- you also -- you were also advising on parking on the project as well, correct?

Mr. Plummer: Yes, that's correct.

Commissioner Quesada: We had the grade conversation. There were different locations here. I notice on commercial level 2 on this slide -- I don't know if it's -- you can read it. It's kind of tough. I think you should look at Ramon's version there. It's got the ramp coming up there. It's got a few ramps also to the right of this slide. So the main -- I was trying to find a slide that showed what the grade would be to driving in after -- you know, we were discussing the Miracle

Center. Can you sort of walk us through the experience where the valet would be going and the parking levels, and also if we were to self-park -- I see here that below grade structure parking's 1400 spaces. Can you talk to us about the experience -- you know, I think of Merrick Park and the parking experience you have there. You know, you have the "Y" entryway, very easy to park in the parking spaces. I think that's a great example that we have in the City, the parking that works well from the end user, the consumer, the -- you know, the residents. Can you talk to us what the experience is going to be like for residents or anyone using -- coming into this project?

Mr. Plummer: Sure. Let's start with the hotel. The hotel is valet only, so it could go up to the valet area. As was mentioned, the ramping system's excellent from the standpoint of the valet never goes out into the public right-of-way, down into the valet spaces and returns the same, so that really helps to minimize traffic impact on the public streets. The public will have access to the parking garage to self park or valet on Sevilla or on Palermo. There's also parking access on Malaga basically across from Christy's that is for self parking. There is no valet stand in that location. Originally, in the plan there was, and we had that taken out because of the impacts to the signalized intersection there at Malaga and Ponce. What we're trying to do -- you know, the old Miracle Center issue that came up, those ramps grades were about 20 percent, the straight ramp, not the ... that are there today.

Commissioner Quesada: OK.

Mr. Plummer: And you know, they have been proposing up to 16 percent, and again we're going to cap that at 12 percent for the grade system, make it more comfortable for the visitor. The simultaneous turns are an issue. I think everybody's probably been to Sunset Place in that parking garage. When you're coming up a ramp and you're turning right and someone else is trying to turn left, someone has to stop and give way, because you both can't turn simultaneously. So we want those standards applied to this project as well, because this is quite a large project, 2700 spaces. We want to make sure the flow works well. Dead ends. You know, that's something that's pretty standard at this stage. We try and get those removed so that someone doesn't get stuck and have to back out. Try to get their way out. So those are the basic issues that we have been discussing with the applicant.

Commissioner Quesada: OK. And then -- and I saw some of the recommendations that staff gave us, assuming -- yeah, well, I know you were involved in here, because your name is on here. I like some of the recommendations that were put in here, that we continue monitoring, you know, traffic moving forward and traffic-calming studies, you know, one year, and then all successive years to see how it's progressing. I believe in the past -- and I believe the City Attorney -- I'm sorry, the City Manager had mentioned this to me, and correct me if I'm wrong. We've had other experiences in the past that if parking is more than 10 percent of what's anticipated, then we would require additional traffic calming requirements. Is that correct?

Ms. Swanson-Rivenbark: Absolutely. It was associated with the Village of Merrick Park. Was actually 15 percent. I thought it was 10. Tim and the team had talked about it this week, and we're using a similar model or we're recommending a similar model for 10 percent so that if -- Tim, would you like to explain it in detail, the concept that we're recommending for the Commission?

Mr. Plummer: Sure. So when we go through these traffic impact studies, they're projections, as we talked about, based on best information available, standards and so forth. So what this does is it guards against projections that are off base, that didn't work. And so if there's greater traffic impact, this gives the City the ability to go out and measure it. And if there's greater traffic impact, then the applicant has to mitigate that -- those impacts.

Commissioner Quesada: And the examples Merrick Park, did we have to go back and look at that?

Mr. Plummer: For five straight years, very similar language to the Village of Merrick Park Development order. For five straight years, the Village of Merrick Park went out and measured owl their external traffic and --

Commissioner Quesada: And what were the results when they -- were they anticipated? Were they more? Were they less?

Mr. Plummer: The results were basically, I think, of the five year, the worst was around 885 percent of what was projected. So nowhere near --

Commissioner Lago: Did you provide that monitoring?

Mr. Plummer: Yes, I did.

Commissioner Lago: OK, perfect.

Mayor Cason: Can you tell me what -- assuming this over 10 percent, what are the kinds of things you would envision that could be done in terms of mitigation?

Mr. Plummer: Well, what would have to be done is we go out and look at the signalized intersection, how we can improve flow and so forth, turn lanes, things of those nature -- things of that nature to make sure that traffic will flow a little bit better.

Mayor Cason: OK.

Mr. Plummer: Similarly, on the traffic calming, there was a condition for the Picardo Headquarters building because of it being just on the east side of LeJeune and one single-family homes on the west side, and very similar language about after the project was substantially complete, had to go out to all those residential streets and count them again, and if there were any traffic calming thresholds violated, the developer would have had to do improvements in those neighborhoods.

Commissioner Quesada: Have you discussed with the applicant the traffic and parking additional, I guess, recommendations? Have we discussed it with them? Are they aware and have they agreed to these additional recommendations or not or they're hearing about it for the first time now?

Ms. Swanson-Rivenbark: Well --

Mayor Cason: Mario, do you want to --?

Ms. Swanson-Rivenbark: The Mayor had suggested that we review what our recommendations are and we hear from the applicants.

Commissioner Quesada: Yes.

Ms. Swanson-Rivenbark: There are some pieces that we have reviewed with them, but not all of them.

Commissioner Quesada: Mario, let me do this. Let me -- I just have a few more questions for Tim.

Mr. Garcia-Serra: OK.

Commissioner Quesada: And then if you can just address it after, so you can hear it. I saw the recommendations -- and I know we discussed it last time. The parking in residential areas. I know -- I believe near the University of Miami, there's certain areas that have residential -- there are restrictions, so only if you have a -- you know, a placard given by the City can you park in certain neighborhood. I know they had issues with the University of Miami many years ago and they implemented that and it's worked out well. And I know near -- I'm sorry.

Commissioner Keon: The north Gables has a whole residential parking program.

Commissioner Quesada: Yeah. And I know most recently I worked with the area just north of 8th Street, headed to Flagler, that pocket. They had some issues with parking. We implemented it, and I know the residents were happy with it. Is that what we're -- I guess the recommendation is now for the areas I guess east of the project or east and west?

Mr. Plummer: That is correct. That is what -- in discussion with Kevin Kinney, what he's looking for is not the standard signage either, some nicer residential compatible --

Commissioner Quesada: Yeah.

Mr. Plummer: -- type signage.

Commissioner Quesada: Well, we work closely with Kevin with the area north of 8th Street, and I know the residents were very happy with that. And the last issue related to parking that I had for you is --

Unidentified Speaker: You have all

Commissioner Quesada: Oh, I'm sorry.

Mr. Trias: Commissioner, Attachment "V" -- Attachment "V" is the map that Kevin prepared yesterday that shows the area that will have the parking zones. So that's in the works.

Commissioner Quesada: OK. And I know he's -- he does a great job with that.

Mr. Trias: Yes.

Commissioner Quesada: I know residents have been very happy with the way he handles that. And then the shared parking is the last topic I wanted to cover with you. You know, Exhibit "F", page 4.3 in the packet that we got, as well as Tab 6, H.3 as compares ... City. I know the Urban Land Institute, and I know it's a nationally recognized authority when it comes to parking. And I know we have detailed analysis in shared parking. And you know, we've discussed it -- in this Commission, we've discussed it several times that we have projects that are overparked and we have projects that are underparked. And there's some great projects in the City that are overparked and there are some great projects that are underparked, and we don't want either experience, because both experiences are bad. Because when we're over parked, we end up with

bigger buildings that are not as aesthetically pleasing if the parking isn't being used. And then we have other situations where we have the exact opposite, you know. I know 355 Alhambra is a building that is overparked and I worked in there for many years, and the top three floors were always empty. And it never -- it was never filled up, even though there was hundred percent occupancy in the building and -- the busiest time of day, it was still three empty floors.

Mr. Plummer: Right.

Commissioner Quesada: So -- but obviously, there's a concern to make sure we have the right amount of parking. I know there's been comparisons with Merrick Park. I know that we have different uses here. We have different intensities here. And I understand -- but if you can just walk us through it. I'm not an expert in this field. I just want to make sure we get the right result. In a project like this, from what I understand reading, you know, the national standard, the Urban Land Institute, you -- a lot of the parking during the day, Monday to Friday, nine to five, is going to be used by the offices, because obviously people are working. The residential areas will have, you know -- there won't be as many people at home with their cars sitting there. And at night, obviously the office use, those workers have gone home and obviously, the residents have returned; and also for the retail, more likely to be used either late at night or on the weekends, where the other impacts aren't as great. Can you just walk us through the shared parking and -- and I know your recommendation is that the shared parking with work on this, but if you could walk us through your rationale.

Mr. Plummer: Sure, absolutely. You hit on many of the key points, Commissioner Quesada, because shared parking has been around since the mid '80s or so from the Urban Land Institute, and it's a key element for mixed use projects. And I can tell you because we're talking about Village of Merrick Park. That Village of Merrick Park was not allowed to have a shared parking calculation, and that is an overparked facility. And you're exactly right. What does it do? It affects the massing, parking's very expensive, takes up a lot of the building area. What -- we have to balance the other side of the equation, which is being underparked. We don't want to have insufficient parking, so we have parking penetration into the residential neighborhoods, and we don't want customers getting there and frustrated and having to circulate around. So that's the

key component of it. Shared parking should be a benefit of mixed use projects, because we want mixed use projects. It helps us limit our traffic impact and so forth. There's two key components of it. First is that individual land uses have different accumulations by time of the day, day of week, and even by season. So the perfect example probably -- or typical exam is that around 5 o'clock offices need about 10 percent of their parking, retail needs about 90, 95 percent, fine dining needs about 60 to 70 percent of their parking. So you look at all those factors. The other factor in a mixed use project is what we call internalization of trips. So you work at the office building at this project and you use the restaurant. So you don't need two parking spaces because you're not getting in your car and moving. Same thing when someone comes to have lunch and then they go shopping. So instead of looking at the individual land use needs of each of those elements, you look at an accumulation type approach, and you ... been around for, like I said, quite a while. We've had extensive discussions with the applicant about the numbers, and we feel that this is a fairly conservative shared parking analysis.

Mr. Trias: Can I -- let me get clarification. For those watching at home, that graphic was prepared by the applicant. That was not Tim's graphic.

Ms. Swanson-Rivenbark: Commissioner Quesada, if I can add, we do not allow residential to count towards shared parking, so you have 229 housing units in this project that we're not assuming they're going to leave at any time. We also have a conservative zoning requirement for the hotel in terms of not assuming you're going to take a cab, but that you're going to take a rental car, and this was based on 17 percent shared use when the ULI traditional is 20 percent, and you'll see through these discussions we have also recommended eliminations of certain aspects of this project that will bring the square footage down and bring the parking requirement down. So when you look at that whole shared use question, this has several variables that together make that shared use concept work, but we would -- the staff was very rigorous in analyzing was that an acceptable recommendation.

Mayor Cason: Yeah ... shared parking in Miami-Dade now.

Mr. Plummer: I'm sorry.

Mayor Cason: How prevalent?

Mr. Plummer: How what?

Mayor Cason: How prevalent.

Commissioner Lago: Shared parking in Miami-Dade County.

Mr. Plummer: It -- the answer is it depends. Not all municipalities have accepted it, so a lot of times applicants come in and propose it and it is a negotiation with a particular municipality. You know, for -- Miami Beach has accepted it. They've got it in their Code. Others have it in their Code as well, but usually, it's an individual basis. Doral doesn't have it. So Doral, you have to go through a process to go through a shared parking analysis, just like this applicant did.

Commissioner Lago: Again, I don't know if you're privy to this, Mr. Plummer, but I had a conversation with the City Manager because I was interested in finding out, you know, what other municipalities are using shared parking and the ULI standards in reference to how it would affect this potential project. And we had a long conversation where she was able to provide me some documentation, an actually Zoning Code documentation from December 31, 1994, where shared parking had existed in the City of Coral Gables on previous occasions. And I want her to just give a little bit more of the background in reference to what she was able to compile and what those recommendations and when it was removed.

Ms. Swanson-Rivenbark: Thank you, sir. And in fact, you all have asked us to go back and look at should shared use parking be reintroduced in our Zoning Code. We had two different areas related to mixed uses that would allow shared use. One was a scenario where there is an apartment building and ground floor retail so it's more neighborhood resident -- neighborhood type of retail. But then also in a different areas that had larger scaled mixes of uses, including this actual area, which was allowed to have shared use. It had very specific requirements.

During the rewrite, I am not exactly sure it was removed from it, but in the past, those projects had worked well where shared use was calculated.

Commissioner Lago: Thank you. Were you able to find out -- and again, I wasn't here. I wasn't privy in regards to the rewrite, but were we able to find out maybe there was a reason behind that. Was there maybe a project that didn't work out that was not successful? Do you have any -

Mr. Plummer: I do not know, Commissioner Lago. I don't know why it was taken out, quite frankly.

Commissioner Lago: OK. But it wasn't because there was a project -- or maybe you should give this toward -- more ... to Vice Mayor, maybe --

Vice Mayor Kerdyk: I don't remember a project failing based on that. I don't remember.

Mr. Plummer: It's a widely accepted practice. And the key to it is -- because Miami-Dade County is going through a process now where they're going to try and put a bunch of different -- couple scenarios together and put it in their Code. Well, that really doesn't work, because it really depends on the mix of land uses and the intensity of those land uses. So you just can't have two or three scenarios. Each project's different, so you really need to look at it individually and go through a calculation and an analysis for that particular project.

Commissioner Keon: Can I ask a question with regard to shared -- the policies covering shared parking, one that you don't include residential. I think it's particularly a good policy. But with regard to the shared parking between office use, hotel and the retail use, you know, generally when you drive into a garage where this is a lot of mixed use, you'll see all these signs that it says, you know, reserved for, reserved for, reserved for, whatever and the vast majority of parking is -- is that being reserved for somebody, so I would assume that it's an operational issue as to how you -- what agreements you have with your tenants as to what the ownership of that particular parking space is. Is it from 9 to 5 that that -- it's reserved?

Mr. Plummer: It can be.

Commissioner Keon: Or is it reserved for -- is it for 24 hours it's reserved? Because how do you sheer them when you -- you know, if you have a law firm maybe that run -- moves into your office tower and, you know, they want -- I don't know -- 50 spaces for their -- you know, so -- I'm sure you -- you know, you -- in the contract.

Mr. Plummer: Yes.

Commissioner Keon: In the agreement.

Mr. Plummer: It's a policy operational issue, absolutely.

Commissioner Keon: So do you -- when you do shared parking, do you -- does the agreement for that -- the parking that a particular tenant may be paying for, is it for 24 hours or is it from 9 to 5 or 9 to 7? I mean, now we know that a lot of attorneys tend to work late so -- I mean, how is that -- because when you're talking about the -- that the office space -- you know, the hours when they're at their peak demand for parking, and fine dining may be at their peak demand for parking, and retail has a different peak demand for parking. Do you then have to also control the operational -- the agreements that you have in place between your tenants and the landlord as to whether it's 24 hour or it's for a period of time, if they are being --?

Mr. Plummer: Absolutely.

Commissioner Keon: OK. So we need to ensure then in whatever agreement we have, if we're going to use shared parking, that you will -- I mean, I certainly couldn't tell you what that is, but you know, as an expert in the field, you, as the advisor to the City could tell you what the lease arrangements with regard to parking with tenants needs to be in order for shared parking to be successful.

Mr. Plummer: Correct.

Commissioner Keon: Is that right?

Mr. Plummer: Yes.

Commissioner Keon: OK. So is that in our -- is that in our agreement, our development agreement, the issue with regard to policies covering shared parking?

Mayor Cason: Mario, do you want to address that?

Commissioner Quesada: Well, you know what happens -- and before they address that. When a developer builds a project --

Commissioner Keon: Right.

Commissioner Quesada: -- they build the project and they anticipate what the uses are going to be.

Commissioner Keon: Right.

Commissioner Quesada: For example, they may anticipate a restaurant in a certain location. And obviously a restaurant has more parking requirements than a regular office use under our Code. So they will -- from the beginning, they will plan it out so they understand what the uses are going to be. What is important is once they start changing uses after the fact is when they run into problems

Commissioner Keon: Right.

Commissioner Quesada: So it's important that whatever their plan -- and if the applicant, correct me if I'm wrong here. I'm just -- I'm going based on my experience that we've seen up here and -

- these other experiences we've had with the projects in the City that's come before us. If they start changing the uses -- for example, we had the issue with -- that it was an office building. They wanted to change the use to classrooms. You know, we -- our Code requires significant amount more parking spaces under that scenario.

Commissioner Keon: No, I understand that. But what I'm asking is when you dedicate a space to a particular tenant, is that space dedicated to that tenant for 24 hours or is that space dedicated to that tenant from 9 to 5 or 9 to 7 so that -- then it is available for shared parking at the times that you would want to share it? That's the question I'm asking.

Ms. Swanson-Rivenbark: I understand. And that's really an applicant response. Because some tenant leases are 7 to 7, some tenant leases are a different time frame. I will also tell you that in our very own parking garages, we oversell about 130 percent, and that's for permanent parking because vacations, maternity leave, the other types of absence issues that fall into an office parking environment, and we do not have an issue with people not finding space -- with people finding spaces.

Commissioner Keon: OK. But when we -- even when we sell permits, that permit is from -- is --

Ms. Swanson-Rivenbark: The way we do our permits are -- it is approximately 7 to 7.

Commissioner Keon: OK. That's what I'm asking.

Ms. Swanson-Rivenbark: It is not a 24 hour.

Commissioner Keon: You know that -- it's not a 24-hour dedicated space.

Ms. Swanson-Rivenbark: Yes.

Commissioner Keon: It is a 7 to 7 space or whatever. I mean, I -- if we don't have shared parking, I can understand it can be -- it's not a concern, what it is. But when you have a shared parking, that space has to free up, so what's -- operationally, how does that free up?

Mr. Garcia-Serra: Right. Well, let me address the question on two different levels. I think it's prompted by the fact that certain amount of parking is normally required in the City, but then there are times when the owner of the property then shifts it around as to who's getting to use it and who has the ability to use it.

Commissioner Keon: Yes, yes.

Mr. Garcia-Serra: Within the last year I think the City has realized that that issue, and now every project that comes forward is part of the standard conditions of approval; also has to enter into a covenant that says that the parking will be -- actually provided in reality as it's required by the Code. So in other words, if Code requires "X" number of parking space for residential ... for office, "X" number for restaurant, let's say, that's indeed how it has to be apportioned out, and we have to enter into a covenant agreeing to that, a developer does. So here we definitely had that same concept already incorporated into the shared parking plan. We have the other concept incorporated too. That you are not just talking about OK, "X" number of spaces dedicated to this use. Some of those spaces are going to be used for more than one use, depending on the time day of the day.

Commissioner Keon: Right.

Mr. Garcia-Serra: So indeed in our shared parking plan, it's also sort of indicates what spaces are being used for what or what time of day. And something very important to point out, which was already mentioned, but I'll say it again for emphasis, is as far as residential component of the parking is concerned, that's dedicated a hundred percent per City requirement --

Commissioner Keon: Yeah. I know.

Mr. Garcia-Serra: -- hundred percent of the day to the resident.

Commissioner Keon: Right. OK.

Vice Mayor Kerdyk: I just have one more comment, between first and Second Reading, Tim. Design professional brought to my attention the loading dock in the basement area. That the amount of space between that and the ... elevator. Can you just check into that and make sure that doesn't have to be redesigned to get a little bit closer --

Mr. Plummer: To the elevator you said?

Vice Mayor Kerdyk: Yeah, sure.

Mr. Plummer: I'll take a look at that.

Vice Mayor Kerdyk: All right. Thank you.

Mayor Cason: OK. Ramon.

Mr. Trias: Thank you, Mayor. I will continue the presentation and --

Commissioner Quesada: Thank you, Tim.

Commissioner Lago: Thank you, Tim.

Commissioner Quesada: Thank you.

Commissioner Lago: Thank you.

Ms. Swanson-Rivenbark: Ramon, before you do, just for the viewing audience on television, we have loaded this detailed memorandum on the web site. It's in two places. It's in the -- under

Planning, under this item, so if people wanted to follow it. And we're also adding it to the actual agenda that you have on the web. So if anybody wanted to look at those attachments that is watching, they're able to do so.

Mr. Trias: I will continue on item 6, which is off-street parking. There was concern about the loss of off-street parking. This issue deals with any project when it's approved, some of the parking is redesigned for landscape and other concerns. As you know, there was a project that proved in this location years ago, the Old Spanish Village. As a result of that project, some parking was lost. There were meetings between the City Attorney, Kevin from the Parking Department, the applicant. The settlement that was agreed was that there will be a contribution of \$420,000 to resolve the discussion about the number of parking spaces that has been lost through the City. That's a settlement that the City Attorney could expand on that if you need some more information.

Commissioner Lago: Do we have an exact number of how many parking spaces have been lost?

Mr. Trias: The -- this --

Commissioner Lago: Ten?

Commissioner Keon: Says ten.

Mr. Trias: Yeah.

Mr. Leen: The -- there were parking spaces lost with the Old Spanish Village project. Then they -- you know, that got caught up in a lot of issues, that project. They came in, Agave, those spots were already gone. There was a legal issue as to what extent are the successor and interest as to those particular parking spots. In addition, the law changed. The Code changed regarding parking in lieu of payment. It was a bit of a complicated issue. So since -- I spoke with Mario and we decided that to settle that matter, particularly in light of the whole development

agreement, that a payment -- basically, they're paying for the equivalent under the new law of 10 parking spaces. Otherwise, it would be a disputed matter.

Commissioner Lago: Ten current parking spaces had been lost after what's existing right now?

Mr. Leen: No. As per existing right now, it's zero. But as per what used to exist, it's much -- it's larger. I believe it's around 50. I believe it's 50. But they're not there right now, and they were not put back. And so what I ask --

Commissioner Lago: Did that previous developer pay for those spaces that were lost?

Mr. Leen: No, they did not. Remember, they went bankrupt, so --

Mr. Trias: That was a discussion --

Mr. Leen: -- an obligation like that would be extinguished.

Mr. Trias: The discussion is that the existing conditions are what they are, but they represent a net loss of 50 from the prior conditions for approval, so there had to be some kind of settlement. That's what's being proposed at this point.

Commissioner Lago: So the real number is not 10 parking spaces. The real number is 50?

Mr. Trias: Yes.

Commissioner Lago: From prior to Old Spanish Village.

Mr. Trias: Right.

Mr. Leen: Yes.

Commissioner Lago: I just want to be clear on that.

Mr. Leen: No. I want -- I'm sorry if it was confusing. It's 50 from before Old Spanish Village. Those 50 were removed with Old Spanish Village. They weren't there when Agave took the property.

Commissioner Quesada: No, no, of course.

Mr. Leen: And now we had to resolve that issue. Their position was they owed them for zero, and ours was that we thought that we could make a claim for 50. Although, I have to tell you, it's debatable, that sort of claim. So what we did was we resolved it for 10. And in light of all the other things that were coming to the City as part of the development agreement, I thought it was a fair settlement.

Mayor Cason: And the applicants agreed to this?

Commissioner Lago: Well, you negotiated, correct? You negotiated 10 parking spaces?

Mr. Trias: Correct.

Commissioner Lago: OK.

Mr. Garcia-Serra: And so what the ... is recommendation we're in agreement with. And I would add also there was also been some confusion. I have yet to see a clear accounting of how many parking spaces existed prior to Old Spanish Village. So that is part of the complication too in figuring out exactly how much was lost, you know, where was it lost, and why wasn't payment obtained from the developer at that point in time, because they did obtain billing permits for some work

Mr. Leen: It was -- that concern -- I have that concern as well.

Ms. Swanson-Rivenbark: And Mr. Mayor, while I can't comment on what happened with Old Spanish Village, I am very familiar with other cities parking in lieu of, and while I would not want to renegotiate this, there are cities that charge 5,000, 10,000, \$15,000 for each space, so the 42,000 also would include any future land acquisition. We like that amount as a stack, but it is a generous amount.

Commissioner Lago: But my concern is due to the simple fact that when you drive by the site right now, significant portion of the civil work was completed on that project. All the hard scape was completed. I mean, there was -- all that was only missing was very -- a few layers of asphalt. That's why you see the curbs are so tall right now when you drive by there. Obviously, they had to pull a permit, so there had to have been some impact fees that were paid.

Mayor Cason: Did they have a bond?

Commissioner Lago: So there has to be -- somebody must have paid for those parking spaces. There must have been a negotiation in regards to losing out on close to 40 or some odd parking spaces.

Vice Mayor Kerdyk: Can't remember.

Commissioner Lago: We couldn't find anything.

Mr. Leen: The way I looked at it, we did look into the issue. I didn't think there was sufficient information for us to be able to make a claim for 50 spots against them. That was the issue.

Commissioner Lago: I'm not -- I'm beyond Mediterranean Village. I'm going back to find out --

Mr. Leen: The way I looked at --

Commissioner Lago: -- where 50 parking spaces are and if they were paid for and how -- like I said, maybe another conversation for another day. But -- I mean, I think that if you have actual

construction that started and there was an inspection and there was concrete poured, somebody must have paid impact fees. Somebody must have paid permit fees. Somebody must have -- something happened.

Mr. Leen: The ... was that we did not receive payment for those spots. I don't think that would happen again today. Staff is very aware if parking in lieu it comes up from time to time and they're very aware of it. So I don't think it would. The other thing I would say is I have -- I looked at this more -- the way I looked at it is we often have blighted properties. I mean, we don't have a lot of them. I believe we have a few where someone will come in and there may be significant can finds and fees associated with the property, and if they come in and they fix it up, we will usually mitigate those or settle them for a much lower amount. And this was not exactly the same thing, I understand that. But I did not want this dispute to block this from being able to go forward. If this is going to pass or not pass, I wanted it to be on its merits and not because of that legal issue.

Commissioner Lago: Thank you, Craig.

Vice Mayor Kerdyk: Just one quick question as far as the Fed Ex. How are you dealing with Fed Ex? Because I don't see any on-street loading zones or anything like that where people come in. How are we going to deal with that?

Mr. Trias: The deliveries take place below grade at the underground level.

Vice Mayor Kerdyk: OK.

Mr. Trias: That's what the applicant has said.

Commissioner Lago: But I think that goes back to the question that you mentioned before, Bill, that you had -- about the length of travel from the actual parking space to the elevator that's predisposed to allow for that delivery to occur.

Vice Mayor Kerdyk: Yeah, exactly.

Commissioner Lago: I think the run is pretty significant.

Vice Mayor Kerdyk: Yeah, it is.

Mayor Cason: And the Postal Service will go down there as well, right?

Mr. Trias: Right. And those are issues that can be addressed in great detail at the development agreement level.

Vice Mayor Kerdyk: Minor.

Mayor Cason: All right.

Mr. Trias: OK, I'll continue then. The next topic was the trolley. Public comment center on enhancing the service, the downtown loop was also discussed. And there was some concerns expressed about the ridership and numbers of potential riders and so on. So the recommended action was part of the development agreement that included contributions by the developer for the capital improvement and also for the operations. That may change slightly, based on discussions about the public service concerns. But in general, the original proposal in the development agreement is what staff is recommending with some minor adjustments, perhaps.

Mayor Cason: Would you explain that again for people that may not have watched the last session?

Mr. Trias: Yeah. The -- generally speaking, it was about \$1.3 million for capital improvement, which would provide four additional trolleys, and that would create the opportunity to have the additional loop and the additional hours, and then approximately \$600,000 a year for operations.

Mayor Cason: For how many years?

Mr. Trias: For 25 years.

Vice Mayor Kerdyk: That's very generous. I just -- I ... think we should go on the record as saying that for sure. That's a very good commitment by --

Mr. Trias: It addresses the -- we had originally discussed there were two options, so it addresses both options, not one or two, but actual both options, which is extended hours along the existing trolley route and then the additional loop on the downtown.

Mayor Cason: Could you explain a little bit more about the current hours and what this would go up to and then what about Saturday, Sunday, what's --

Mr. Trias: It's --

Mayor Cason: What's envisioned ... --

Mr. Trias: If Kevin is here, I would prefer --

Ms. Swanson-Rivenbark: No, Kevin has a daughter that's going to win a volleyball tournament so we let him not be here. But I can answer them. The trolley generally is 6:30 to 8 during the week, 6:30a.m. To 8 at night, and then on the weekends, it goes later to approximately 10 o'clock. But what this does is also -- government holidays, we're closed, and many of our office tenants may come in for President's day or from -- for other holidays that they would no longer have access to. So this, they'll have -- we will operate holidays, we will operate Saturdays, and we operate Sundays. Sundays not as a 6:30 to 8 or 10 at night; more of a reduced level, but this brings seven days a week, including holidays.

Mayor Cason: Could you explain a little bit about the downtown loop. We discussed this about a year ago, I think, that --

Commissioner Quesada: About a year and a half, yeah.

Mayor Cason: Concept of it, but headways and what do we think it will do. Why it's important.

Mr. Trias: The downtown loop will provide a connection between different parking garages, generally speaking, in the Central Business District, which allows for a better use of that whole area. The headways I wouldn't know exactly. Perhaps, we have some of that information. But the idea is to obviously maximize the availability of the trolleys through the additional vehicles that are included.

Mayor Cason: And part of that, I think, was -- wasn't that to get --

Mr. Trias: Yeah.

Mayor Cason: -- so people could come out of their office buildings, go to a -- go to some restaurants around town that were not within walking distance and get back, and start working again.

Mr. Trias: Yeah. And that's the master plan, and Glen Kephart can explain a little more detail.

Glenn Kephart: Yeah, and I think the objective is to provide funding that gives us flexibility. The actual design of the downtown loop and how it work and the feasibility of it, we'll have to go through a process that we would be discussing with -- we would work on and discuss fully with the Commission and determine what the best options are. I don't know think it's specific as to exactly how we would spend this money to expand the trolley service, other than the extended hours and then additional routes would be fully vetted with the community and the Commission before they would be implemented.

Mayor Cason: Are four trolleys enough do you think to have a downtown loop so that people could use the trolleys at lunch?

Mr. Kephart: Four trolleys is what was identified in the master plan of what would be needed to make a downtown loop work.

Mr. Trias: And the staff has recommended some flexibility, because 20 years from now, maybe the vehicles are different, and so we need to have that opportunity to enhance the service.

Mayor Cason: Thank you.

Commissioner Quesada: You know, and I just want to comment on this one. I mean, this -- I think this is incredibly important for our traffic moving forward and really to address it, you know. I think now -- the last time we get an estimate from our consultant that the current trolley takes off about a thousand vehicles per day, I think is the number that staff had told me at one point, and I know that it is --

Mayor Cason: One point three million, something like that? One point three million people a year.

Commissioner Quesada: One point three million people, and I know -- again, when you look at the amount of office square footage that we have, I think the biggest problem we have is with that office traffic and I think this is really going to benefit. So I think it's tremendous -- it's very important to keep the trolley free. It's very important to keep it effective and really have every day resident, business resident being able to utilize it, so.

Mayor Cason: That's very important.

Mr. Trias: And it's the best tool we have to deal with the impact, with the traffic impacts of a project this size. There's mass transit is one and the other one is better pedestrian areas.

Mayor Cason: And I think one thing we mentioned last time but not this time is -- and Mario, you can talk to this. There are going to be like one bicycle station for every ten cars, something like that, and places for showers for the public.

Mr. Garcia-Serra: Correct.

Mayor Cason: Could you talk about that?

Mr. Garcia-Serra: On the issue of alternative modes of transportation other than the car, this project is, I think, a champion of that issue. Indeed, it's going to be two separate facilities, one dedicated only to the office building where office workers can go and literally, if they want to ride their bike, park their bike, change, you know, have lockers, have showers, be able to go to work, and then do the same in order to return home. Aside from that facility, there's also another facility that is going to be open to the general public fronting one of the streets, which will also permit the same thing; parking of bicycles, the sort of bicycle shop in case you need to repair a flat tire or whatever it might be, locker rooms to change and so forth. So that if you're going as a, you know, customer to one of the retail facilities, you can also be riding your bike to and from. The trolley, as already mentioned, \$17 million commitment to the trolley, which I think is exceptional in the history of commitments being made by private developers to the City so as to ensure its continued operation and expansion. And then there's also the electrical vehicle charging stations, which is also sort of a, I think, trend towards the future; more people using electrical vehicles than ... going to have charging stations there that could be used by them free of charge.

Mr. Trias: And the bicycle facility and the electric charging station are individual items identified as contributions in the development agreement, so they're very clearly defined and they're -- there are -- those are very nice location for the bicycle facility that has storefront, so it should be very visible and hopefully for used. All right, if I could go on to the next item. There were some public concern about the size of the project and the size is generally associated with the FAR, which is floor area ratio. The concern dealt with the project being too large and too bulky. And this is related to the fact that the applicant is requesting some additional height in some areas and some additional FAR. So the last couple of days we have had some discussions with the applicant about reducing some of the program and removing some of the areas that are closer to the east neighborhood. Perhaps, the applicant at this point can explain what they're

ready to agree or propose to you as a solution. They showed me some drawings; I can discuss them in detail, but I would prefer that they explain them to you.

Mr. Garcia-Serra: Sure. You know, of these lists of comments here in the memo, by far, are the ones that are of the most significant are the ones in this Section 8 dealing with FAR in bulk and Section 9 dealing with open space, because indeed, they address the actual site plan and how bigger and how the design of this project's going to be. In response to comments that we heard last week and conversations that we had subsequently, we have engaged in the exercise of seeing how design could potentially be revised to address each of these points. We can get into the details now. We have sort of a preference to finish the list and narrow down what the actual issues are. Indeed, I think these will be the significant ones and the ones that are going to take the most time. But maybe we get the other ones out of way, because I think it should be relatively quick from here on out and then we dedicate time we have left --

Vice Mayor Kerdyk: I think we --

Mr. Garcia-Serra: -- to talk about this issue.

Vice Mayor Kerdyk: ... issue.

Commissioner Keon: I will agree with that.

Mayor Cason: OK.

Commissioner Keon: Yeah. I'd rather hear the whole thing, and then I'd like to talk about it too.

Mayor Cason: Yeah.

Vice Mayor Kerdyk: Yeah.

Mr. Trias: The item 9 is open space, and the concern was that there was not enough open space at the ground level.

Vice Mayor Kerdyk: Is that another one you wanted to --

Commissioner Keon: Yes.

Mayor Cason: And could you give the definition of what open space means?

Vice Mayor Kerdyk: Is that another one?

Commissioner Keon: Yeah. I think it's all --

Vice Mayor Kerdyk: I think that's another one.

Mr. Garcia-Serra: I will treat both category 8 and 9 as the same. Those are the ones that ...

Vice Mayor Kerdyk: Eight and nine, why don't we treat that separately?

Mr. Garcia-Serra: Toward the end.

Vice Mayor Kerdyk: Yes, sir.

Mr. Trias: Open space in the project in this case includes the expansion of existing sidewalks. Whatever is in their property that widens the sidewalk, that's counted. Any kind of green park or any kind of plaza, which there are a couple of areas --

Vice Mayor Kerdyk: No, no, no. I -- it's fine. I mean, I think we really do need to cover that when we're talking about density and intensity and stuff like that. But yeah, you and I --

Mr. Trias: Yeah.

Vice Mayor Kerdyk: -- have had a conversation about the green space, downstairs green space.

Mr. Garcia-Serra: Yeah.

Vice Mayor Kerdyk: I mean, you can go ahead and --

Mr. Leen: I have a couple definitions if you'd like to hear them from the Zoning --

Commissioner Keon: Yeah.

Vice Mayor Kerdyk: Yeah, go ahead.

Commissioner Keon: OK. From the Zoning Code?

Mr. Leen: Yes. So an open area means an area -- pardon me. A public open space means any land or area for the use of the public which is designated and intended for common use or enjoyment of the public, which includes plazas, squares, arcades, ..., pedestrian pass-throughs, courtyards, et cetera. Atriums and fully enclosed spaces are not considered public open space. An open area means an area which is open from the land to the sky predominantly designed for and paved with bricks, pavers or other similar material for pedestrian use or an area where no structures or buildings, other than landscape features, fountains, benches, arcades, and objects of art are located. But public open space, the first definition is the one that's more --

Mayor Cason: Thank you.

Mr. Leen: -- on point.

Mr. Trias: And just on design, one of the concerns was that some paces -- because they tend to be covered and so ... were not really high-quality open space. I -- that's the way I heard that concern. So in the last couple of days, we -- the applicant and I met and discussed some

opportunities to enhance the ground level open space, and whenever you're ready, we can discuss the design issues.

Mayor Cason: Let's do 10 now, then.

Mr. Trias: Absolutely. All right, so 10 is sustainability, and generally, the recommendation was that old buildings should be LEED certified and the applicant has agreed.

Mayor Cason: OK, great. Good.

Commissioner Quesada: That's a great -- excellent.

Commissioner Lago: Excellent.

Mr. Garcia-Serra: Commitment we made already and we will stick to it.

Vice Mayor Kerdyk: OK.

Commissioner Keon: Can I ask a couple of questions or comments on LEED certification? The other night there was an event for -- Meg Daly had an event for the underline, and there were a number of people there that were urban planners and people that dealt with sustainability and -- we had a discussion on LEED certification, and I certainly am -- I don't know a lot about LEED certification, so I'm going to look at Commissioner Lago as I talk so he can maybe help me with this. But it was interesting in their discussion with regard to LEED certification that the technology is changing so rapidly with regard to LEED certification that at what level -- if we're going to require LEED certification, do we spell out the particular elements of the LEED certification that we're looking at? Because there may be some that due to the changes in technology and how rapidly they're developing, they may be things that you may wait a little bit on as opposed to requiring them initially, because the cost apparently may be right now is very high within -- because of the development stages that they're in within six months or whatever. You know, they're not. So -- and the other issue was that they discussed that I thought was very

interesting and I've not heard the discussion before, was with LEED certification is the -- a requirement for a reevaluation every few years to ensure that it remains LEED certified. Because it's much as technology based and so it outdates itself pretty rapidly. So how do you -- you do this, I know, in your business. How do you deal with these issues of LEED certification and what you require and do you go back and require, you know, additional or some period of time that you reevaluate and people have to re-update or whatever? How does that deal -- how do you deal with that?

Commissioner Lago: Well, what ends up happening is, there is a common misconception in the issue of design and construction that a person is LEED certified. Only a building can be LEED certified. So that's one thing that -- a lot of people mention, "Well, are you LEED certified?" "No. I have accreditation in regards to a LEED GC or LEED AP."

Commissioner Keon: Yeah.

Commissioner Lago: But what you've seen is the LEED community has ground intensely over the last few years.

Commissioner Keon: Right.

Commissioner Lago: And you're seeing, like you said, technology every six months to a year is changing so rapidly that you're seeing more and more people -- like the developers before us today really embracing the additional cost that a, you know, building would have to pay or developer would have to pay to LEED certified, their building.

Mayor Cason: How expensive is it?

Commissioner Lago: It could range from 1 percent to 5 percent of the total building cost, depending on the magnitude, because you have different levels.

Commissioner Keon: Right.

Commissioner Lago: You have, you know, silver, gold, platinum, or you could just have a building that says LEED certified.

Commissioner Keon: OK, so that's what I'm asking here. We have in a development agreement something that says LEED certified. I -- and there are all these levels and there's --

Commissioner Lago: But you have to understand, they were going for LEED neighborhood, which is different than what they're going for now. Now they're going for a full project which is going to be completely -- again, they haven't mentioned here what type of certification their buildings are going to receive or their projects are going to receive. It may -- I don't think it's going to be neighborhood now. Is it or --?

Commissioner Keon: Well, at some point, could you work out that whole issue of --

Commissioner Lago: ... neighborhood?

Commissioner Keon: -- of LEED certification maybe? And what it --

Commissioner Lago: So there's different -- there's also --

Commissioner Keon: The extent to --

Commissioner Lago: I'm sorry to interrupt you, but there's different tiers also in --

Commissioner Keon: OK.

Commissioner Lago: -- each --

Commissioner Keon: Yeah.

Commissioner Lago: -- kind of these LEED certification process.

Mr. Trias: Commissioner, if I could address that issue; maybe I am a lead accredited architect and I'm familiar with the process and, generally, but the benefit of LEED is that it gives you a very good outline of things and a very good checklist of many, many different topics that are good in general, but I want to assure you that the kind of review that is here in the City of Coral Gables. What the Board of Architects does a very comprehensive review of the project and so on. Goes way beyond anything that any other city I know does in terms of making sure the building is good for many points of view. Now, the checklist is very helpful in terms of LEED because it does allow you to follow certain things. And originally, what we had was proposed that the specific certification for this project would be LEED ND, neighborhood design, which deals with larger projects. Now, that require that at least one individual building had to be LEED certified. Is that correct?

Unidentified Speaker: Correct.

Mr. Trias: So what we're saying -- at least. Now, what the applicant has said now is that they're going to go beyond the minimum of that program and go for certification from all buildings. Now, the details clearly would have to be worked out in some more --

Commissioner Lago: And in reference to your question, Commissioner, about the issue of when do you commence this process? it's my understanding that you have to commence immediately because you have to register on the USGBC (United States Green Building Council) web site, you to start a membership, you have to basically start putting forth a bunch of different programming that is required to commence upon. You can't start, let's say, like two years from now.

Mr. Trias: It gets to be done at the design --

Commissioner Lago: It has to be done at the beginning.

Mr. Trias: At the design process.

Commissioner Lago: Because those --

MULTIPLE SPEAKERS

Commissioner Lago: Because one of the first credits that you receive is having someone on your project actually be designated to handle the project. You could get one point for that.

Unidentified Speaker: And the project's been registered --

Commissioner Lago: Yes.

Unidentified Speaker: -- I'm estimating, about a year, but it's been at least six months.

Commissioner Lago: This is a point rating system.

Commissioner Keon: OK.

Commissioner Lago: I mean, you get to a certain level, you receive LEED certification, and then you can bump it up a few extra points and you get LEED silver, LEED gold, and then LEED platinum.

Mayor Cason: Is there a time you can --

Commissioner Lago: And by the way, this is very beneficial for the environment, it's very beneficial --

Commissioner Keon: Absolutely.

Commissioner Lago: -- for everything as a whole.

Commissioner Keon: Yeah.

Commissioner Lago: But it's also very beneficial for the developer.

Commissioner Keon: Where it should be result in --

Commissioner Lago: Because people, like myself --

Commissioner Keon: -- result in lesser operating --

Commissioner Lago: Yes. People like myself --

Commissioner Keon: -- your operating cost.

Commissioner Lago: -- who would be interested in potentially leasing a space in a building are going to look for an environmentally friendly building because that's something that I --

Commissioner Keon: Right. So do you require recertification at some point with LEED?

Commissioner Lago: Yes. To maintain your LEED certification on a building, you must be recert -- you must -- I don't know the exam time frame --

Mr. Trias: ... monitoring --

Commissioner Lago: -- but it happens.

Mr. Trias: ... check in

Commissioner Keon: OK. So in our development agreement, are we calling for not that it's just LEED certified at the time that it's built, but that it maintains LEED certification throughout -- from period of --

Commissioner Lago: And by the way, just so you know, when you have a -- when your building is LEED certified, it's like a badge of honor that people like to display. For example, the ... -- I think the Marquis building -- right. I think the Marquis building that he was mentioned before is a LEED certified building, and they prominently display that in their lobby.

Commissioner Keon: Right. But what I'm asking is do we then require that their -- that it re-- that it maintains --

Commissioner Lago: Yes.

Commissioner Keon: -- its LEED certification throughout --

Commissioner Lago: Yes.

Commissioner Keon: -- its lifetime?

Commissioner Lago: Yes.

Commissioner Keon: I mean, is that part of a -- is that part of a development agreement or is that just -- in LEED certification that's understood?

Commissioner Lago: That's part of your agreement with the USGBC, correct?

Unidentified Speaker: Correct.

Commissioner Lago: Correct?

Unidentified Speaker: To retain certification, you need to continue to meet the requirements of that certification.

Commissioner Lago: Commissioning standards, as they call it.

Vice Mayor Kerdyk: Commissioning Standards.

Commissioner Keon: OK. So I'm asking the Manager.

Ms. Swanson-Rivenbark: Commissioner Keon, you're -- you are correct, though. We did not add in there that it must be maintained.

Commissioner Keon: OK.

Ms. Swanson-Rivenbark: And so between first and Second Reading, if that's a direction you all would want to take, we can work with them as to that.

Commissioner Keon: OK.

Ms. Swanson-Rivenbark: Those added conditions.

Commissioner Keon: OK.

Commissioner Lago: The developer is going to -- I can't speak for them, but they're going to say "yes," because the amount of they're going to spend --

Commissioner Keon: Yeah. OK. I just --

Commissioner Lago: -- to get a LEED certified project --

Commissioner Keon: -- want to make sure that --

Commissioner Lago: -- it's in their best interest to spend a little bit more every year -- I mean, a fraction --

Commissioner Keon: Right.

Commissioner Lago: -- fraction just for upkeep.

Commissioner Keon: Sometimes building turn over. Sometimes building --

Commissioner Lago: Yeah, of course.

Commissioner Keon: -- so I would like to know that there -- we have the assurance that it will continue --

Commissioner Lago: I think it's a great idea.

Commissioner Keon: -- forward whoever has or owns this building, if we can add that. Thank you.

Mr. Garcia-Serra: For the record, we're fine with that, maintaining the certification.

Mayor Cason: Thank you.

Commissioner Keon: Thank you.

Mr. Trias: And the way the -- the technical way that we're dealing with that is through the PAD (Planned Area Development) conditions, so we should expand them as the City Manager has suggested to be maintained.

Ms. Swanson-Rivenbark: That it has

Commissioner Lago: Ramon, let me ask you another quick question, just going off what Commissioner Keon said. We currently are one of the few cities that has a museum which is LEED certified. We also have I think 11 buildings in the City that are LEED certified.

MULTIPLE SPEAKERS UNINTELLIGIBLE.

Mr. Garcia-Serra: Something like that, yeah.

Commissioner Lago: So that are we keeping track of all these -- of all of these certifications? Are we keeping track that they're being renewed?

Mr. Trias: That's a very good idea.

Commissioner Lago: I just want to know.

Commissioner Keon: Yeah. We should -- as part of our sustainability initiatives, we should track those buildings.

Commissioner Lago: I think that when we -- that's something that we could also --

Commissioner Keon: We should --

Commissioner Lago: -- could also -- you know, really disseminate the fact that we are a community which is really -- and that's going to be part of the sustainability plan. Sustainability plan is going to probably state and implement something that the City can come up with to give some sort of benefits for developers to say, move in that route, move in that route, make your buildings LEED, you know, become more sustainable, but those are also have to be -- you have - - that comes through giving incentives.

Commissioner Keon: Right. But we have to tract it to begin with so we know what to do and they can work out a program. Thank you.

Mayor Cason: OK. Retail.

Mr. Trias: Thank you. Let's --

Commissioner Quesada: If you don't mind, I'd like to come back to Section 8. I was talking to staff to make sure that they had the slides available to put on the screen. And Madam Manager, if it's OK with you, Mr. Mayor --

Mayor Cason: I thought we were going to do 8 and 9 later?

Commissioner Keon: We're going to do -- he was going to go through his ... then we were going to come back and --

Commissioner Quesada: ... 11.

Commissioner Keon: -- talk about everything.

Mr. Trias: Yeah, 8 deals with FAR. We'll do that later.

Commissioner Quesada: OK.

Mr. Trias: So 11 is retail, and retail was extensively discussed for a few months and that -- generally, there were some concerns expressed about the impact, the impact on existing retail on Miracle Mile or the area. There was also some concern about the designs -- the actual design of the project, which is a second story retail, which is not likely -- not a typical way of designing retailing in most places. And there was also concern about the -- expressed by the public about - that some of the design of the project would pour out into the inside of the project some of retail that should be on Ponce. Ponce is a great frontage. The rest of the project is not as likely

to be successful. So the staff discussion and the consensus among pretty much the staff was the second floor retail was not likely to work, so it will be recommended that it will be removed from the project. And there was also concern about the fact that some of the paces or some of the areas of the paces were covered with glass, which really didn't lead to a feel of urban retail. It was more of a mall suburban characteristic, so there was some concern about that. And there was also some concern about the specific locations in the ground and some of the uses, so all of that was discussed with the applicant in the last couple of days, and the applicant has different opinions, and I think it's something that they probably looking forward for your input and your direction.

Vice Mayor Kerdyk: That's probably part of the FAR bulk conversation, isn't it, to a certain degree?

Ms. Swanson-Rivenbark: Yes.

Mr. Trias: It is part of --

Vice Mayor Kerdyk: Yeah.

Commissioner Keon: Yes.

Vice Mayor Kerdyk: Why don't we get into it all at one time?

Mr. Garcia-Serra: OK.

Commissioner Keon: Do that all at one time, yeah.

Vice Mayor Kerdyk: Yeah, do it all at one time.

Commissioner Keon: Yeah, I would love to see us do it at all one time.

Mr. Trias: The hotel -- the public discussion center on -- well, maybe this should be a larger ballroom. There currently is about 360 people. That's about as big as it can be, given the --

Commissioner Quesada: So let me just jump in for a second. So are we going to hold off on the retail conversation then?

Commissioner Keon: Yeah.

Vice Mayor Kerdyk: Yeah.

Commissioner Keon: Yeah. I'd like him to finish and then --

Vice Mayor Kerdyk: Let's do it all at the same time, yeah.

Commissioner Quesada: OK.

Commissioner Keon: You know -- I mean, I have some -- just some policy issues I'd like us to do.

Commissioner Quesada: And I have questions as well.

Commissioner Keon: ... talk about it.

Mr. Trias: It's mostly policy.

Commissioner Keon: OK.

Mr. Trias: So there was really no further actions recommended for the hotel.

Vice Mayor Kerdyk: Is the hotel a four or five-star? Because I see four- and five-star here, then I see five-star there. What are we guaranteed?

Mr. Trias: That's addressing the development agreement, and it's a policy choice. The recommendation originally was five-star. And that's remain --

Vice Mayor Kerdyk: I think I've talked about this before, but in the Rouse project, for instance, we make sure those boxes would always be like kind at Nordstrom's and Neiman Marcus, so if they ever go out of existence, they have to replace them with like boxes. So I want to make sure that this hotel, whether it's -- we agree upon a four-star or a five-star or whatever, that it always remains that type of hotel.

Mayor Cason: I agree with that.

Commissioner Keon: Yeah, I think everyone agrees with you on that.

Commissioner Quesada: Yeah. What's specifically in a development agreement is a five-star.

Mayor Cason: It's in there.

Mr. Trias: Yeah.

Commissioner Keon: Five-star ... -- it's in

Mr. Trias: Apparently, what you have before you.

Vice Mayor Kerdyk: OK, five-star.

Mayor Cason: What's the maximum for cocktails on this? I think I saw 600, 700.

Mr. Trias: For the ballroom?

Mayor Cason: Yeah.

Mr. Trias: It's 350. I don't know if there's another number in terms of the maximum --

Mr. Garcia-Serra: The maximum for a standard reduction, let's call it a cocktail reception, will be 700.

Mr. Trias: Three fifty for a sitting reception. And that's really limited by the conservation of the site. It's very difficult to make it any larger.

Ms. Swanson-Rivenbark: And I should say we appreciated the BID's (Business Improvement District) enthusiasm for having a larger seating area, but we were worried about the associated traffic that would come with that, and so the developer had originally proposed 350 seated, and we believe that's the appropriate number.

Commissioner Keon: OK. Thank you. I like --

Mr. Trias: The residential component of the project was also discussed. There's a strong support for additional residences, and we work with the applicant in terms of the FAR discussion of some changes with some of the buildings potentially, so that may be something that you may want to discuss.

Vice Mayor Kerdyk: That's another one for later on, because I also want to talk setbacks at that point too, so.

Mr. Trias: Exactly.

Vice Mayor Kerdyk: OK.

Mr. Trias: Exactly. The streetscape. The discussion was from the public that since the Miracle Mile had some really great ideas going, that perhaps some of those ideas could be expanded down Ponce de Leon. That was already discussed with the applicant and it's one of the items that

they're committing to \$2 million contribution in the development agreement towards Ponce enhancements, Ponce de Leon Boulevard enhancements beyond to the north of the project. The Arts Center building. The discussion is that it should not be used for retail, and that's the way that it is anticipated in the development agreement. It should be used for the City or for some nonprofit use at the discretion of the City. That is the recommendation from staff.

Commissioner Keon: I thought that there was a recommendation that ground floor could be used as a café or whatever to serve a -- maybe a seating area or whatever around the plaza.

Commissioner Lago: Yeah, that was my under --

Ms. Swanson-Rivenbark: Commissioner, that is included. He just didn't read that bullet where it limited --

Commissioner Keon: Oh, OK.

Ms. Swanson-Rivenbark: -- ground floor café or restaurant space.

Commissioner Lago: That was --

Commissioner Keon: If you put that the entire building should be used for a single tenant --

Ms. Swanson-Rivenbark: OK.

Commissioner Lago: Is that in line with --

Commissioner Keon: I just want to make that clear.

Commissioner Lago: Is that in line with the BID mentioned, what the BID mentioned in their statement?

Cathy Swanson-Rivenbark: I can -- I think the BID really wanted to see a signature retailer in that entire space. The -- it becomes a philosophical issue.

Commissioner Lago: Wear and tear was a concern.

Ms. Swanson-Rivenbark: That -- well, it is the Art Center building where all of the dreaming took place in Coral Gables, so there's a higher use that should be considered, whether it is working with American Institute of Architects or another nonprofit. I don't want you to think that our vision is to have the Parking Department there.

Commissioner Keon: No.

Ms. Swanson-Rivenbark: But our vision is how do you open up that space? Because as they dreamed the ... maintenance of Venetian pool or a colonnade, they did it there. And so we just want to make sure that we can respect and open up that space.

Commissioner Keon: Maybe you need another dream incubator.

Commissioner Lago: Yeah. But I'm with -- I agree with you, but I think also we should have some activation in that building to some sort.

Commissioner Keon: I do, at least on the ground floor.

Commissioner Lago: Some sort of activation on the ground floor would --

Commissioner Keon: A café of some sort.

Commissioner Lago: -- with -- I think it would be beneficial. Now, do I think that we should have a --

Commissioner Keon: I don't know.

Commissioner Lago: -- massive retailer which is going to, you know, cause significant wear and tear on that building? You know, I'm against that. I --

Commissioner Keon: OK.

Commissioner Lago: That could be an option.

Mr. Garcia-Serra: Where we are is exactly how the conversation is reflected. You know, both City and developer want to see that building activated, be the heart of the project where people gather, where things are happening, where people constantly going in and out, and so we're figuring out how to get that done. You know, how to have protections in place so that we're achieving that and whatever ends up there is both mutually agreeable to both City and developer.

Commissioner Lago: Thank you.

Mayor Cason: Thank you.

Mr. Trias: Item 16 is the neighborhood impacts. The concern from the public was the parking may spill into adjacent neighborhoods. There was also specific concern about the southern area of the neighborhoods, Santander Avenue and so on. The recommended action is that there should be parking and transportation plan during construction, which is a typical aspect of the construction plan. Then enhanced provisions for residential parking zone, which is Attachment "D" in the memo that was shown before. Trying to map those areas and provide better guidelines. Their contributions in the development agreement for streetscape improvements both to the east and to the west neighborhood. All of that can be done in a way that mitigates for impacts in the neighborhoods. And then, of course, the monitoring of the traffic that was described previously by Tim Plummer. All of that, I think, addresses the bulk of the public comment.

Mayor Cason: Have the neighbors been involved in the streetscape, the items that they want there?

Mr. Trias: The applicant has met with them several times. I have met with them a couple of times. Perhaps the applicant can explain the meetings they've had.

Mr. Garcia-Serra: The residential neighborhood that's closest to the project, we've had multiple meetings and had input from them on the design. And part of our understanding, the way the conditions been written, is that ultimately they will continue to have input as we go from a very sort of conceptual drawing that we have right now to the actual design and then construction drawings for those improvements. In the other residential neighborhoods to the west and south, the commitments ... money. We still have to show them a plan and get their input on how --

Mr. Trias: The only conceptual plan that you have before you is the one for the east. We don't have a plan yet for the worst neighborhoods, but that's should be developed as soon as we can.

Commissioner Lago: Can I just bring up a few issues here that I -- again, not issues, but just take this into consideration. I know the developer has a great team. They're probably going to bring in a spectacular contractor or multiple contractors to do the work, but I -- these are just my only requests, having a little bit of experience in this business. We're surrounded by not only residents, but we're also surrounded by commercial entities on Segovia and on -- near Coconut Grove Drive, so what I'm really concerned about is making sure MLT is really thought through, staging is thought through. Have they given idea where they're going to be staging. Are they going to be staging on site. Are they going to be staging off-site. Another thing that we haven't discussed, and it's going to come up, is dust mitigation. In a normal project, you put a silk fence up, you put -- for those of you that don't know, it's a standard fence and they put some sort of green or black tarp, which supposed to do catch the dust. It works to a certain extent on minor projects. Again, this is a major project which is going to have, you know, piles, it's going to have hundreds of trucks probably coming in on a weekly basis, and we need to make sure that as the dust gets tracked out of the project and it gets on the main streets, that we bring that dust and we bring that dirt back into the project and that the trucks -- I mean, ... it's a very simple process.

Just put a washing station. And they know exactly what to do. You put a washing station at the entrance of the project or any exit at the project and you make sure that we control the dust. Because the last thing you want to hear -- is this going to happen. I can only imagine if we don't do it -- is that you get phone calls to Code Enforcement saying that it's dust bowl out there. And it happens. It's going to happen; it's construction. But let's try to do everything in our power to try to control and mitigate it as much as possible.

Commissioner Keon: Thank you.

Mr. Trias: Again, this is going to be the most significant and detailed construction staging plan I think probably in the history of --

Commissioner Lago: No. And I can imagine --

Mr. Trias: Yeah.

Commissioner Lago: I can imagine. And this is not the responsibility -- I mean, it's not the responsibility of the City; it's the responsibility of the developer to be on top of the contract, and the contractor has to do his job. The contractor -- I mean, I imagine you guys are going to put them through the ringer in regards to the requirements, but I think that's something that -- you know, let's make sure that you have cost measures in place to make sure that we can deliver on that. It's going to be tough, but let's try to deliver on it as much as we can.

Mr. Garcia-Serra: Indeed. And we also have -- the fact that we have to protect the historic building that's part of the site and also continue to interact and protect the single-family residential home owner that is in very close proximity to the site.

Commissioner Lago: Thank you.

Mayor Cason: Thank you.

Mr. Trias: Thank you. Item 17 deals with issues raised about the Business Improvement District. Public comment included a recommendation that the project join the district and staff -- beyond -- this is -- this is an issue that the BID and the applicant can probably discuss further and see what the best solution may be. Item number 18 is the Art in Public Places, and the public comment had to deal with the fact that art had to be visible and accessible, and the maps that were included in the project were very conceptual and some of it -- some of the art work ... upstairs and some of the art work areas and so on, so the recommendation is that the map be refined and based on the public input, the art should be better placed. This is a normal part of the process as it goes -- as projects go through the Board of Architects review for the site location of art, so I think that the Code anticipates some of these issues. And then the only other change was that the -- originally, we were talking about \$5 million extra. It may be about four million once the different additional items are included in the development agreement. There's contributions. So that's generally what we're expecting at this point.

Mayor Cason: Could you -- Mario, could you tell us a little bit about quality of art you're planning to put in there? Are you going to bring things that are from the ... -- I mean, for example, on --

Mr. Garcia-Serra: Sure. Sure. Let me sort of lay the ground work too. The normal requirement for Art in Public Places for projects is 1 percent, which here would yield approximately around \$5 million. What we're committing to is \$10 million contribution in arts, so doubling what is normally required. And what we're looking to do, of course, since it's going to be such a significant building, is incorporate, as much as we can, works of art within the building. And indeed, you know, we pay -- the architect will probably know more about this than I do, but at least that will be things such as sculpture that is going to be acquired and put in places that is publicly accessible. The issue of location, of course, we'll work with the City to make sure that the locations are such that the public is definitely has access to it 24/7. And indeed what we can't incorporate in the building or in the project we're looking to incorporate into Ponce Circle Park across the street.

Ms. Swanson-Rivenbark: And, sir, just as clarification. Selection, maintenance, location will all be governed under the Art in Public Places ordinance. If you have specific questions, Cindy Birdsill can answer them.

Mr. Garcia-Serra: All right. That still would have to go through another City review process whereby the Art in Public Places Advisory Panel has to review and approve, the Culture Development Board, and then back here to the City Commission to get approval on those installations.

Mayor Cason: Thank you.

Mr. Trias: And finally, the options that you had before you today, I think are at least three. Option one is to consider the project as proposed, which may allow for some minor modifications prior to the second hearing, but basically, accept the vote up or down the project as proposed. Option two is to continue this First Reading to a future date if there's agreement that -- or consensus that there should be some major revisions. We do need time. I have worked with the applicant in two days, but in two days it's very hard to come up with major revisions. So that's another option. Or a third option could be to schedule a new First Reading should the applicant decide to submit again in a substantially different way the project. So my thinking is that at least those three options are before you, and it's up to you to take appropriate action. If you want to -- and this concludes the content of my presentation, except for the discussions about FAR and design, if you want to continue.

Mayor Cason: Yeah, let's go back to that, because I think that will determine --

Commissioner Keon: I'd like to talk --

Mayor Cason: -- where we want to go.

Commissioner Keon: -- a little bit about our policies and our philosophy in the development of the downtown that should really guide us in making the decisions that we're going to make here

today, because we see it throughout the City. We know that in the north Gables, we've asked that a study be done in the north Gables to guide us so that we're out in front of development, and I think those are the issues that we need -- you know, there's bigger issues that we need to look at, and then it's how do we deal with the project that comes to us based on the policies that we set forth as a Commission. So I would kind of like to -- you know, I usually don't make a lot of notes or write down what I'm going to say, but I think it is so important, particularly with this project because of the size and the scope and the location and whatever of this project, that I'd like to talk a little bit about those things before we get into the details of the actual retail and whatever else. You know, we acknowledge that we have worked with the Agave group as a Commission and their attorneys and their architects for over a year. We have. However, we need to acknowledge for their benefit that -- for they have been working with the City for probably three years on this project, and they were working with the prior City Manager, who didn't seek direction from this Commission and they didn't really seek direction from staff. He didn't seek direction from staff. And so, you know, they were in a process that was not really yielding a result or a good results for them, and I -- you know, I really apologize for the amount of time and the expense and everything that you have incurred because of what had happened in the past, but that's the past. And we are starting over anew with a new City Manager who has gauged our staff and our City consultants to put on their City consulting hats and to work on behalf of this City with you. And so I think there is probably -- there are changes desired by -- I know by myself. I'm hoping by others to this project, because now it is a project that is being directed or administered through the Manager with direction from this Commission and direction from our City staff that I don't think ever really existed before. And I think that it's important that we do it now. You know, and I think we need to be very sensitive to the architects and the developer's identity and how they see their project and not strip them of that identity so that they can move forward and present that to us. But I think it is our responsibility to give direction so that their identity is not diminished but works with the developmental plan for our City. And as a City and as a Commission, we need to be out in front of development. This and other projects need to be a part of our City and not isolated developments within our City. Our City needs to flow from north to south to east to west. We are a significant urban community and we need to maintain that -- the urban nature of this community. Coral Gables is a planned city with an established downtown. We see many other cities that are being created now around us in Miami-

Dade County trying to establish and build downtown, so we see Doral trying to build a downtown. We see Miami Lakes trying to build a downtown. Miami Shores is finally putting in a sewer system on their main street so they can develop a downtown. We have the benefit of having an established downtown that was laid out and planned for from the inception of this city. Merrick himself developed what in those days would have been plans for high rises, what would have been a high rise at that time. So we have a city. We have a downtown. We're not forming one. I have problems supporting this development as it is presented to us, because to me, it is a mall. It's a mall. And I understand the numbers that you give us for retail being the amount of retail maybe that is important in a mall or a destination in and of itself, like Merrick Park or whatever else. But I think it would be very, very unwise of us to build a mall in the middle of our downtown. This project has to relate to the urban character. We are trying to ... by our 30-plus million dollar investment in Miracle Mile, encourage more residential development, walkable streets, and programming a city on spaces, like the museum and the cinema and Actor's Playhouse to enliven our streets, which we have done. We can't move backwards. We need to move forward with creating this urban community with activated streets and things that are happening in our downtown. No one place in the middle of a city is a singular destination where you drive and park to and never leave. I don't believe we should ever build that in our downtown. Whatever we build has to relate to the rest of the buildings and the activities and the programming for our city. I think the foreign based PAD is a good test for the City, and provides us with an opportunity to do -- to study its design and use serves us better than just square footage calculations. We may decide or not that a form-based Code works downtown better than Euclidean Code we now have in place. I'm not opposed to using it, as long as it is used in that context and we can better control design and development regulations. However, I think it's very important to note that one of the objectives of a form-based Code in our downtown should be to ensure deep transition between single-family residential and multi-family or commercial use. For this reason, I have a concern also with the plan as presented, because I think the transition from the single-family neighborhood to the development, even with the townhomes, is not deep enough. I think it needs to be deeper. It needs to come back further into that project so there is deeper transition downtown. For me, the issue before us today is how we get this project that looks like a mall connected to Ponce so that Ponce is activated, continues to develop as a great city street and connects to Miracle Mile. We also need to make sure that this development

respects and lives in harmony with the single-family residential community it neighbors so we develop urban residential communities like other great cities. Chicago has a wonderful urban residential community that just moves very nicely and very seamlessly into a large downtown. Now, we're not Chicago. We're not the size of Chicago, but that feeling -- we can have that feeling in this City, and we have two examples of urban malls very close to us that have not been successful: Mayfair and Coco Walk in the Grove, particularly Mayfair has not been successful. They have never been able to support the retail that is there. And I don't want to see that happen here. And the shops at Sunset Place had not been particularly successful either. I do want -- I do want, I do want high-end residential, and I do want a five-star hotel. I want this project to be the thing that stimulates the high-end residential in our downtown and not just very small units that serve university students or whatever else. I want to see very high-end residential in our downtown. I don't want to see people -- when, you know -- and I've heard now that when people come from Latin America to their HBO headquarters in -- on Alhambra, that they go to the Mandarin on Brickell Key. I don't want people that come here to do business in our City to have to leave our City to go to a high-end, high-quality hotel. I want one in this City, the people can stay in this city when they come here to visit, when they come here to work and shop here, eat here, and be part of our City. Now, this project needs to ensure people's safety and privacy and high-end residential. ... people's safety and their privacy, it makes them feel special. I don't think high-end residential build on top of a mall does that. I want to see retail on Ponce, on Malaga, and Sevilla. I would like to see the developer consider moving the front of the entrance to the hotel to Coconut Drive or another one of the side streets. You can maintain a pedestrian entrance and a marquee on Ponce, but I would like to see more retail on Ponce so that we can continue that -- what is already beginning to develop on Ponce as it connects to the Mile, crosses the Mile, and goes all the way down to Alhambra. That is the sort of retail intersect of our city, and I want to see you add to that and not detract from that. I don't want a theater at this site or anything more than ground floor retail that relates to the surrounding streets. The second floor retail doesn't work. And public spaces need to be at street level and not in the air. Walkways cannot be considered open space at ground level. Open space is just that. It is open space. Now, I don't know the applicant's business plan, so I don't know what is driving their numbers. But I know that I can't support a mall with retail buried deep in this project that does not relay to the outside streets. I can't support high-end residential, Class-A office, a five-diamond, five-star,

five-whatever it is, however you designate that. I want to see deeper transition from the single-family residential neighborhood it borders and a project that activates Ponce and connects it to the surrounding streets. We are fortunate to be one of the first planned cities in the country. We have an obligation to honor that legacy. Now, there are times when we encourage projects and then we give them rights so they stimulate planned development, but it's only, only for a public purpose. We don't sell development rights, and our primary priority in approving developments is not the revenue that they produce for our tax base. It is their sustainability and what they give back to our community and it's the sustainability of our community. Now, in having worked over the last year with Hector Fernandez and the architects and any of the -- and this group, these have been very, very good and very honorable people. It is a true pleasure to work with them. So I hope, with all of my heart, that we will come to an agreement on what works in our downtown, because I don't think we could ask for a better group of people to work with. Thank you.

Mayor Cason: Thank you.

Commissioner Lago: Thank you.

Mayor Cason: Excellent. Mario, do you want to -- before we get into these 8, 9 and --

Commissioner Keon: So with that --

Mr. Garcia-Serra: Sure.

Commissioner Keon: -- we could talk about the retail and all the other pieces, please.

Mayor Cason: Why not make a initial response --

Mr. Garcia-Serra: OK.

Mayor Cason: -- and then we'll get into the details.

Mr. Garcia-Serra: I think Commissioner Keon's statement does frame well sort of the remaining categories that we wanted to talk about in our inner City memo, you know, FAR, open space and retail. You know, one thing that I'll start off saying is that the effort that we've gone through in the last three years has been indeed to do something that is not a mall. You know, we do not want to have another replica here of Dadeland Mall or any of the less successful malls that you may have mentioned in your speech. So the focus has always been on trying to get the best sort of project that's going to be of the most benefit not only to my client, but also to the City as a whole. And indeed, part of that -- and I think everyone's in agreement -- is the mix of uses, so having retail, having residential, having hotel, having office components is part of the building. And the one thing -- you know, always being the optimist -- the one good thing I think that we can all agree on is that indeed the idea of having some sort of form-based regulation as a sort of good tool to sort of enhance the planning and have the right product in place and make sure it's there. As George Merrick proved, you plan enough, you're going to get good enough, you know, community; and indeed, it's been three years of trying to put in that effort and trying to come about with the right product. You know, some of these issues interrelate to each other. The issue of the transition to the residential, we heard that. We have some drawings which we can show to you, as far as ideas of what we can potentially do. The important thing to keep in mind is, you know, when you're taken away, you know, some program of the project, you're also lessening its impact probably in some ways too. So we have to look to see are the commitments that we're making in connection with how the project's proposed right now still proportionate to the decreased impact that there might be after the impact has been reduced by reduction in the programming. The connection to Ponce has always been, you know, a primary motivation for what we're proposing. We see this indeed as an extension of the shopping area of Miracle Mile and we're willing to put \$2 million into improvements along Ponce so that your streetscapes improvements that are happening right now along Miracle Mile are continuous, go down Ponce and go towards this project so it's one environment where shoppers are hopefully moving between one place and the other in order to get things done either walking down these newly improved sidewalks or taking the trolley, which is now going to have longer hours of service and go through more areas of the City. The size of the retail is, you know, something that we need to discuss, because you know, there's one thing that was looked at was what is the amount of retail

that you need in order to make this project function, in order to attract the number of shoppers that you want to attract, not just to our project, but to be able to also track them to Miracle Mile, to have that benefit of having shoppers coming to our facility and then going over to Miracle Mile. And indeed everything that we've always heard has been 300,000 square feet has always been that key --

Commissioner Keon: For a mall.

Mr. Garcia-Serra: -- short of a mile. No, to attract the right number of people to keep the retail and business and operating to a mixed use development and so that -- sincerely ... come from not just from us, but also from the consultants from that you've hired --

Commissioner Keon: Right.

Mr. Garcia-Serra: -- and has been part of the process.

Commissioner Keon: Right. But did we add that retail? Do we -- does that --

Mr. Garcia-Serra: Excuse me?

Commissioner Keon: -- is that retail all in one place or is that a cumulative amount of retail in the area? And I think that's a discussion at some point that we can have --

Mr. Garcia-Serra: Right.

Commissioner Keon: -- but I'll let somebody else have that.

Mr. Garcia-Serra: The hotel entrance. You know, the reason that we had the entrance there more than anything was from our perspective a -- having a prominent sort of entrance for that five-star hotel that we want to attract using an address on Ponce, but you know, we've also discussed the possibility of it being on a side street not in connection with both trying to activate

the retail and have maybe the issues of parking and access to the site still being addressed. So that is, you know, something that we've been open to and we can continue talking about. The cinema's interesting. You know, in talking to the neighbors, in talking to people who have come out and expressed interest in the project, I would say the majority -- at least that I've had contact with -- like the idea of the cinema. Now, the cinema may be in a location where it could be moved to perhaps better improve that transition to the residential? You know, that's something that we can talk about, especially in the context of the drawings that we're going to show you. The issue of the ground floor open space is something also I think that we need to talk a lot about. If you look at the Code today, under today's existing planned area development regulations, you're required 20 percent of landscape open space and it can all -- all of it can be included above the ground floor in sort of an amenity stack area. And indeed, if you look at all the projects that have any significance, that have gone through the City in the more urban, you know, CBD areas, or the mixed use areas, indeed they've all sort of been projects that have gone from property line to property line and then provided landscape open space and elevated areas. That's not to say that they ignore the ground space. The ground space, because of the urban environment, becomes more plazas, you know, paco, arcades, that sort of thing. And that's pretty much how we designed it to be consistent ... how the sort of urban design has evolved in the City over the last few years. So in each of those issues, you know, as we did from the beginning, we've been working hand-in-hand with the City; and whenever the City has given us any direction or asked us to bring in certain consultants, we've had and we followed those recommendations. What, you know, we're hearing today is perhaps a bit different than what there is in the past, but again, we're committed to continue work and to try to get the best project. Remember, we're in this for the long-term hold and we want a project that's going to work. And part of getting this input and insight from you and from your consultants is part of the process. So with that said, I don't know if you want to keep on with comments or do you want to see what we have or --

Vice Mayor Kerdyk: I think it's inappropriate that maybe we each have comments and then you can answer --

Mr. Garcia-Serra: Sure.

Vice Mayor Kerdyk: -- with response that you have with the possible design. I mean, I too also want to articulate how good this developer is. I mean, first of all, sometimes you hear developers are vilified. This developer, who wants to spend \$550 million in our community, should be not vilified, no matter what ends up happening or what machination we come up of this great development. But I've been up here a year, and I think I've been extremely consistent in the way I felt on this project. And you know, green space -- as we talk about green spaces ... important, but -- and the residential setback, I think the Commissioner talked a little bit about the residential setback, and that's something that maybe you can deal with here. But I'm concerned about the intensity of the structure. There's no doubt about it. I am really concerned about that. The height is another issue that we've talked about on numerous occasions, and we basically have four 16-story buildings and one 18-story building there, and the height limitation -- just for the people that are listening -- is far -- not far exceeds -- exceeds our large -- tallest building by 18 feet. Our tallest building right now of habitable height is 200 feet. This would be 218 feet. It's a concern. I mean, these are concerns of mine and -- I mean, I could go into specifics, but just an overview. It's something that I've got to get -- you know, feel better about before I can support this project, and maybe you have the answer right now; maybe it needs to be deferred, but whatever it is, I am -- I recognize the commitment of the developer, but I also understand the impact of the community and I need to make sure that I feel comfortable in that as I proceed forward.

Commissioner Quesada: You know, I'm looking at the retail issue that we were just discussing here, and I'm looking at Tab 6 of our report, the Paul Lambert study, and I don't know if he's here or not. On page 23, you know, at the top of the page, he states that the risk of the development is second-level space of retail appears to outweigh the financial benefit. Their recommendation to revisit. And he says that the developer's going through a redesign, rethinking of the retail elements. Have you guys gone through a redesign or rethinking of that?

Mr. Garcia-Serra: The one thing that we've already committed to -- and it's in the development agreement -- is if the second floor retail indeed is not successful, then the alternative is office space, is what we have looked at for -- or what we've committed to so far for that second --

Commissioner Quesada: So what you've committed to -- if the second floor retail does not work, then you guys would turn that into office use?

Mr. Garcia-Serra: That's what we submitted to --

Mayor Cason: Could you tell us why you think it will work? because I gather that there was some thought from the BID that it might not work or at least somebody with the BID and -- Tell us a little bit about how many individual shops you would have there and why you think it's going to work and --

Commissioner Quesada: Yeah, and I guess just to be clear -- I mean, I think you're hearing from all of us that, you know, we want it to be successful; you know, we want it to work out. So it's -- I guess we're being cautiously optimistic is one way of putting it.

Mayor Cason: And how important to your whole -- the viability of your project is this second floor retail ... -- not counting the Ponce part, but --

Mr. Garcia-Serra: Here's our retail consultant, Stan Michael Vaughan.

Stan Michael Vaughan: Stan Michael Vaughan, Fort Lauderdale, Florida. I've spoken to you before. Commissioner Keon, terrific remarks right off the bat. I'd like to take one word off the table right now. We are not building a mall. We will not build a mall, as far as I'm concerned. If I'm involved in the project, we will not. We've gone through a very long process, ... today invigorating conversation in a very dynamic world of retail right now. There's great shifts going on; we're trying to keep a handle on that. We also have been planners in a number of cities, advisory to a number of cities, so we served a role to developer advisory and city, such as Portland, Oregon, where we had great successes; a number of other cities, Pensacola, which has had seen a great turnaround. So we have great sensitivity to the issues you're talking about. Let me just go back three years when we got involved. As you've become enamored with Agave, we did too, and I come out of the roots of the original Rouse Company, which I'm Rouse. When

you spot somebody like that, you want to hug them. You're also challenged, as we were years ago when we were told to build in downtown Boston and to build in downtown Baltimore. You're challenged darn hard because back then mall was the product. Now we're seeing a resurgence and the people appreciating the street grid and the circulation of traffic. When we started the project, we were asked to do feasibility of what could be built there and retail as part of a mixed use complex. In doing so, you do it with a sensitivity of what those components are; that there is going to be upper-end residential. At the time, we were going back and forth between a four- and five-star hotel; that, in fact, companies are going to garner investment for sake of the office building and they want to be part of the prestige and the servicing of all of that. We went through that feasibility and started studying other cities. We started studying Miracle Mile intensely. Our first thing was let's not go there unless Ponce de Leon can be resurrected to a very strong retail corridor. We looked at that corner, just the Ponce de Leon and Miracle Mile, where we said we got to be able to turn that corner. That's essential. There aren't that many successors of turning the corner and creating a cross of traffic. We studied a lot of them and we realized we needed critical massing all the way around. Plus, there's also performance study, which goes on every minute of a project, a mature project. There's also study of retail universe. How many retailers do we think want to go to Coral Gables? That's been impacted in several ways along the way by something called Brickell City Center, by the World Center, by the additions to Dadeland throughout this process. Our group, just so you have a feeling, is made up of CEOs (Chief Executive Officers) of three companies that come together on select projects where we're enamored with them, and they have the ties stacked to the board rooms of retailers. So we are very fortunate, and why a lot of people like us is because we don't work with today; we work with several years in the future, and we have the ability to get to that. We also work with retailers who are sensitive to wanting to be part of leading edges as much as they can, so we've been getting that feedback, and you know, there's a lot of dialogue about the streetscape right now. There's a lot of confidence in it that, yeah, we had the mall serge and there's still going to be great malls. I don't want to negate them. But it's cities right now. It is the pedestrian traffic and the circulation of all of that. So in the feasibility, we came up with 300,000 square feet, approximately 340, whatever we could garner of that. We didn't think with a right transition of Ponce de Leon and a right transition in the improvements, you're admirably doing on Miracle Mile that we didn't want to be excessive to that by much, but we needed that critical

mass. Shocker to us: Two of our fellow experts in the industry and competitors, Lambert Associates and Bob Gibbs, who has bought in the panel of experts, came up with the same thing and validated it right away. Then it becomes that puzzle of how do you put the space together? I mean, that's a real challenge, because obviously, the footprint's only so big and you're trying to get 300,000 square feet. Again, we've been studying retail as much as we can all the way around. As we've been looking at it -- and you talked about Chicago, and that's a good example all the way around, and there have been efforts at second level. There's been levels of mall integration too. I'd sort of questioned ... --

Commissioner Keon: Sort of, yeah. And they said they were great.

Mr. Vaughan: But they've been -- they've been among their highest performers in America.

Commissioner Quesada: Can you address the Mayfair?

Mr. Vaughan: Can I address Mayfair?

Commissioner Quesada: Yeah. I mean, how -- what --

Mr. Vaughan: Mayfair -- I've said for years that Mayfair was always turned in the wrong direction. It tied back to the main street; instead, they cut their cross streets the wrong way. If I had my druthers right now, I would have a mile-long of frontage on Ponce de Leon, leave no doubt about it. I mean, that's the goal. Several people criticized us and said, "Hey, we just don't have the footage to keep going down Ponce de Leon. I'd love to"

Commissioner Keon: So ... better to put that much more retail on Ponce and move the entrance to a hotel off Ponce?

Mr. Vaughan: Well, I think as Mario's has talked about it, we absolutely had internal discussions. We agreed. But we're trying to make it all work within that envelope. I hear you.

Commissioner Keon: I understand.

Mr. Vaughan: I mean, I hug the idea.

Commissioner Keon: As an idea.

Mr. Vaughan: I'm the retailer, so I'll hug it.

Commissioner Keon: OK. Right.

Unidentified Speaker: I think it's important to note that as Mario's has mentioned, that we have done studies that move the hotel off of Ponce, so -- and the developer's open to those new positions as well.

Commissioner Keon: OK, as long as it's a discussion.

Unidentified Speaker: Personally, we believe that the hotel is a great activator on Ponce, just as it is the retail, but we're sensitive to staff and your comments.

Commissioner Keon: OK.

Mr. Trias: One option is to separate like usage as ... pedestrian entrance from the vehicular entrance. The objection is to the vehicular entrance being on Ponce.

Mayor Cason: Have you talked about the kind of -- the anchors -- what kind of anchors you're looking at there and how many different retail and what's --

Mr. Vaughan: Let me talk about the retail

Commissioner Keon: Excellent idea.

Mr. Vaughan: -- envelope a little bit and get a feeling for it. I mean, first of all, the word I would use the "paceos." We're trying to be creative. We're looking at other projects and studying them. We don't want to go way back into the space. You know, a mall is 280,000 square feet plus of internal space up to a million two. We're talking about very minimal space in the back and we're talking about -- and there's going to be -- it's going to be built to suit. It's going to be built to the evolution of retail. We're talking about paceos that reach back and add to the girth of the project, but we want to minimize that in every way we can.

Commissioner Keon: And I can see the retail where you have it -- I don't have the diagram here, but you have the first three -- you have Ponce and then you have that sort of circular walkway that connects from Malaga to Coconut Grove Drive, from Coconut Grove Drive over to Sevilla. I mean, I can see you're having retail --

Mr. Vaughan: That goes to the Mayor's discussion of --

Commissioner Keon: Right. I can see having retail in that space, but it's when you get to the very back, you have commercial space that's designed -- that's labeled commercial. So I'm assuming it's -- is retail different than the commercial? All of your space is just labeled commercial.

Mr. Vaughan: No, we've got to move it forward and connect it.

Commissioner Keon: That's way back in that -- that's actually up against the alley for -- that connects -- that services the townhomes. You know, that's the kind of, you know, retail ... --

Mr. Vaughan: We've got to --

Commissioner Keon: Get it out of there.

Mr. Vaughan: -- move it -- we've got to adjust that as we get the retail input. That's where it's going to come from. And to your comment about anchors, you know, we are talking about not

department stores, which we don't -- we can't handle economically, we can't handle -- there's ... of them out there right now. That doesn't make sense. We're talking about the larger global emerging of fast-track fashion that's aspirational, that's quality; it's not Forever 21 -- cheap obsolescence clothing -- it is emergence all around the world that HMN and Forever 21 set up, but they're called ... and they're going up. They're going up in price very quickly, and there's some terrific retailers. Again, the -- my group has accessibility in Latin America and Europe and the Middle East and in Asia and India, which is coming on -- I'm headed there. It's pretty unbelievable what's happening.

Mayor Cason: My understanding from the last the discussion with the BID. The BID was very much in favor of having anchors because there's no space on Miracle Mile for those and they would bring new people in -- new people in --

Mr. Vaughan: I think we're on the same track with them. When we're talking about anchors, we're talking about 25 to 40,000-foot stores that cap the end, and hopefully, we're seeing a very strong movement on those retailers towards when we create a walkable street ... agreement to use a second floor. The other part is from day one, we've looked at that frontage on the second floor. You know, you're investing in one of the beautiful plazas of the world, I hope. It sure feels like that. And we've seen that as restaurants overlooking it. So we don't want to lose that opportunity to test the waters.

Commissioner Keon: You know, I'm not even opposed to second-floor retail on Ponce, as long as it's on Ponce.

Mr. Vaughan: Well -- and then -- but realize you can step back and allow the 30,000 foot boxes space, which helps us economically a lot come up behind the restaurant. And those -- that's the type of trickery that we have to work with to make the project work to the best

Mayor Cason: So right now you don't know necessarily who's going to be -- who's coming for retail. You're going to have to obviously recruit, so what you build will depend on who you recruit?

Mr. Vaughan: We provided a list of retailers three years ago with the intention of being under development very quickly, and we said we could have them in the U.S. We were tracking them. We likewise now are three years later tracking the next emergent of retail. The good news that I can tell you is we have a world of opportunity right now. When I started the conversations here, one of the interesting things ... developer said, Florida -- "South Florida? It's not an entry market at all. It's LA (Los Angeles) and New York." Well, how many articles have you read about the design district and World Center and Brickell being entry markets? We projected at the beginning that Florida would be an entry market. We're the hottest market right in the world right now for placement of business.

Mayor Cason: So your thought is that you will be able to attract high-quality retail, whether that's -- I assume that's not restaurant, but retail shops to the second floor that would not -- where they would not compete necessarily with Miracle Mile or with Village of Merrick Park. They would be different in bringing new people?

Mr. Vaughn: The first floor or the second floor and the envelope -- we're talking about bringing in new retailers and new concepts of existing domestic retailers. We're listening to the concepts coming forward. And we believe that if we have a signature project, if we can create the orchestration and we have the flexibility, we can put this puzzle together in a very exciting way. It's the -- it goes back to Faneuil Hall and other places like that where we did use the second floor quite capably on it for periods of time. The back of the second floor, that becomes the service support retailers and it's -- we going to minimize that footage as much as we can, but there are retailers that can be grouped in some exciting ways. There's some merging concepts that are coming up. And as Mario said, otherwise, we would agree with you totally on the office use. But we need the flexibility because we've got to get to the girth to have the confidence to drive the traffic in this. Let me go to a second piece of this whole effort. Once we went through the feasibility study, which, again, showed that need for sufficient girth to drive people down to make it a destination of leasability [sic]. That's the other part. Retailers want enough of their ilk of retailers to have confidence they're going to be in an envelope that's related to it. We're going to sell it -- and I guarantee you -- that we are not the envelope; that it is downtown; that it is

Miracle Mile, Ponce de Leon, and ourselves, as we explain it. We see it as one project. We, of course, will have on the lease that it is this project, but other than that, I totally see it the other way around.

Mayor Cason: What kind of retail do you envision? What kind of mix? What are the kinds of stores that you would hope to build to recruit?

Mr. Vaughn: We're seeing a lot of emerging right now in home product, very strong. It's a lot of interesting concepts coming up. And again, we've got a couple years. This thing is transformative by the second. It's very quickly. Technical -- technology product is changing dramatically. Apple Store and Microsoft have been the hottest retailers in the world for the last five years. People are starting to figure the knockouts. I mean, there's even a shocking headline today that Radio Shack has survived. We don't want Radio Shack, but --

Commissioner Keon: Some things about Radio Shack are not bad.

Mr. Vaughn: Yeah, but there's going to be a new generation that's pretty interesting, so technology's on the forefront. Restaurant concepts are restaurateur, are -- my support there is the guy who designed Windows of the World and designed the Rainbow Room and has done restaurants in 40 countries around the world. He's really excited about all of the different concepts that are coming out from Ceviche Guards to everything else imaginable.

Mayor Cason: If I'm not mistaken, in the development agreement, you've put that you're not going to put sort of -- I don't know what -- how you would call them, but Home Depot or, you know, those sorts of things.

Mr. Vaughn: Right. No, we are not about big box. We're about aspirational retail of a mix that combines the heavy Latin orientation in a community, the heavy tourism, and the qualitative nature of the Coral Gables area, and we're driving that all the way round. Let me go to an important part of this, because I think it's very -- as we work this through with Agave -- and a lot

of comments came up about Coral -- about Miracle Mile. We did a second piece of the study, which was the impact portion, to understand what the whole dynamic of the community was and why we feel strongly about the square footage. We went out and studied a lot of other urban areas, and it was from Birmingham, Michigan, to Country Club Plaza in Kansas City, to Old Hyde Park in Tampa, downtown ... in Portland that has been successful, and a number of others. And we studied -- we did a very strong ... you know, Goldman Sax said we were best in the world at understanding retail economics. We tried to tract a future flow of this community. With the addition and being competitive within the market, we see something that will produce at \$600 a square foot plus is our estimate, and it could go as high as 830, which would put it in the top 30 percent of the farmers within the U.S, not internationally. Our problem was when we realized what happens if we don't go to enough girth, if we gamble our own project and we gamble Coral Gables retail vitality, and that's where we got very nervous. Because there's examples all over the place -- Old Hyde Park again in Tampa, the number of cities: Pittsburgh, Squirrel Hill's prominence, and Shady Side's prominence, and I could name a whole litany of those projects. When they were hit -- and both of these projects -- World Center and Brickell City Center, you can expect a 10-plus percent drop and a stagnation, because you are lesser competitive if we do not build a project at all. We estimated the sales at about \$380 a foot, \$360 a foot. With the project, the whole area goes north at \$600 a foot, and we are in the realm of the best model, and it sort of describes where you're talking about, is Country Club Plaza is really what we're -- want to imitate as much as we can.

Commissioner Keon: Where is that?

Mr. Vaughn: Kansas City. And it's been the most enduring wonderful district, and it happens to be wonderful missionary architecture and everything else on it. There's a number of others that are very strong, but they all --

Commissioner Keon: But did someone --

Mr. Vaughn: -- can't get the 600,000 feet.

Commissioner Keon: Yeah. But for so many of the projects that you have mentioned, like Faneuil Hall and even Portland and even what the Rouse Company does and those things, those are all destinations. They are destinations. People go there to go there. I -- our urban downtown -- I want people not to go to a project. I want people to come to downtown Coral Gables, and your project is one of the places I would like them to go. I'd also like them to walk up and continue along Ponce. I'd like them to walk on the Mile. I'll like them to take the trolley and go to Merrick Park. You know what? I -- it is that walkable urban space -- I want -- you talk about Chicago. I think Chicago is probably one of the nicest urban communities that I have ever visited. It is such a wonderful place. I mean, granted, we don't have their, you know, Lake Michigan, but it -- you know, you transition from a residential community into a commercial, into a high-rise intense office development area, but it works. But in the middle of Chicago -- I mean, I think, where the Bloomingdale's is they tried. It's more like a -- you know, sort of a little passageway that has a few other little stores on it, and that's fine. If you walk down State Street in Santa Barbara, you know, they -- there are small paces that, you know, go off there and will connect to the back street where there is additional open space and whatever. Even Worth Avenue in Palm Beach, you -- as you walk down, there are little surprises. There's little paces that you walk in, and there may be a restaurant at the end of it, and there's going to be shops around it so, you know, I'm not saying to you that every piece of retail needs to be on the street, but every piece of retail needs to, in a way, connect to the street. And I don't want, you know -- I mean, most of what you have -- the examples that you have given actually are destinations. I don't want a singular destination --

Mr. Vaughn: Yeah, let me be --

Commissioner Keon: -- in our downtown.

Mr. Vaughn: -- let me just respectfully disagree with one thing.

Commissioner Keon: So help me -- OK. So help me find those places --

Mr. Vaughn: Right off the bat.

Commissioner Keon: -- you're talking about.

Mr. Vaughn: You're wrong on Faneuil Hall. On Faneuil Hall was in a desolate portion of downtown Boston.

Commissioner Keon: Absolutely.

Mr. Vaughn: So ... starting point. Kevin Wright, the great Mayor of Boston, I remember many nights in 6 a.m. walking the City talking about how it was going to spread and connect. Kevin White was one of the great walking mayors of history.

Commissioner Keon: Right.

Mr. Vaughn: And from day one, the effort was “where's the next development?” Limited bought a building a block away with one of the great storefronts in history.

Commissioner Keon: Right.

Mr. Vaughn: We were trying to get to State Street as quickly as we could, and we were willing to capitalize at the point to do whatever. We -- he reflect all the area of Government Center with fun shops, if you remember So there was a terrific effort. We just needed a starting point.

Commissioner Keon: Right. But Faneuil Hall was in a -- it was in a run-down, very blighted area of Boston, and so -- I mean, they brought it back and it's a destination where people go.

Mr. Vaughn: But it's not a destination alone. You talk about downtown when you're in Boston. The tourists --

Commissioner Keon: What is ... -- is it --

Mr. Vaughn: -- may talk about one site.

Commissioner Keon: -- ... Street. Yeah, well -- I mean, I think people tend to go there. It doesn't really connect to there.

Mayor Cason: Let me --

Mr. Vaughn: Yeah, walk a few blocks, it's café all over. There's beautiful shops all over the place on all the ... all through downtown. ... bigger.

Commissioner Keon: Right. But you know what? And so it has created a destination. I mean, it has helped that area of the waterfront in Boston. What I want you to do is to build -- or what I want to see built is a -- is something that enhances what is existing in our City.

Mr. Vaughn: That's been the vision --

Commissioner Keon: That's what I want.

Mr. Vaughn: -- from day one and the commitment, as far as I know, of everybody on the team, because we explain on day one that that is what has got to happen. We need the heritage of Coral Gables on it. We need to bring it back to its heightened prominence. We're up against tough competition. We wouldn't recommend --

Commissioner Keon: Right. You know, we do.

Mr. Vaughn: -- and our lust for this to work.

Commissioner Keon: We actually do.

Mr. Vaughn: We are exactly down the line that -- Miracle Mile, our project, and the connectivity of Ponce de Leon is all one project. I'll repeat that one more time.

Mayor Cason: Let me ask Mario to step in now and have some comments, and then I think we're going to take a break for lunch and come back at 1 after that.

Mr. Garcia-Serra: OK. I think sort of a summation of where we stand -- and I think we're in agreement on a lot of issues. We -- as far as retail's concerned. No one wants a mall, including ourselves. One thing important to put into context is what's permitted as of right right now on the property, and the property is zoned commercial. Today, if we wanted to, with DRC and Board of Architects Review being the only two reviews, we could build over a million square feet of retail. So, indeed, if the plan was to do a mega mall, we could have at least proposed it already and moved forward.

Mayor Cason: And your biggest component now is residential; is that correct?

Mr. Garcia-Serra: Correct, correct. The largest amount of floor area in the project is residential. It's about 500,000 square feet.

Commissioner Lago: Yeah. And, Mario, I'm happy you mentioned that because -- I mean, that to me is -- and I agree with what my colleague, Commissioner Keon, has said. A lot of her points are valid. That's my really big concern right now. Currently, right now, as of right, that's permissible for this project to be one million square feet of retail. And you know, I think that would be extremely damaging to the downtown area and I --

Commissioner Keon: And I think that's the benefit of a formed based Code, actually.

Commissioner Lago: Yeah. No, and I --

Commissioner Keon: An end up

Commissioner Lago: -- that's -- and that's what I think that we --

Commissioner Keon: And if we talk about that.

Commissioner Lago: You know, we've seen a lot of -- we've seen -- again, I mean this with utmost respect. We've seen a lot of misinformation, a lot of it, a lot of it. And Commissioner Keon mentioned them in the beginning. You know, again, I don't want to -- I echo the sentiments of what my colleagues have stated. These are wonderful people who have done a great product at 396 Alhambra, but I think they've been taken advantage of, and I think that it's gotten the point where they've acted in good faith, but I don't want a million square feet of retail. I don't think it's in the best interest of this community. I think what we need to do right now is I think we need to concentrate on -- I think we have maybe two more points, point 8 and point 9, I think. We still -- or one -- Frank, anything else?

Mayor Cason: Open space and park.

Commissioner Lago: Point 8 and point 9. I think we should finish that up when we come back at 1 o'clock, and I think we should have a discussion. And like, for example, I have maybe 10 points that I would like to just go over very quickly. And I think that we all eight or nine, seven, six points that we can go over very quickly, give a recommendation, whether -- and I think Mr. Trias has stated it very eloquently on slide number 19, the Commission options, and we'll move in that direction. Either we take point one, point two, or point three. I just want to get our points out there after we come back from lunch.

Mayor Cason: Yeah.

Commissioner Lago: Again, don't misconstrue my statement. I mean, this -- the City is the most important thing, but these gentlemen after three years deserve to have the Commission give them the necessary guidance --

Mayor Cason: Ramon, you got a --

Commissioner Lago: -- and move forward.

Mayor Cason: -- you got a point you wanted to --

Mr. Trias: Yeah. My only point is I will deal with 8 and 9 at the same time because they're related.

Commissioner Lago: Fine. I don't even think -- Ramon....I'm sorry to interrupt you. I apologize. I think we should just have a conversation amongst the Commission with staff and we don't have to go -- you know, be so structured. We can say, let's discuss height, let's discuss the theater, let's discuss -- just get it out there. And I think that that way we can put everything in play and we can move forward.

Mr. Trias: Mayor and Commission, what I would say to you is the last two days, I've had some very, very productive discussions with the architect and the applicant reducing some of that FAR (Floor Area Ratio) and enhancing perhaps some of the open space. And I think that if they want to share that with you, I would really encourage them to do that, because it was a very good solution that addressed most of the concerns.

Mayor Cason: You want to do that after lunch?

Commissioner Lago: And that's what we want -- we want...but, you know, I don't want to misquote you, but you said you've been doing this within the last two days. Two days is insufficient time --

Mr. Trias: Right.

Commissioner Lago: -- after three years to get this done, so give us an hour. Let everybody have some lunch. We'll come back. We'll give some final instructions, some real final instructions, and we'll get this out of the way.

Mr. Trias: And that's the other issue I want to point out. We need more time. It's as simple as that.

Vice Mayor Kerdyk: That's probably right. I just have to ask for clarification. The million square feet of retail, how do you come up with a million square feet of retail there? Because it's tied to a PAD that's basically says you can build so much here, you can build so much there.

Mr. Garcia-Serra: Well, the old PAD of Old Spanish Village actually expired on its own terms, because that PAD approval required that a building permit be issued by "X" amount of time, and I believe 18 months, and work continue to completion, and that never happened.

Commissioner Lago: And no permit was pulled on that portion of work --

Mayor Cason: Transpired.

Commissioner Lago: -- so that --

Mayor Cason: Do you have --

Mr. Garcia-Serra: So the retail -- 3.5 times 6.7 acres.

Mayor Cason: Do you want to say anything else before we have a break, Mario?

Commissioner Lago: There's actually -- as a matter of fact...over a million square feet. It's a million thirty-one thousand square feet. If you want to get into real details, it's almost one million fifty thousand square feet of retail space. That's ... --

Commissioner Keon:

Commissioner Lago: As per...

Commissioner Keon:

Commissioner Lago: ...by the way, as per the Code, that was adopted in 2007.

Mr. Garcia-Serra: Right.

Commissioner Keon: It wouldn't work anyway.

Mayor Cason: Last thoughts before we have a break, or do you want to wait until afterwards?

Mr. Garcia-Serra: Well, we have definitely more things to show, but I think maybe we take a break now. Would it at all be possible to be back at 12:45?- because myself and actually somebody on your consultant teams have a pressing engagement in the County this afternoon, and so...

Vice Mayor Kerdyk: OK.

Mayor Cason: All right, 12:45.

Commissioner Lago: Twelve forty-five.

Commissioner Keon: Yeah, we'll be back.

Mayor Cason: OK.

Note for the Record: The Commission went into lunch recess.

Mayor Cason: Gentleman -- all right, ladies and gentlemen, I think we're ready to resume. Shhh, please. All right, I think we're ready to resume. We have two items to discuss on the recommendations from staff: FAR and open spaces. I think we've done retail and we can come back then to -- after that, so Ramon, Mario.

Commissioner Lago: Mayor, if I may? I think what we should do -- again, with the Vice Mayor and my colleagues' approval -- I think -- if you're willing, I think we need to discuss points in item number 8 and maybe just move forward -- move through that.

Mayor Cason: Yeah.

Commissioner Lago: For example, like the height of the buildings, what our concerns are, the intensity versus density, which is something that our Vice Mayor has mentioned before on a few occasions. Another issue I think we need to discuss is the theater as a whole. My big concern there has to do with congestion and the turnover of the theater, and the potential for just a little bit too much traffic as the turnover turns over at the theater; the transition to the residential area, which the Vice Mayor mentioned, the step back. Another point was -- well, Commissioner Quesada mentioned, the entrance to the hotel. Another point that none of my colleagues have mentioned, but I can imagine it's probably on their mind is something that my P&Z appointment help me work through, which is the liners on the parking garage. I think that's going to be a major issue; that I think that we need to really discuss the areas on Sevilla and Galliano. My biggest concern in regards to the liners is the issue of the light that's going to protrude from the actual parking garage in the nighttime, obviously. I think that could be an issue, a blinding issue for the residents and the commercial -- and commercial users that are on Sevilla, for example. We discussed parks on ground floors. I know that the requirement is 20 percent. As the project stands right now, I think it's close to 40 percent, but I think the real main issue was more of an actual park feel on the ground floor. We mentioned intensity. I think we discussed the size of the retail. Another issue was the height, which, as Vice Mayor had mentioned, as per Code, it's 190.6, but the real issue is not that. The issue is the -- its habitable height above that. I have a concern with that, the two floors. I think we should discuss that also. Second floor retail and the service elevator location, which I think is going to be a concern, due to the simple fact that if we -- the way that it's lined up right now for the service elevator on the second and first floor of the parking, I think what you're doing is you're going to push delivery drivers who are in a hurry to maybe use Sevilla and Galliano on the side street and just jump out and try to make deliveries, because I think the span of once you park to where the actual service elevator is, is a little -- I

think it's a little bit too significant. You know, I don't know what my colleagues think about that. I think that could be an issue. And those are my main concerns. And I think maybe we can go one by one.

Mayor Cason: Yeah. Why don't we --

Commissioner Lago: And maybe we can start off, let's say, with the theater, maybe like to discuss that?

Vice Mayor Kerdyk: Yeah.

Mayor Cason: Why don't you tell us about what your views of the theater are so we -- I mean --

Mr. Garcia-Serra: Well, the theater, we've always felt is a use that certainly helps the retail, and so that's why we've included it there. The theater has also been discussed, I think, in the context of where it is right now and how it contributes to height, bulk, and mass. And one thing that we have considered in the last few days...revisions to the eastern side of the property, especially ... try to reduce that height, bulk, and mass, which I think is probably the biggest issue that we have before us, the transition to the residential area. So if you'd like, we could show you something that we have as far as what we're looking to do to propose -- which also includes discussion of this cinema.

Mayor Cason: Ramon.

Mr. Trias: Mayor, I had a chance to review those drawings too... and I think they address most of the concerns that you have pointed out. So I would encourage you to point to those drawings.

Commissioner Lago: And by the way -- and I want to make it known -- I mean, these comments that I'm bringing forth right now are comments that have been worked through the City Manager.

Mr. Trias: Absolutely.

Commissioner Lago: And again, I'm not privy to her conversations or my colleagues' conversations with the City Manager. But I have a feeling, as I observe her writing, that a lot of my notes were in line -- a lot of my comments were in line with the comments that my colleagues had.

Mr. Garcia-Serra: Absolutely.

Commissioner Lago: So I can imagine that when you're telling me you're coming forth with something that's kind of already prepared, I imagine that, you know, the iterations that we saw for the first time, I think --

Mr. Trias: The --

Commissioner Lago: -- few weeks ago when we met with staff have changed.

Mr. Trias: They have changed based on the public input from the March 25th meeting, and the discussions with all of the staff during this week, so that's the result --

Vice Mayor Kerdyk: And the Commission.

Mr. Trias: And the Commission.

Vice Mayor Kerdyk: The Commission...so let's start off with the Commission as each one of us have had -- you know, added our thoughts on this project, and certainly, I hope they've taken into account those comments.

Commissioner Lago: And I want to go off just -- because -- the Vice Mayor maybe doesn't want to say it, but I'll say it. We've gotten a multitude of phone calls and e-mails. I don't think anybody sends fax anymore, but emails and phone conversations where, you know, people were

voicing their concerns, and my -- our sentiment -- at least my sentiment was let this come before the Commission and let's discuss it, and let's vet the project on its merits, and let's see what we all come to an agreement on. And I think that's what we are here for to do right now.

Mr. Garcia-Serra: And even what we're going to show you, we still need your input because we're not --

Commissioner Lago: Of course.

Vice Mayor Kerdyk:

Mr. Garcia-Serra: We're not exactly sure --

Commissioner Lago: Well, you... the reason why you're showing us something today is because of the individual input that's been put forth by each one of these individuals on the dais through the Manager as...to you.

Mayor Cason: So why don't you run down the items that Commissioner Lago mentioned and any others that we want to bring up.

Eduardo Avila: Good afternoon, Mayor, Vice Mayor, Commissioners. As you know, I'm Eduardo Avila. I'm the developer for the project, for Agave. The one issue that keeps coming back up is the height on the hotel. I just want to point out that we have offered in the past to take that height off. The only area that exceeds the allowed height is the pink and the small blue area next to the pink. Everything else in that hotel is under the present Code. So I'm here today to tell you that if you don't want the restaurant, we'll take it off and -- you know, and it's done. We don't even....

Mayor Cason: Can you tell us about the restaurant, because we've never really heard what -- why the restaurant.

Commissioner Quesada: I feel like we're jumping around. Can we just finish the movie theater conversation, then we'll get into this?

Mr. Avila: I thought you want to talk about height?

Commissioner Lago: No, no. I mean, I --

Commissioner Quesada: I know, because I'm interested in --

Commissioner Lago: I want to have that conversation. I'm very interested in this. I want to have that conversation.

Vice Mayor Kerdyk: It's up to you.

Mr. Avila: Mayor --

Mayor Cason: Let's finish up on the movies --

Commissioner Lago: Yeah, let's go one item by one item.

Mayor Cason: -- then we'll deal with...

Commissioner Quesada: It's one item at a time, because that's -- I think it's important -- do you want to do the movies or do you want to do --?

Mr. Trias: It doesn't matter. If you would allow me to --

Commissioner Lago: Yes, sir.

Mr. Trias: -- help guide the discussion, I think that if you could show the sketches that you had prepared, we can talk about the bulk, we can talk about the movie theater, we can talk about the residential.

Commissioner Quesada: I just --

Mr. Trias: I think that will be the easiest way.

Commissioner Quesada: I just didn't want us to jump around.

Commissioner Lago: Ramon, what I'll do is, as we discuss items and we come to some consensus, I'll start checking items off. And if anything's left --

Mr. Trias: Yes.

Commissioner Lago: -- over at the end, we'll bring it back up.

Mr. Trias: And if we get forget something, let us know.

Commissioner Lago: Sounds good? OK, perfect.

Mr. Avila: OK. Even though we have community's support -- I mean, the residents gaze into this property, have all come up here and have expressed their support for the project, but we heard from you and all the members of the community, and what we're offering to do is the -- modify the residential component, which is on the back of the property, OK. We are stepping down the building on Sevilla and Galliano, so that the transition from the residential to the tallest park is less, and you'll see a sketch of it. We're also eliminating the center tower altogether -- Now, what we're doing with the center tower --

Vice Mayor Kerdyk: Say that again. You're eliminating what?

Mr. Avila: The tower that's in the middle there. If you look at the --

Vice Mayor Kerdyk: So that's going to be out completely?

Mr. Avila: That's gone.

Commissioner Quesada: So the -- just so that -- for the benefit of those at home, the one in the middle of the screen where it says -- looks like 84, that red square will be eliminated?

Mr. Avila: Yes.

Commissioner Quesada: OK.

Vice Mayor Kerdyk: How many square feet in that --?

Commissioner Lago: Seventy-nine.

Mr. Avila: What we're proposing is to take that residential and -- because everybody so far has expressed a desire to have residential. We have a next -- some of it -- we're losing some to the building on Ponce, which is away from the residential. So we're making that building slightly bigger and eliminating the other one. What it does, it opens up the whole center. And Dan, if you move to the next...

Commissioner Lago: And that's what I -- I'm happy you mentioned that, because I think that -- that goes to what Commissioner Keon was saying with a more of an outward approach instead of, you know, you're basically pushing everything within the development. I...

Mr. Avila: OK. If you see the top piece that shows the buildings as they're proposed now, when you look at the bottom, it's gone.

Commissioner Quesada: So what it would do is on the drawing on the top of the screen is what is proposed now. And what you're telling us is that you're proposing to shift -- take that building

out as you see on the bottom drawing, so -- and that's the area that abuts the residential neighborhoods.

Commissioner Lago: Which would result...

Mr. Avila: Correct.

Commissioner Lago:...in a desired step back.

Mr. Avila: And we also...or stepping down the building on the corner of Sevilla and Galliano...

Commissioner Lago: Yeah.

Mr. Avila:...which before was all the way up, straight up. So we're creating a two-step condition there. We're also stepping down the building on Ponce and Malaga.

Vice Mayor Kerdyk: So Eddie, when you were saying that you're stepping back, you're -- I think our Code, you know, steps it back so much and then....

Mr. Avila: No. When I say down, down....

Vice Mayor Kerdyk: No, no, no, no. I understand, I understand. Right now you have 50 to 60 feet, and then you went up 190 feet, let's just say. So now you're going to step it back more than 40 to 50 feet and it steps back and then it...

Mr. Avila: It goes up and then up.

Vice Mayor Kerdyk:...stories and up, OK.

Commissioner Quesada: But is it a correct statement that anything that would abut residential, would be at that lower height and then the higher height -- I'm looking on the north side and the south side that abuts -- I guess it would be...

Mr. Avila: Commercial space.

Commissioner Quesada: Or commercial streets.

Commissioner Keon: Right.

Commissioner Quesada: Got it.

Mayor Cason: Got it.

Mr. Avila: OK. The other thing that this shows is the cinema's not there anymore, and that was part of why we want to talk about heights and...

Commissioner Quesada: Got it.

Mr. Avila: OK. So now we eliminated the cinema. Unfortunately, with eliminating the cinema, the park goes away on top there because, you know, that's where it was, but...

Commissioner Quesada: Let me address that for a second so that -- since you're discussing the cinema. I know that we have the Gables Art Cinema in the City that does incredibly well. They -- typically, what you see there is an older crowd. You don't -- we don't want to be Sunset Place, you know. We don't want the -- you know, the high school kids running around causing ruckus and that kind of experience. I know what you guys had been proposing was a cinema for 21 and over.

Mr. Avila: Twenty-one and over.

Commissioner Quesada: So it's a restaurant, you know, you can go have a meal, have a drink, and watch a movie at the same time for different experience.

Mr. Avila: Correct.

Commissioner Quesada: You know, I've experienced that in Naples. They have one that I --

Mayor Cason: In Georgetown, Washington, DC too.

Commissioner Quesada: And I liked it, you know, when I went over there and I saw that. So I -- I mean, are you changing your proposal now or you're giving us the option or what are you --?

Mr. Avila: What we're asking is if you really don't want the cinema, you know, we're hoping to walk out of here with an approval of some sort, so we're willing to give it up. Our preference will be to have the ability to put it somewhere else on the property, so we still reduce the massing toward it is back, but maybe -- and we're looking at the possibility of taking some of that second floor retail and, you know, work around that space and put it in there. We do not have the time to do it for today, but you know, that's one of our goals.

Mayor Cason: Could you tell us about the theaters? Because...several screens that are going to be relatively small. It's not some place for 200, 300 people. It's going to be --

Mr. Avila: Well, you can go to the web site. The people working with us called.... They took over the operation in Coconut Grove. It may give you an idea the -- what it's like, but that's really a water-down version because they took an existing facility. But if you look at the web site, you'll be able to see there are small screens, there are big chairs. They actually serve food inside there and liquor, and they're very expensive, so -- and we have already --

Commissioner Quesada: Could you speak up a little bit? It's a little tough to hear you.

Mr. Avila: We have already agreed that this will be 21 and over, so it's really an upscale operation. We had some slides. I don't know if we have them here. We can show them to you again of what some of the venues look like.

Mayor Cason: How many screens would you put in, if you were to move it elsewhere?

Mr. Avila: We'll have to figure out what the space is, but they're small. They'll probably have 40 people per screening room, so it's not a large audience at any one screen and that's what makes it so unique.

Mayor Cason: Yeah, I like movie theaters. I go -- I see movies every day. I think these are going to be first-run movies.

Mr. Avila: Yes.

Mayor Cason: They're going to be adults. They're not going to bring a lot of cars because you're only going to be -- if you have 40 people, you'll probably have 20 cars, and it'll most likely be in the evening, so.

Commissioner Quesada: You know, my biggest concern is -- and this is maybe something that we can't decide right now, but -- I mean, with the format of On Demand TV, and you know, everything available and computers is, you know -- our movie theaters -- are we -- again, I'm conflicted because I like movie theaters, I like these small VIP style movie theaters. It's a different experience when they air live theater from -- you know, from England, or from all over the place, which is nice, because I know our Gables Art Cinema does very well with that, and residents love it, and it's a great atmosphere around it. But at the same time, you know, I have that concern of, you know, is this -- is that a dying business at the same time. I'm not expecting you guys to know the answer to that, but that's something that crosses my mind when I'm thinking about this.

Mr. Avila: This company is growing so much, they're p even in -- you know, they have theaters all over the world. I mean, people still like that experience, especially when you can go and have a meal and have a drink and -- it's really very, very popular.

Mayor Cason: I think it adds to the attractiveness of the Gables. People...come in and see these kind of movies, and especially if you can reduce the mass and put it maybe in some of the second floor retail, some of that area if it doesn't work out as you begin planning detail. It seems to me that -- why not.

Commissioner Keon: You know, I don't find a movie theater -- I don't find a movie theater compatible with high-end residential. I don't know anybody that wants to move into a high-end building that sits on top of a movie theater.

Mr. Avila: Well, again --

Commissioner Keon: And you know, we look all around even locally, you look at -- you want to live on top of a movie theater? I like the movie theater in my unit, actually, but --

Mr. Avila: And a lot of condominiums are building small screening rooms and movie theaters in the condominiums because people rather go there than watch it at home.

Commissioner Keon: Yes, they are.

Mr. Avila: Than watch it at home.

Commissioner Keon: But it's still allows for that becomes little bit more exclusive than open to the general public, which is, in high-end residential, what most people want, you know. And I said they want safety, they want security, and they want exclusivity for high-end. I don't -- I want high-end.

Mr. Avila: Well, we have...

Commissioner Keon: So that -- I mean, I'd like to see -- I also see the different malls around us, like Sunset Place and Coco Walk and whatever that the movie theaters have done -- they have not made their successful projects. They're -- I mean, they, in general, are not -- they're not -- they are not good projects, so I don't know what is...

Mr. Avila: Again, this is a different experience

Commissioner Keon: -- with that, but I think would, you know...

Mr. Avila: You know, we're saying that we prefer to have it. It's not a deal breaker.

Commissioner Lago: This is...

Commissioner Keon:... it's not.

Commissioner Lago: I mean, we've seen a significant change in regards to the step back which we've discussed. I think we can check that one off. I think -- at least, I'm very satisfied with what was proposed as a good starting point. Let staff move from there. The theater, we'll move on from the theater. I think we should really move forward and discuss now the entrance to the hotel

Mr. Avila: OK.

Commissioner Lago: The difference between the entrance to the motel in the asterisk of where cars are come coming in and where the actual entrance -- pedestrian entrance --

Commissioner Keon:...pedestrian --

Commissioner Lago:...would be.

Commissioner Keon:...and what's vehicular.

Commissioner Lago: Yes.

Mr. Avila: OK. Again, this is work in progress, and we have done several studies, but I think the one that is feasible is if we move the entrance to the hotel with an access through Malaga -- and the reason is, you want to be able to get the cars in and out without going back out on the street, which is -- was the original concept. In other words, you don't want the valet to have the Marquis situation where they have to go on the street, and then come back.

Commissioner Lago: Let me tell you. After we discussed that before over lunch break, I thought about it even more, and it's incredible, the amount of congestion that it's caused especially in the one block radius as a result of the inability of going directly into parking in that building. It's gridlock.

Commissioner Quesada: What building is that?

Commissioner Lago: The Marquis. You have to go around the entire building. And then, of course, there are some outliers there, the bridge, the two lights, the light in the rear, but it's still pretty significant, the fact that when you valet your car, you have to step back out into the street. That's a big problem.

Mr. Avila: OK. What we have done, we looked at coming in from Malaga and then having the drop-off internal. So instead of having the drop-off out on the street, you drive in, drop off, and then we have the ability to use the proposed ramps to get the people up and down the parking; so again, no need for them to go outside on the street.

Mayor Cason: OK.

Mr. Avila: What -- what that does...

Commissioner Quesada: I'm sorry. This rendering that we're looking at.

Commissioner Lago: You don't have it.

Commissioner Quesada: OK. So where would the hotel entrance be? Can you use the red...

Mr. Avila: The hotel is the purple.

Commissioner Quesada: OK.

Mr. Avila: The entrance is on Malaga, and then there's a pedestrian access from Ponce.

Commissioner Quesada: Got it. So then...

Mr. Avila: What it did it increased the retail along Ponce, so now you have a continuous retail experience from Malaga all the way down.

Mayor Cason: OK. I like that. That's good.

Commissioner Lago: That's really good.

Mr. Avila: So we're approved to...

Commissioner Quesada: So -- and I...

Vice Mayor Kerdyk:...

Commissioner Quesada: Here's a question --

Vice Mayor Kerdyk:...yeah, all the way...

Unidentified Speaker: Twofer.

Commissioner Quesada: Yeah, that was a twofer.

Mayor Cason: That was a twofer.

Commissioner Quesada: Here's a question for the...

Commissioner Keon:...that.

Vice Mayor Kerdyk: Nice try, though.

Commissioner Keon: And you know.

Commissioner Quesada:...for your traffic consultant from Kimley-horn. I liked what you said when you were up here last about -- we were talking about stacking. We were talking about cars, you know, waiting in line when there's a big event, and you showed me the red arrow with the up ramp -- don't look at the screen because that's -- it's not on this version of the screen. It was in a document that we were looking at previously. And I like the fact that if there's so many cars that are waiting in line to drop off their cars at the valet or pick up their cars from the valet, that there was direct access into the parking area so that, therefore, it could never spill -- the traffic could never spill over and bother Ponce. And this design that we're looking at that they have in front of us now, I'm assuming the cars would come north on that purple -- yeah, that purple section there. And that round about right there, I guess there's a drop-off area for the cars there. And then where is the vehicle taken from there?

Mr. Avila: To the other -- to that ramp on the bottom.

Commissioner Quesada: Got it. So it's all contained within that one area.

Mr. Avila: It's all contained, and there's an up and down ramp there.

Commissioner Quesada: Got it. So if there are 30 cars coming at the same time, you can -- everything continues going into the property and not out to Ponce?

Mr. Avila: Absolutely, absolutely.

Mayor Cason: So no stacking, most likely.

Mr. Avila: And it has additional stacking because we have now the -- you know, between Malaga and the entrance, all that space...

Commissioner Quesada: Got it.

Mr. Avila:...could be additional stacking.

Commissioner Lago: Which is similar to what we discussed in reference to the Four Seasons --

Mr. Avila: Yeah.

Commissioner Lago: -- which you had brought up.

Mayor Cason: Yeah.

Commissioner Quesada: Yeah, it's similar to the Four Seasons that they have all -- if you wait in line, you're waiting in line on the property, not affecting the traffic outside the property.

Commissioner Lago: That's a great point.

Mr. Avila: Now, the other thing that it does it allows people -- let's say that you coming to an event and you want to receive park. You can still go up that ramp without getting to the drop-off. Or you may want to drop off your guest and go and self park on that same ramp.

Mayor Cason: OK.

Mr. Avila: So that's an added benefit actually.

Commissioner Quesada: Got it. Thank you.

Mayor Cason: What was the next issue?

Commissioner Lago: The issue in regards to the parking garage liners. Can we discuss a little bit in detail? I just want to...

Commissioner Quesada: Yeah, can you explain --

Mr. Avila: What we had done --

Commissioner Quesada: Just explain what a liner is for those at home that may not know?

Mr. Avila: OK. Basically, how do you hide the garage? How do you have something facing the street that is not a garage or does not look like a garage? So early on we committed to having the office come all the way down to the ground, basically, to the retail floors, and then you have the retails. So there -- you never see the garage from the park or Ponce de Leon on the office side. On the rest of it, we have created a series of screenings that block it so that the light does not spill out and that the -- when you look up -- it's going to look like part of the building. It's not going to look like a typical garage.

Commissioner Lago: It provides a significant upgrade in regards to the aesthetics, number one.

Mr. Avila: And...there --

Commissioner Lago: And number two, if you live off Galliano and you're in your residents, you will not be blinded by the light which is on -- close to 24 hours a day, because if you have a properly lined parking garage, they need to have the lights on 24 hours a day. So that won't blind you and you won't have that constant sunlight feel, or daylight feel in your residence.

Mr. Avila: So -- right. Some of the things that would also do -- and I think it's part of the Code. We did it at 396 Alhambra -- is where you position the lights. So instead of positioning the lights that they flow out, we did it on the outside going in, so that the light goes into the garage...

Commissioner Lago: But if you...

Vice Mayor Kerdyk: No, no.

Commissioner Lago: If you notice --

Vice Mayor Kerdyk: It goes up.

Commissioner Lago: If you notice -- and you -- again, I'm not saying -- you look at certain projects -- even in the City of Coral Gables, a lot of projects in the City of Miami...

Mr. Avila: I agree.

Commissioner Lago: -- they're completely lacking the liner and they're completely -- have no regard for any -- for the outside area. So you have that constant -- that daylight feel and it's pretty intrusive.

Mayor Cason: So you're not going to be able to see them at all.

Commissioner Lago: And that's key. I mean, that's -- that's really important, really, really important for quality of life, just for simple quality of life. It's very important.

Mr. Avila: And that's been part of the plan from the beginning.

Commissioner Lago: Especially for the -- especially for those townhomes that haven't been built yet.

Mr. Avila: Yes.

Mayor Cason: Next one.

Commissioner Lago: Parks on the ground floor. We had discussed that -- currently, as you have it proposed, you have -- you meet the 20 percent threshold on the ground floor with an additional 20 percent on the rooftops. I think consensus on the Commission was that we were looking for...

Commissioner Keon: Walkways didn't count as...

Commissioner Lago: We were looking for a more of that park feel. Again, we're giving you -- we're incredibly grateful and -- you know, for your quality of development, the finishes that you're using, the end product like 396 Alhambra, but I think that what we need is a little bit of green space.

Mr. Avila: OK.

Mayor Cason: What do you have right now as percent?

Mr. Avila: Based...

Mayor Cason: Twenty-one percent, was it?

Mr. Avila: Twenty -- twenty-six percent.

Mayor Cason: If not...it was 21 last time.

Mr. Avila: Like the way we -- it's 26...

Mr. Plummer: Twenty-one percent.

Unidentified Speaker:.....just of the ground floor --

Mayor Cason: Right.

Mr. Plummer:...which exceeds current zoning, which requires 20 percent.

Commissioner Keon: Right, but...

Mr. Plummer: That does include, as I mentioned last time, it includes the paces

Vice Mayor Kerdyk: Yeah.

Mr. Plummer: And it includes -- as the City Attorney mentioned this morning, it's allowed to include arcades which are covered and...space.

Commissioner Quesada: And what about the park space?

Mayor Cason: What can you do to expand that?

Commissioner Quesada: Well, does the redesign that you mentioned on the massing impact that? You said you're removing that one tower that's eight -- 79,000 square feet. OK, that's...

Mr. Plummer: The 21 percent that's...

Commissioner Quesada: That's above the second floor?

Commissioner Keon: My...

Mayor Cason: How much of the rooftop do you lose with anything we've discussed up to now?
None of it?

Vice Mayor Kerdyk: Yeah, you lose that...

Mayor Cason: Did we lose...

Vice Mayor Kerdyk: -- movie theater. You lose the...

Mr. Avila: Well, the part that was on top of the theater, because the theater is gone, and then when we shift the residences around, we would need that -- it becomes green space, but really to be used by the condominiums there.

Vice Mayor Kerdyk: I'm more concerned with the green space downstairs. I mean...

Commissioner Keon: On the ground floor.

Vice Mayor Kerdyk:...that's -- yeah. That's more of my concern.

Mayor Cason: Yeah, what can you do downstairs?

Mr. Avila: Well, we own a piece of property across the street; we can convert that to a park.

Vice Mayor Kerdyk: Which one?

Mr. Avila: On the corner of...

Vice Mayor Kerdyk: How about...

Mr. Avila: -- have a proposed house...

Vice Mayor Kerdyk: Yeah.

Mr. Avila: -- to be built for the tenant there. It's a -- about 8,000 square foot lot.

Commissioner Quesada: How big?

Commissioner Lago: Eight thousand.

Mr. Avila: Approximately 8,000 square foot.

Mr. Avila:...I can think -- instead of building a house for Mr. Capote.

Mayor Cason: What would that do to move your percentage up? Would it budget up much?

Mr. Avila: But really -- and again, you know, there's a point when -- you know, we need some kind of compromise. Open space -- if we're allowed to count the pazeos, those are really open. I mean, they're at least 30 feet wide, they're half fountains, they're half benches. It's not a regular - - you know, just a corridor to walk by. So it's designed as a landscape area.

Mayor Cason: Are you going to take the glass off the top? I mean, originally, you -- when you first started off, you had a retractable roof and where are we now?

Mr. Avila: We have it there. There's a proposal in this memo to take it off. I think that for those of us who live here year round know that we have rain and conditions that make it impossible to walk out there, so a preference is to keep that and have it operable so that on days like today, they're open.

Commissioner Lago: Let's -- you know what? I -- again, I don't want to conduct business for you, because I know that you have to deal with the issue of Mr. Capote and -- in the future. But if you're serious about potentially offering a pocket park on that piece of property or an adjacent piece of property, I would be very happy with that. Because I can't -- right now I can't think of any park that's in that area, except for obviously Park Circle Park, but I mean, that's...

Mr. Avila: You may have an issue with your neighbors. I mean, I just want to point that out, if I may. There's a condition now in that neighborhood where there's a dead end street that was taken out, and the neighbors actually are against having that situation, because it becomes a gathering place for people that they'd rather not have...

Commissioner Lago: I've met with those neighbors.

Mr. Avila: -- in the neighborhood.

Commissioner Lago: I met with those neighbors.

Mr. Avila: I'm just pointing that out.

Commissioner Lago: No, no. I'm saying you're a hundred percent correct. But that was an error that was made by the City years ago when they closed that street. They should have never closed that street. And what you have right now is two residents that's split between a street where individuals walk basically between someone's backyard and people park their cars and conduct inappropriate behavior on that dead end street. So I'm in the process of dealing with that. I don't -- we're not sure exactly how we're going to deal with that, but that was a mistake that the City of Coral Gables made years ago, and basically, now we have to clean up that mess. We basically gave our recommendations in regards to the green space. Let's see what we can do about that and let's -- but let's move forward. I think we can come to some sort of accord. You've heard what the Commission would like to see.

Mayor Cason: You have something to say on that, Ramon?

Mr. Trias: Yeah. The point I wanted to make is that if they redesign the entrance of the hotel as it was shown, a lot of that green space in the middle goes away. So some of the things that they're counting right now in terms of the paces and all that, are no longer there, so there's a very significant redesign in terms of the open space proposals, if they go that way. So that -- it's very hard to --

Commissioner Lago: Yeah. But I think that redesign is very beneficial not only for the City, but it's also very beneficial for the owner here.

Mr. Trias: And it's hard to...

Commissioner Lago: So I think it's a good win/win for everybody there.

Mr. Trias: Yeah.

Mayor Cason: How much green space would be -- even though we -- our preferences would be on the ground level, how much would still be left on the roofs?

Mr. Plummer: In the current design, we have...26 percent. About 75,000 square feet of green space, occupiable green space by residents and by citizens in the current design. I can't speak to how it -- the cinema as it's currently laid out in this layout has an additional 24,000 square feet of area, so that would be -- that's all counted as green space, public park, and that would be eliminated. So we'd still be at a 50 -- still at 50,000 square feet on the roof of green area.

Vice Mayor Kerdyk: OK.

Commissioner Keon: And...the green area that's on the roof doesn't really add to the urban experience that you have with green space on the ground floor level as you walk through -- to a building or -- I mean, or to a development or to a project, and I think one of -- a big concern I have is how this project relates to -- on the street level. I mean, and I think the other is lovely,

and if you want to keep it, keep it. It's very pretty. I would think it would more likely be used maybe by people that are there internally. Maybe your hotel goes to the people that live there or whatever else, but so it's really your ground floor that is of primary interest to me with regard to some portion of green space.

Mr. Plummer: I think we understand the conversation, and the...

Commissioner Keon: OK.

Mr. Plummer: -- fact that the ground space is much more important than the roof space.

Commissioner Keon: Yeah.

Mr. Plummer: And the...point out is that domestically, or even globally, those rooftop spaces are adding to quality of life all over...

Commissioner Keon: Absolutely.

Mr. Plummer:...the country.

Commissioner Keon: Absolutely.

Mr. Plummer: And I think the other thing to keep in mind is that your current PAD requirements -- not saying that we brought to the table in our current requirements -- allows for open space to be counted on rooftops. So that's why you see projects like the Allan Morris site that has very, very little open space on the ground floor and it counts all of its green space on the upper floor. We're not suggesting that. But that's a current PAD allowances today.

Commissioner Keon: OK. And that's a -- maybe that's a condition within the PAD allowance, is that we need to take a look at.

Mayor Cason: So with the -- if you had that pocket park...you would have what percent?
Twenty percent's required -- 23, 24 percent open space?

Mr. Plummer: We'd have about three -- I think we said 3 percent? An additional 3 percent, so --

Mayor Cason:...24 -- 24 percent.

Mr. Plummer: Be 24 percent, but we're still counting paces that I think are in conflict with...

Commissioner Keon: And the paces may go away with the redesign, so I'm sure you'll work it out with --

Mr. Plummer: Right.

Commissioner Keon: I mean, I...you would work it out with...

Mr. Plummer: As we...

Commissioner Keon: -- Ramon too...

Mr. Plummer: As we have.

Commissioner Keon: You know, as...

Mr. Plummer: Of course.

Commissioner Keon: You know, the...

Mr. Plummer: My recommendation...

Commissioner Keon:...The game -- the other aspects that we want that it may have to move and change around a little bit. I'm sure you can do that.

Mr. Avila: My recommendation to the applicant has been to enlarge the area in front of the Arts building and make it into more of a green park and, I think that's doable from a design point of view.

Commissioner Lago: No.

Mr. Avila: But from a retail and business point of view, it's a significant change, apparently.

Commissioner Lago: Let me ask a quick question.

Mr. Trias:...point out to what he's talking about. You see that round area there. If we -- you know, that's like the premier retail location on the project. I mean, at some point...

Commissioner Lago: Well, I'll concede to you. I'll concede to you. I understand how important that is. I'm not... I'll concede to you. Let me ask you a quick question. On the rear of the building, on Galliano, I remember driving by. I saw -- I think there was maybe two or three locations, slivers of land where there's a water feature that was existing from Old Spanish days.

Mr. Avila: OK. We're committing to maintaining those for the City. Those were never -- for whatever reason, title never transferred to the City, so it's still under developer's ownership, so we'll keep those...

Commissioner Lago: Does that count as part of...

Mr. Avila:...and maintain them.

Commissioner Lago:...does that count as part of your open screen space requirement?

Mr. Avila: No.

Commissioner Lago: Is everybody -- is everybody familiar with that or no?

Vice Mayor Kerdyk: I know exactly what those are.

Commissioner Keon: They're pretty.

Commissioner Lago: Yeah.

Mayor Cason: Nice.

Commissioner Keon: Very pretty.

Commissioner Lago: Those are lots...

Mr. Avila:....

Commissioner Lago: Those are lots that at end of the day, you know, you -- do you own an adjacent piece of property next to one of those?

Mr. Avila: That's the one I was saying that...

Commissioner Lago: Maybe what we could do is -- maybe what we could do is we could remove one of those water features and combine that lot and have you do a nicer park or something to say green space. I don't know. I mean, again, I leave it up to the discretion of the Commission. I just -- bringing up an idea to...

Commissioner Keon: I think you have to give him the opportunity to provide their redesign.

Commissioner Lago: Yeah.

Commissioner Keon: You know, they're good, they're creative, so they'll...

Commissioner Lago: I'm just putting it out there as an option that...

Commissioner Keon: Give them direction, they'll...

Commissioner Lago:...you could even have more green space, because -- you know, some of those -- again, not at your fault, but are -- I was reviewing this. You need a little bit of, you know, attention and it's not your doing. So next issue, the intensity. Vice Mayor.

Vice Mayor Kerdyk: Well, I -- I mean, you're sort of addressing it with the initial. What else do you have planned for us, other than the residential being combined and layered...

Mr. Avila: We actually...

Vice Mayor Kerdyk: And the movie theater going out would be another intensity possibility.

Mr. Avila: We lost how many square feet?

Mr. McCuvolich: A total of -- we're down to 2 point -- sorry; 4.19 FAR, and it's a total loss of approximately 55,000 square feet. I think it's 51.

Vice Mayor Kerdyk: Fifty-one. That's in -- 53...

Mr. McCuvolich: Sorry; 53,782...revises our FAR to 4.19, based on the massing -- revised massing that we showed you. That does not include the elimination of the restaurant, so that...

Vice Mayor Kerdyk: Minus 10,000 square feet.

Commissioner Keon: Right.

Mr. McCuvolich: That's another...

Vice Mayor Kerdyk: Ten thousand -- but that is the elimination of the movie theaters in that 53,000?

Mr. McCuvolich:...about 22,000, and then an additional 30,000, approximately, of residential.

Commissioner Keon: It's a residential tower.

Mr. McCuvolich: But we've done some initial diagramming that convinces us that we would -- we would be able to keep the current unit count using that same area. So the unit count stays the same. The total built area of residential goes down slightly by about 30,000 square feet.

Mayor Cason: How much does reduced parking requirements?

Mr. McCuvolich: Not dramatically, because there's a bit of reduction because of the deletion of the cinema so...

Mr. Trias: Fifty-seven from the cinema.

Commissioner Lago: Fifty-seven spaces?

Mr. Trias: Yeah.

Mr. McCuvolich: But the residential is not as dramatically because it's going from a two-bedroom unit that's larger to a smaller bedroom.

Mayor Cason: OK.

Vice Mayor Kerdyk: I got to tell you, I was expecting much more than 50,000. I was hoping you would say like 150 or 200,000, as we were sitting up here. It was sort of shocking that you said that, OK. I mean -- see, one thing is is that I've always tried to be a person that say, hey, listen, could you work on this, because I'm not an architect. I don't know where you can take it from...know where you can take it from your per formas. I just know that the intensity has been a problem with mine and -- ever since I saw the project, you know, two years -- two or three years ago, but -- and I appreciate you making an effort. I just don't know if 50,000 square feet in a project that's 1.3 million square feet is significant --

Commissioner Lago: So what would that put us --

Mr. McCuvolich: We...

Commissioner Lago: What would -- if we -- with the 54,000 square foot reduction in the FAR, what are we looking at right now?

Vice Mayor Kerdyk: Four point one nine.

Commissioner Lago: Yeah, 4.19 obviously, but --

Mr. McCuvolich: Four point one nine...

Commissioner Lago: What would be... So it be a thousand -- it would be one million --

Vice Mayor Kerdyk: Well, it's fifty -- it's one million three hundred thousand -- one million two hundred eighty-four thousand square feet, more or less. It's...

Mr. Trias: Total area is...

Commissioner Keon: Thirty-four.

Mr. McCuvolich: Total area rise to 1.227 occupied.

Commissioner Lago: OK.

Mr. McCuvolich: Doesn't include parking.

Commissioner Quesada: I think this is a good point to bring this up, if Manager's OK with it and the Mayor's OK with it. Can I ask Susan Trevarthen to come on up? Mr. Mayor?

Mayor Cason: Yeah, sure.

Commissioner Quesada: It's OK. If we can pull up slide 95 on the screen. I'm sorry, and this -- I think this is the Planning & Zoning submittal and if -- I don't know if Gables TV has it as well so those at home can see what we're talking about or we're discussing. It's the one at the top there. Yeah, there you go. So, from what I've read -- and correct me if I'm wrong -- and I guess this question is for Mario -- there's two levels of -- what the applicant is proposing is two levels of parking underground. I think it's 140 million.

Mr. Garcia-Serra: Correct.

Commissioner Quesada: I read somewhere in here. There's a lot of paper. I can't tell you exactly where. And when you talk that, the FAR, and you talk about the massing, and then -- Vice Mayor, this is really going toward what you were discussing now. And the reason I asked Susan up here is to talk about what was it allowed under the current Code and what's allowed -- you know, what the applicant's proposing with the recommendations from staff. And I think this is -- I think this is a good illustration for me, but Susan, if you can just sort of walk us through this. Obviously, the number's going to change a little bit because -- I mean, from 4.37 to 4.19 for the FAR on the right side of the screen. But if you can just sort of walk us through this. What is currently allowed under our current Code and under the proposals from the applicant?

Ms. Trevarthen: Yes, through the Chair. Susan Trevarthen. Currently, just with the straight zoning that exists on the property, you have commercial zoning and you have the three commercial categories. You have high, mid and low rise. And when you add up the acreage of the property, and the 3.5 FAR that's allowed as of right, you would get to a project of 1,024,779 square feet. Now, just speaking hypothetically about matching out the zoning, you don't know exactly what the composition would be, but just as an example of what that means. With straight commercial land use, there's no as-of-right right to use residential, and so if that hypothetical project wanted to include residential, it would involve a conditional use mixed-use approval, which has its own set of characteristics. But if there were no residential, the parking that would apply, it would depend if it's commercial, if it's office...

Commissioner Quesada: If it's retail, if it's office.

Ms. Trevarthen: I mean, retail is four per thousand, so you can do the math. It's a significant number of parking spaces. And what the drawing you're pointing to is illustrating the applicant making argument from this that the amount of parking driving the mass and driving the impact of the property on the community. So certainly, the drawing on the right, as you say, would be altered by what we've just discussed over the last hour and-a-half, but the basic principal that they're making -- argument they're making is the same in this graphic.

Vice Mayor Kerdyk: You know, we initially -- when this was assembled several years ago, a good majority of that property was single-family; you may or may not remember. We rezoned that based on a PAD. The PAD unfortunately didn't get executed on it. We didn't revert it back, which we should have reverted it back, or had some type of reversions. And now we're left with this 1,024,000 square feet development, so I understand that. To me, 24,000 square feet is not 1.2 million -- or 1.25 million square feet. And I understand the massing as you're showing there, but just -- you know, this -- that's a big difference. You know, I -- what you may not know is the Douglas entrance, that's 6.1 acres. That probably has 600,000 square feet of space on it. You know, they've done it nicely where they've massaged it there.

Commissioner Quesada: Yeah, spread out.

Vice Mayor Kerdyk: And that's not even inclusive of the project that John Nichols -- excuse me -- Johnny Fullerton did outside of Laporta's, I think it is, which is the residential...

Commissioner Quesada: Oh, yeah.

Vice Mayor Kerdyk: But just 6.1 acres is that property right there. You know, Rouse is -- I went through Rouse. Rouse is on 20 acres. It's 800,000 square feet, you know, there. That's -- So this is heavily dense, and I've had a problem, you know, with the density from the beginning. And I appreciate the efforts, and I'm trying to get there too, but I'm -- you know...

Mr. Garcia-Serra: If I could add something to the conversation maybe? It's important to distinguish between floor area and bulk, because that's one of the things that this illustration's trying to point out. The way the floor area is measured in the City of Coral Gables, it doesn't factor in parking, and parking is indeed one of your biggest contributors to the size and bulk of the building. And so what we're trying to also show through that plan is when you use a form-based Code and you're looking for design requirements such as underground parking, which is not required right now and it's very expensive, it helps reduce the bulk of that building. And so, on the left, you've got 3.5 FAR, but then aboveground or the parking that you have does not count... floor area adds up to about another 3.8 FAR, and so we're getting a total of about 7.3. If you look at our illustration on the right, which doesn't have the benefit of the changes that we just proposed recently, we're at 4.375 FAR above ground, but then 2.8 of that FAR is below ground parking, and so that reduces the bulk, even though the FAR measurements in total might still bring the...same if you're including parking also.

Vice Mayor Kerdyk: So the bulk increases, but the intensity of the project is more through your situation of 3.5 FAR with the...

Mr. Garcia-Serra: Correct.

Vice Mayor Kerdyk: Yeah.

Mr. Garcia-Serra: Right. And indeed, you know, what we're trying to get at here and -- what the purpose of form-based Codes are is to not just let yourselves be sort of slaves to formulas and mathematical equations and so forth. It's to try to get a good product, something that has parking, you know, concealed behind liners underground, and then uses that can actually be used above ground. And that sort of also leads us to your -- we're making all these modifications that are pretty dramatic and yet, the floor area reduction is significant, perhaps not as much as would be ideal, but take a look at what actually happens at the end of the day, take a look at what the building actually is, and all of a sudden, you're missing one whole tower that was there before and, you know, two other...

Commissioner Lago: And the step back is very significant. It's a very significant. So I mean, I'm with the Vice Mayor in the sense that I thought it was would be a little bit more significant than 54,000 square feet, but it's a move in the right direction. It's a move in the right direction. So let's move on to the next issue.

Commissioner Keon: Wait. Could you go back to the second floor?

Commissioner Lago: I'm sorry?

Commissioner Keon: Where we were with the second floor retail? What happened?

Commissioner Lago: Well, we haven't gotten to that one yet.

Commissioner Keon: Oh, OK, go ahead. I'm sorry.

Commissioner Lago: We can jump to that, if you like?

Commissioner Keon: No, no, no.

Commissioner Lago: The next issue...

Mr. Garcia-Serra: An important point also: keep in mind, too, what we have above ground a program helps the finance to be low-ground parking also, too, because no one's making any money off the underground parking.

Commissioner Lago: As Commissioner Keon said, we're going to discuss retail next, second floor retail. What is your opinion in regards to the potential retail on the second floor. Do you feel that there should be -- do you feel that it should be some sort of condition in regards to something...work out?

Mayor Cason: You guys are saying that you -- you guys are saying that you think that you can recruit good quality firms...

Mr. McCuvolich: Yes.

Mayor Cason: -- there. And if you're not -- and what you've said about development agreement is if you don't -- if it's under 75 percent, you have to come back to us and we have to have a discussion.

Mr. Garcia-Serra: And the idea is also -- the alternative is to have office space there.

Mayor Cason: And/or maybe some small movie theaters?

Mr. Garcia-Serra: Well, that is -- that discussion's connected to the cinema discussion, because indeed, let's say we remove the cinema from where it is in the plans right now to help on the bulk, height, mass issue, potentially, we move -- but we still want a cinema use, then potentially, we move it to the second floor retail, which would then use -- I think address some of those concerns about whether that retail's going to be successful or not.

Mr. Trias: Mayor, again, I'll remind you that if the entrance of the hotel changes, the layout of the retail changes radically I think for the better. I think it's certainly better.

Vice Mayor Kerdyk: Yeah, sure.

Mr. Trias: But the discussion is a whole different discussion. That's one of the dangers of designing a project on live television. It's....

Commissioner Lago: No, but...to a certain extent, you're correct, but I think that these -- we need to have these discussion. They've been waiting for years to have it, so.

Mr. Trias: If the entrance...changes, the second story retail really is going --

Commissioner Keon: It's going to change significantly.

Mr. Trias: Yes. And it probably goes away.

Commissioner Keon: OK.

Mayor Cason: Yeah.

Commissioner Keon: OK. Thank you.

Commissioner Lago: Let's discuss the height. Obviously, we're at 190.6. I think the main point of contention is the habitable height. Personally, I would love nothing more to have a beautiful restaurant as proposed, which would be 25 feet above the 190.6, which is permissible by the Code, with a beautiful observation deck. That's not my concern. My concern is that you're breaking new ground, and I have a feeling that if we were allowed to do this in this project, that I would already have a multitude of other developers chopping at the bit to be able to break that ceiling of 190.6. And I also want to -- I want to have Ramon really, really explain, and maybe the City Manager -- because the City Manager was kind enough to put together a presentation that I gave some of you -- I don't know if you still have it. If you don't have it, I'll give you a copy.

Mayor Cason: We got it.

Vice Mayor Kerdyk: I got it.

Commissioner Lago: You got it?

Vice Mayor Kerdyk: This thing right here, right?

Commissioner Lago: Yeah. Show Commissioner Keon. Do you have it there, Ramon? I think this is crucial in the similar way that we discuss the square footage for the Vice Mayor, the FAR, because you know, there's been -- it's written incorrectly in reference to...800,000 square foot project as of right. It's not. It's a one million...

Commissioner Keon: Two hundred.

Commissioner Lago: One million...

Mayor Cason: Twenty-four thousand.

Commissioner Lago: -- twenty-four thousand as-of-right retail project, so let's get that clear. Now, and then...I've also heard...

Mr. Trias: Plus parking.

Commissioner Lago: Sorry?

Mr. Trias: Plus parking.

Commissioner Lago: Plus parking. And then I've also heard from different media outlets and individuals tell me, "No, because you're breaking new ground, and you're going to have a 297-

foot story building.” That's not what's happening here. Let's be clear. That's why I asked the City Manager to put forth a detailed breakdown, which again, anybody that's watching -- this is - - we can disseminate this to you; just, you know, make a record if you'd like, but this is a detail, and I'd like for Ramon to go over -- or the City Manager -- explaining the difference between habitable height and the difference where you have a architectural feature, and where that has been done in other buildings. I know that this is minutia, but I think it's important to get this correct information out there, so that people don't make assumptions. Let's deal in real terms.

Mr. Leen: I'd just like to confirm; this is in the record, or it should be put in the record now.

Mayor Cason: Yes.

Commissioner Lago: You know, let's put in the record.

Mr. Leen: OK.

Commissioner Lago: Let's put it in the record. This is important information. Ramon, you want to discuss this? Explain it.

Mr. Garcia-Serra: Yes. The information is factual. It describes a different height of different buildings in the City. The tallest building in the City is the Biltmore at 298 at the very top of the tower. However, the habitable height of that building -- in other words, the last level with... there's going on is at 200. So as you can see, that additional height is decorative, and it is one of the things that makes Coral Gables a beautiful place, the fact that buildings have beautiful tops and they're encouraged by the Zoning Code, et cetera. So if you go down every building, you will see that most buildings are certainly in the one -- there are very few buildings that have any habitable space above 190, which is what the maximum is allowed right now in the Code.

Mayor Cason: I see that the Allan Morris building is 295 feet architectural height.

Mr. Garcia-Serra: Right, which is a few feet...

Commissioner Keon: That's not possible.

Mr. Garcia-Serra: -- below the building.

Mayor Cason: Right. I'm just talking -- I'm talking about...

Mr. Trias:...comparable.

Mayor Cason: People, when they think of height, they look at -- most people don't think of habitable. They look at...

Mr. Garcia-Serra: Total height.

Mr. Trias: Yeah.

Commissioner Lago: Yeah. For example, you look at -- let's discuss Allan Morris, which is number four on this list. They have 1 86 feet of habitable...

Mr. Trias: Yeah.

Commissioner Lago:...height, but the actual building, when you include this architectural feature, is 295.

Commissioner Keon: Right.

Mr. Trias: So if you look at the image on the screen, the red is architecture. It's just an additional beautiful element located at top of the building.

Commissioner Quesada: As a....

Mr. Trias: Yeah, exactly. And that's what really enhances the quality of the City. And to think in terms of encouraging that, which the Code does, the Code encourages architectural aesthetics and so on, it's good. So the real question is to the restaurant. What level is that? I think that from my conversations with some of you in the past, that has been your concern. That's 218, right?

Mr. Garcia-Serra: To the very top of the restaurant --

Mr. Trias: Restaurant...

Mr. Garcia-Serra: -- it's 218.

Mr. Trias: Two eighteen. Two eighteen as opposed to 190. One ninety is what can be done now; 218 is what they're proposing. Now, they're proposing to do it only in one place as the PAD regulations would allow because of the new regulations that would be adopted. So it's not like a random location or some insignificant....

Mayor Cason: Could you talk about that restaurant, because we've really not gotten a vision of what you -- is this going to be panoramic? This is the only one in the Gables, I would think. Is that correct?

Mr. McCuvolich: Correct. We were in prior conversations with the developer, as well as with the City. It was imagined as a five-star restaurant that would have used in all four directions, that would have an outdoor dining component, as well, so that it could be observation as well as restaurant. It would be operated by the hotel, separate kitchen elements occurring up on that level, as well in order to make it function properly.

Commissioner Keon: You know, I think that the architectural element really adds to the whole development. I think it's really lovely, and we've had this conversation up here for so long about these spires in the sky and what is Mediterranean and whatever else. I think it's lovely. My concern is habitable. You know, if your building is -- the habitable height of your building is

190, the restaurant is -- you know, I'm OK with the restaurant. I'm OK with the design. I think it's lovely. If it's a problem for anybody else and you think it isn't a good thing for the City, I'm glad to talk about that, too. But it -- it doesn't concern me. You know...habitable height is the 190, I'm fine with it. I don't know think it -- you know, I think if some other developer comes along and wants to add, you know, a building that's 190, and they want to put, you know, a beautiful spire on the top that is not habitable and is purely decorative and improves our skyline, I don't know that I would be so concerned about that.

Vice Mayor Kerdyk: So you're for the 218 feet of habitable or...?

Commissioner Keon: No.

Mayor Cason: No, she's not.

Commissioner Keon: No. I said I --

Vice Mayor Kerdyk: OK. I'm just....

Commissioner Keon: I'm...

Vice Mayor Kerdyk: Sure.

Commissioner Keon: You know, it's...

Vice Mayor Kerdyk: Yeah, I understood....

Commissioner Keon: -- 190 habitable...

Vice Mayor Kerdyk: Yeah, I understand.

Commissioner Keon:...you know, it...does a restaurant...does this restaurant really provide, you know, a particular element to this whole proposal that makes it more special, that is good, or whatever else? I -- you know, I think it does. It's not -- it's not the -- you know, it doesn't take up the whole part of the building. It adds really to the spire and it's kind of not terribly distinguishable from that decorative element. It's almost like lights the base of that decorative element. So to me, it's...

Mayor Cason: So you're saying...

Commissioner Keon: I think it's lovely.

Mayor Cason:...you're OK with it?

Commissioner Keon: I'm OK with it. That...I'm...

Mayor Cason: I'm OK with it, because I think...

Vice Mayor Kerdyk: You're OK....

Mayor Cason: I think....

Commissioner Keon: I am. I am.

Vice Mayor Kerdyk: I'm not. Let me just say...

Commissioner Keon: Yeah, I know you're not, but that doesn't...

Vice Mayor Kerdyk: Let me just say clarify.

Commissioner Keon: That doesn't bother me.

Vice Mayor Kerdyk: Let me just clarify.

Commissioner Keon: Yeah.

Vice Mayor Kerdyk: Because I can see...if I understand it correctly, our threshold, which I think I understand very correctly, is 190 feet is our habitable threshold right now, and they're putting another 28 feet in there for the restaurant, which brings it...now the habitable square foot -- or habitable feet is 218 feet, so our threshold now has gone from 190 to 218. Am I right or wrong? I mean...

Mr. Trias: I mean, that's the applicant's proposal.

Commissioner Keon: Yeah.

Vice Mayor Kerdyk: I understand that.

Commissioner Quesada: Mr. Vice Mayor, if I can...

Vice Mayor Kerdyk: I have a problem with it. That's the problem...and I've been saying it ever since...

Commissioner Keon: Yes.

Vice Mayor Kerdyk:...the beginning.

Commissioner Quesada: If I could just jump in for a second.

Vice Mayor Kerdyk: But I think it sets a precedence, starting back with what you said, and we've had that discussion, too.

Commissioner Keon: Yeah.

Commissioner Quesada: Mr. Vice Mayor, if I can just comment on your thoughts. When it comes to the actual height of the building, the actual skyline heights at the -- at that height, I'm OK with it. I mean, the two most beautiful buildings that everyone loves in Coral Gables are right around that same height, that -- the 295-plus. I'm OK with that. I think you got to look at what we're trying to achieve here, what the applicant is trying to achieve. You know, there are -- there are certain marked conditions for what they're trying to achieve and what we want to come out of this. When you look at our proximity in the County and our proximity to the airport, I mean, we compete for conferences, events, business community -- I mean, we know -- Mr. Vice Mayor, you've been telling me this for 15 years, that the reason we have such great service is because our downtown provides some much revenue to us, you know. And Commissioner Keon said earlier, you know, we don't want, you know, business residents or business visitors coming to, you know, Coral Gables 9 to 5 and then driving out to the Mandarin...stay out there. And this is something I want to hear from the applicant. When you're trying to get a five-star hotel or a three-diamond hotel, which is I know is...

Commissioner Keon: Five.

Commissioner Quesada: Five diamond. I'm sorry; five diamond, the national standard. -- there are certain requirements that those flags are going -- there are going to be requirements for those flags. There's got to be a certain number of doors. They have to have -- every high-end hotel that we've ever seen in the world, go on any web site for the, you know, top-rate hotels in the world, they have a Michelin-level restaurant attached to that, or a very high-end restaurant attached to that. There are certain amenities that need to be included to make it make sense. You know, I think the Planning & Zoning Board, you know, starting at about 225 of their transcript, which is at Tab "K" in our binder, went into a long discussion about what made sense and what didn't make sense about the heights, and it talked about the restaurant. If we're going to try to attract one of the premiere hotels in the world to come to Coral Gables -- and again, we love the Biltmore, we love the Colonnade, we love the Hyatt. But everything we're seeing when we have 11 million square feet of office space is that we're -- you know, it's still a market that we need more hotel rooms. So...

Commissioner Keon: And...

Commissioner Quesada:...I guess my concern is if we chop off the hotel -- if we chop off the restaurant piece, is it going to...

Vice Mayor Kerdyk:...move the restaurant piece down lower.

Commissioner Quesada:...is it...to address that as well, but is that going to affect our ability to land a five-star or five-diamond hotel into Coral Gables? And another aspect too, when I think about it, you know, have you ever been to the top floor of the David William. Top floor of the David William, that pool deck, it's a beautiful view. You see the Biltmore at a distance, you see the trees, which I think is nice. I don't know anything about restaurants. But you look at -- you know, you look at Juvia, which is on Lincoln Road in downtown; it sits on the top in Lincoln Road Mall and it's got a beautiful view. It does great -- well, obviously, there are other factors that come into play there, but I just look at -- my concern is are we going to be able to attract the high-quality hotel that this community wants and that we're looking for.

Commissioner Keon: And I...I guess I also feel -- I really feel strongly about the open space issue on the ground floor, so I'd rather give you the space for that restaurant up there and have you find space on the ground floor for open space. I don't -- you know, that -- it isn't -- you're also protected because you're a PAD. You know, you're protected about what is around it. I mean, if you could -- you know, if you were going to develop that by itself on a, you know, whatever, square foot lot, and you could line up buildings like that, one after the another, it would be a very different story than, you know, having this, you know, kind of isolated spire in our sky. It becomes a spire because it's by itself, you know, and it's not surrounded by lots of other heights. I think it's pretty. I like it, so.

Mr. McCuvolich: On the subject -- thank you. On the subject of the motel operator attracting the right operator for this location, I think this market in South Florida is a bit unusual. There's a lot of examples of event space, as well as restaurants that actually function on the top of towers.

So it's definitely a positive feature to this property. I don't think it prevents us from getting a five-star operator here, but it's certainly an added feature that other high-end operators in Coral Gables can't offer to this -- at this level. And it would be event space as well as restaurant space, so you could have a private event there. The hotel could rent it out as a special thing with a conference, you know, occurring in the -- so it is an added feature.

Mayor Cason: How many people would be in the restaurant? How much square footage? And if didn't have the restaurant, could you -- what else could you put up there? Would you put a park or...?

Commissioner Keon: Nothing.

Mayor Cason: Nothing.

Mr. McCuvolich: Could be -- the best option would be event space so that similar to -- the Viceroy has an event space at the top of their hotel. There's also a water, a pool, indoor/outdoor element that would still make it accessible to folks that are attending. It's less public than a restaurant would be. I think that's the -- that would be the concern.

Commissioner Keon: But it's like the Rainbow Room at Lock Center.

Mr. Garcia-Serra: That's been the idea.

Commissioner Keon: Beautiful.

Mr. Garcia-Serra: One thing important to keep in mind, though, the way we've proposed this rooftop restaurant space is that that space, if indeed we're going above 190, has to be a use that's accessible to the public, so that's why we've come down on restaurant. Could be potentially another use, but again, you know, we're trying to get consensus here, and you know, maybe on some things we won't.

Vice Mayor Kerdyk: Right, right. This is -- yeah, this is between us, I guess, because you've been nice enough to offer either with or without it. I would just like to add that, you know, the City of Coral Gables, one of the reasons we're so great is because we have a Zoning Code that's... adhered to over years, and we've had 40 years that we've -- had kept that height at the same. And I think once you, again, bust the ceiling, then it opens up other opportunities for developers. And let me tell you, I'll enjoy the restaurant up there, I'm sure. I mean, I'll like it. I'm just sitting here as an elected official trying to do the best I can, and one of the best things I think I can do is uphold a Zoning Code that is so important to the City of Coral Gables.

Mr. Garcia-Serra: Yeah.

Vice Mayor Kerdyk: You know, as far as height goes. As far as height goes.

Mr. Garcia-Serra: An important thing to point out, though, I think there is consensus on the idea of the architectural feature height.

Commissioner Lago: No, that's --

Commissioner Lago: We all agree with that. I mean, you're not breaking any new ground here.

Commissioner Quesada: Yeah, I know that.

Commissioner Lago: I mean, that's already been established before. I'm with the Vice Mayor in the sense that I'm very torn in regards to this restaurant, because I think it would be a spectacular feature, you know, that would be a way for us to showcase the City of Coral Gables. But I have that issue where -- you know, if we allow that 25 feet above the 190.6, we're going to have every developer clamoring, you know...

Mayor Cason: Is there any way you can...

Commissioner Lago:...to come before us. Now, my main -- this is where basically my statement ends. Commissioner Quesada made a statement in reference to whether a flag would be affected, if we don't have that restaurant feature there. Does anybody have any idea whether the flags that you've been speaking with, these five-star hotels that they have made -- they've been very adamant about having that type of feature or...

Commissioner Keon: No. He said they haven't. They're not.

Commissioner Lago: They're not sure?

Commissioner Keon: But they said no, it wasn't. I think somebody just said no, it didn't.

Commissioner Lago: Sorry; I missed it. I apologize.

Mr. Trias: The only one that had a -- what I thought was a really good idea is one of the companies we spoke with, they thought that they could have a restaurant that would change every couple months. They would bring chefs from different parts of the world, and that's how they saw the space being used up there.

Commissioner Lago: OK. Well, I'm -- I mean, I think we've voiced our opinion here. I don't know if you want to...

Mayor Cason: Just have one more question on that, though. Is there any way -- any option to lower the floor underneath that for -- in order to be able to have the restaurant and still have the architectural feature?

Commissioner Keon: They'd lose rooms.

Commissioner Quesada: Yeah, they'd lose rooms.

Commissioner Keon: They'd lose rooms.

Mr. McCuvolich: I heard the comment correctly. Moving the restaurant down to the 190...

Mayor Cason: One ninety.

Mr. McCuvolich: -- as the highest portion of that volume...

Commissioner Lago: Yes.

Mr. McCuvolich: -- it would be our recommendation, as the designer, that it wouldn't function; it wouldn't be seen as a feature for the hotel. And we would be looking into the side of the Regions Bank building and anyone else at that same level. So I think it's a different -- has a different character and we...

Mayor Cason: So you want to be higher so that you don't have the blockage of the Regions, which is at hundred and...

Mr. Trias: At 186.

Mayor Cason: -- architectural...

Mr. McCuvolich: Correct.

Mr. Trias: And plus 2. Yeah...maximum.

Mr. McCuvolich: We'd also be looking into the side of our resident -- our south residential building as soon as we move it down to that level.

Mayor Cason: So you need it to be higher for the all-around view?

Mr. McCuvolich: Correct.

Commissioner Lago: I think -- I haven't asked you yet, as we've gone down this list, do you want to take a vote on this one?- at least an internal vote amongst us right now...

Mayor Cason: Is there any other...?

Commissioner Lago: -- so that we get -- no, no, I do. I have other ones, but I'm saying -- but I think this is one where -- it's either yea or nay, and they can't massage this anymore.

Unidentified Speaker: Is it four square?

Commissioner Lago: Yeah.

Commissioner Keon: Yeah.

Mayor Cason: Yeah.

Unidentified Speaker: OK.

Commissioner Keon: I'm not offended by it, so I...

Commissioner Lago: Take the roll. Take the roll.

Mr. Leen: I would not do a roll call. This would basically...

Commissioner Keon:...

Mayor Cason: Let's just talk...

Commissioner Lago: ...

Commissioner Keon: Yeah. It doesn't bother me. I mean, I just...

Mayor Cason: Doesn't bother...

Commissioner Keon: -- I think it's... house. What's the actual diameter of that space, I mean, in relation to the building?

Mr. Garcia-Serra: I got the square feet, and as far as that...

Commissioner Keon: It looks like it's about half the -- little more than half the width of the building.

Mr. Garcia-Serra: It's a little less than half.

Commissioner Keon: Little less than half the width of the building? You know, to me it looks like a base for the spire, so it's not -- I don't...

Mayor Cason: Ramon, does this -- I mean, this is a form-based...

Commissioner Keon: I mean, that's the advantage...

Mayor Cason: -- element within...

Commissioner Keon: -- of the form-based Code.

Mayor Cason: -- a PAD.

Mr. Trias: Yes.

Mayor Cason: Talk about the precedent.

Mr. Trias: The PAD is applicable in very distinct areas in the City, and the actual tool that is used is a regulating plan that is very specific of this site, and it has a red dot that sits here in this location, so I don't know see that as a precedent. Susan, do you have any thoughts on that?

Commissioner Keon: I don't either.

Ms. Trevarthen: I would just ask the applicant to bring up the drawing that has the regulating plan on it, so they can see what we're talking about. Dan, the one that has the red star. Yes. The way this is -- this goes to the concern that was raised by the Vice Mayor previously in terms of what happened when the prior project failed. The idea behind these form-based regulations is that if something goes amiss, legislatively, you're going to still have all of these levels and plains and all this additional architectural. All that's going to be baked into what can be built, and you won't be faced with the question that the Commissioner asked; we're just at one 1.024 because we're doing math. That's the idea, so.

Mr. McCuvolich: I don't have the form-based Code, but this is the only area -- we're suggesting that we go above the 190.5...

Ms. Trevarthen: The regulating plan is the legislatively drawing, and Ramon is pulling it out, what page sit and which exhibit. It's Exhibit "F," page...

Mr. Trias: Two point three.

Ms. Trevarthen: -- 2.3. And there's a red square precisely at this location. That's the only place where you can go that tall. So in typical wording of Zoning Codes, you can't get that precise, but you have the assurance provided by this drawing. Does that answer your question?

Commissioner Lago: I think --

Mr. Leen: I have a further comment. The -- so from a purely legal perspective, that's where it would be, so it's not going to be anywhere else. Now, I was asked, so does this set a precedent?

And I've given this answer before, and I've spoken with the Vice Mayor, and everyone's aware of my view on this. The precedent it sets is not one whereby you will have to allow this somewhere else, but it's a precedent in the sense that because you're breaking that barrier, you can no longer tell someone, "Oh, well, we don't do that in Coral Gables." So you're always going to have to at least provide a reason. Now, the standard's fairly low: it's arbitrary and capricious. Fairly debatable. I mean, so you would just have to have a basis to tell someone else who comes before you that they shouldn't have a restaurant at that height, and you may want to allow them to have restaurant at that height, as has been said. So -- but it does set a precedent in that sense. It does not compel you to do anything, though. You always have the discretion to vote "yes" or "no."

Commissioner Lago: In an effort to move this forward, I think we should just go down the line.

Commissioner Keon: I'm OK with it.

Commissioner Lago: You're OK? So you're fine?

Vice Mayor Kerdyk: I don't mind.

Mayor Cason: I'm OK with it.

Commissioner Lago: I'm not OK with it.

Commissioner Quesada: I'm OK with it, if we have specific controls in place. I think it's going to be a benefit to the City to have that up there. You know, if you've ever been to the top of the David William, like I said, a spectacular view from up there. If you've ever been to the top of the Biltmore; spectacular view up there. I think it's such an isolated pocket, such a small piece above that I think would -- you know, specific controls in place, you know, making sure that there's no noise issues or any event up there that could, you know, bother the rest of any residential neighborhood, or anything like that.

Mayor Cason: Ramon, is...

Commissioner Keon: I would imagine you would see the lighting. Would you see lighting from the outside? You would see that it's lit? You know what; it reminds me if you walk, you know, in the streets in New York and you look up and you see the top of the Chrysler Building. That is the most spectacular...

Mr. Garcia-Serra: Something which...

Commissioner Keon: So beautiful, and it's because it's lit and it's a spire.

Mayor Cason: You can work that out on the development agreement?

Mr. Trias: In the Code, I think we can check with the City Attorney, in case he has any concerns and certainly, we can have some language in here.

Commissioner Lago: Can I ask you a quick -- can I just ask you one quick question? I was speaking about this right now. It was brought to my attention. It was a very good point that was made. What happens if the restaurant's not successful?

Mr. Garcia-Serra: We still have to find a use that's accessible to the public.

Commissioner Lago: And that use is?

Mr. Garcia-Serra: We would have to event space perhaps -- you know, we would have to come up with another alternative public use or another restaurant, for example.

Commissioner Keon: It's not habitable...

Commissioner Lago: So...

Commissioner Keon: I mean, it's not -- it will not become part of the hotel. It won't become a living...

Commissioner Lago: No, but...

Commissioner Keon: -- a living space.

Commissioner Lago: -- but it's a concern.

Commissioner Keon:....

Commissioner Lago: It's a concern because now you're talking about a...

Mr. Trias: The Code says...

Commissioner Lago:...close 10,000 square feet. Ten thousand square feet, correct?

Mr. Trias: Five thousand.

Mayor Cason: Five thousand.

Commissioner Keon: Five thousand square feet.

Commissioner Lago: Five thousand. I just want to be clear.

Mr. Trias: The Code says that it has to be accessible to the public, so.

Mr. Garcia-Serra: Maybe even becomes a viewing area, you know a very large one.

Commissioner Lago: Yeah, but...there's a liability for the owner.

Mr. Garcia-Serra: Sure, sure. I mean, you know, it's another added expense that they have to...

Commissioner Lago: You got to secure it. You got to make sure the area's -- again, I know that -- like I mentioned from the beginning, the developer deserves to move forward. The developer has been waiting three years. But these are details that, if not properly addressed right now, could be catastrophic in the near future. I mean, that's a liability of having that open to the public.

Mr. Trias: One thing that maybe could help with the issue of whether this serves as precedence or not is looking at how much of the floor area of the -- what percentage of the site is actually is. And if you take that 5,000 square feet and you divide it by the total size of the site, it's about 1.7 percent of the site. So, perhaps, if we were to put in an additional safeguard that says no more than 2 percent of site could be...

Commissioner Lago: Again, Mario, to me, that's in the development agreement. Let staff and developer finalize that. I'm just making you aware of that I have a concern on that issue.

Mr. Trias: Right.

Commissioner Lago: And that you -- it -- again, it's open to the public, but if the restaurant's not successful, obviously, you would want to bring another restaurant that'll be successful...

Mayor Cason:... interested.

Mr. Trias: Correct.

Commissioner Lago: -- or some sort of...

Mr. Leen: Can I raise an issue there?

Commissioner Lago: Of course.

Mr. Leen: We are going to make this as narrow a precedence as possible, so -- but you don't have to allow this. So you are allowing it, it looks like, at least on this issue. You can just require it to be a restaurant. You don't have to allow another use.

Commissioner Keon: It can only be a restaurant.

Commissioner Lago: But what if a restaurant...

Commissioner Keon: And if it's not a restaurant...

Commissioner Lago: -- but that -- again, I agree with you, Commissioner. That's -- we can allow that, but let's also be realistic. There isn't one that comes to my mind right now, but I know that there's business ventures out there that you just -- you drive by and you say, "Wow, it's another failed restaurant, or it's another failed commercial building or it's another failed movie theater." Sometimes things don't work, depending on the location. So I'm just saying...

Commissioner Keon: It could become a bar.

Commissioner Lago: -- there has to be some sort of mechanism in place that if it does not work, again...one.

Commissioner Keon: It would be the piano lounge that we've always wanted in the City of Coral Gables.

Mr. Garcia-Serra: A jazz bar.

Mr. McCuvolich: Commissioner, I think...

Commissioner Keon: A jazz bar.

Mr. McCuvolich: Commissioner, I think what we do is we give the applicant and staff some time to think about it.

Commissioner Lago: That goes...

Commissioner Keon: But I'd like to restrict...

Commissioner Lago: -- as far as the development agreement.

Commissioner Keon: -- the use to that.

Commissioner Lago: I just wanted to bring it to your attention...

Commissioner Keon: Right.

Commissioner Lago: -- and put it on the record.

Mr. Trias: No, and it is an issue we need to address too.

Commissioner Lago: My -- go ahead, sir.

Mr. Trias: There are at least two tools that you're using. One is the one that I showed you, which is in the PAD regulations. The other one is in the Comp Plan amendment. It says a first floor, one or two levels, dining entertainment or other similar destination use open to the public. OK, so that language is also...

Commissioner Keon: Right. I don't like that "or other" -- "or similar use."

Mr. Trias: Yeah.

Commissioner Keon: Because I think that becomes, you know...

Mr. Trias: And that's why we have some room to make it tighter.

Commissioner Keon: I think you make that tighter.

Mr. Trias: Absolutely.

Commissioner Keon: And I'm comfortable with it.

Mr. Trias: I will -- we will work on that.

Mr. Leen: But is that -- is that -- would the will of the Commission be that the Comp Plan change not talk about similar uses? Be very specific.

Commissioner Lago: I would recommend that.

Mayor Cason: Yeah.

Commissioner Lago: That would be my recommendation.

Mr. Leen: Then that should be put in the -- when you...

Commissioner Lago: Listen, can we...

Mr. Leen: -- move to vote on that.

Commissioner Lago: Can we move on to the next issue. Can you go to page 81 --

Commissioner Keon: On the comp...

Commissioner Lago: -- on the vehicular circulation diagram? Excuse me; I may have the wrong one.

Commissioner Quesada: That's the Planning & Zoning.

Commissioner Lago: Yeah, I'm sorry. Hold on. No, I gave the wrong page, I'm sorry. Excuse me. Let me just find it really quick. What page shows the loading and unloading area? I think it would be -- here, right here, Pages 28 and 29. Floor plan, based on level 2. This is a concern of mine that was brought to me by my appointment to the P&Z, and it's a concern I think that the Vice Mayor also mentioned before. I think it's a great idea -- and again, I'd like to speak with the architect on this. I think it's a great idea that you have unloading and -- you know, it's spectacular to have it underground, it relieves congestion around the neighborhood. It just makes everything, you know, one single source where you can push things from a certain area and you don't have people running all over the place. But the problem that I have here is if you -- let's say you're FedEx driver and you have a delivery. You see where -- you see where the trucks are supposed to be parked? You have to move around this corridor to get to the elevator. You see it?

Mr. McCuvolich: Correct.

Commissioner Lago: Yeah. You don't think that's a little expansive?

Commissioner Keon: What page are you on?

Commissioner Lago: I'm on page 28. You don't think that's a long run for someone who's making a delivery? And let me tell you why I think it's a long run. It's 5 o'clock, 6 o'clock comes around, your UPS (United Postal Service) driver, your FedEx driver's in a hurry to deliver one package. Do you think that he's going to go to the basement floor -- go to the basement, get out of the truck, park the truck, go through that entire corridor, which I don't know how many linear feet it is, take the elevator, go upstairs, make the delivery, and come back down and go to his car? I think what the delivery driver's going to do -- again, I don't want to crucify anyone,

but I think he's going to park on Sevilla, jump out of his car, run into the mall, run into, you know, development, and deliver his package.

Mayor Cason: Can you control that in the development plan?

Mr. Garcia-Serra: That certainly -- that movement, that happens unfortunately every day, and we see it everywhere. Technically, it's, you know, against the law. You're not supposed to be stopping and using a way of traffic for drop-off. The one that occurs to me -- not being the designer -- maybe there's better ideas here -- is that if we're also changing the main...good idea - - changing the main entrance of the hotel and where the drop-off area's going to be, maybe somehow in that space we could have an easier access space for quick drop-offs as opposed to...

Commissioner Lago: My point is -- I'm just bringing it to your attention...

Mr. Garcia-Serra: Yeah.

Commissioner Lago: -- that when you look at page 28 -- and please put it up -- what you see there in purple that runs the perimeter of the project, it's just a really long run for someone to make a delivery.

Mr. McCuvolich: We've designed it this way before. It functions.

Commissioner Lago: It functions.

Mr. McCuvolich: And it functions. There is distances involved and there's maintenance to that operational...

Commissioner Lago: Have you ever designed something with a distance this long?

Mr. McCuvolich: Yes.

Commissioner Lago: And it works perfectly?

Mr. McCuvolich: It does. I mean, it's dependent on -- it's dependent on the driver. It's independent on the operations being committed to the program. What we have provided though -- I think it's important to point out is -- so if I'm a FedEx driver and, usually, I'm not in this size project, I'm not delivering one parcel; I've got a number of parcels to deliver, and I want to do it as quickly as possible. But I can park down here, go into service elevators that are immediate to the loading dock, go straight up to the ground floor and run wherefore I need to go. It's not a matter of getting in and out of the truck, driving the truck around in four different locations or four different docks, for that matter.

Mayor Cason: How many trucks could you put in there? Enough so that if you had --

Mr. McCuvolich: We have 12 locations for it, which meets the current Code requirement for the project.

Mayor Cason: OK. All right.

Commissioner Lago: That suits my concern. And the final issue that we -- I was waiting for the Vice Mayor -- is to potentially discuss the final size of the retail, because that was an issue for some of us.

Mayor Cason: What are your thoughts after hearing...retail.

Mr. Garcia-Serra: Well, you know -- well, at least -- sort of -- I would like to give sort of an overview of I think where we are, because it's good to sort of assess what are the remaining issues. Luckily, I don't know think they're as bad as we may have thought they would have been at the beginning of this meeting. But on sort of the legislative changes -- and I think there's a sort of consensus that the form-based way of regulating for the development of this site in particular is acceptable, so the amendments to the Comprehensive Plan and the amendments to the Zoning Code. The issues of the site plan and development plan, I think, is where we have the

-- still, perhaps some issues there where we haven't reached the consensus. The cinema, I don't think we're exactly hundred percent clear yet. And on the rooftop restaurant, I think it's clear there was a majority in support, but maybe not unanimity. We're getting close.

Commissioner Lago: You want to take a straw vote in regards to the theater?

Mr. Garcia-Serra: Yeah. I think that would probably be helpful.

Commissioner Keon: When we come back.

Mr. Garcia-Serra: And...

Commissioner Lago: ... Let's wait for the Vice Mayor.

Mr. Garcia-Serra: Right. And there's two issues there: whether we have it, the use, at all and where it's located. I think, certainly, the issue where it's located, we've already decided it's not going to be on that eastern side of the property.

Commissioner Quesada: Is it possible for the second floor retail -- I think -- Mario, I think you mentioned it, that if it didn't work, you guys could convert it to office space.

Mr. Garcia-Serra: Right.

Mayor Cason: Professional offices.

Commissioner Quesada: Professional offices. You know, I think if Coral Gables, I think of -- you know, we used to have a lot of galleries in the past. I try to think about how we can bring that back, the gallery, and we still have -- we still have quite a few. So I had thought about, you know, that for the second floor, but obviously, it's got to make sense. It's got to make sense for everyone. It's got to make for us. It's got to make sense for Merrick Park, Miracle Mile, and it's got to make sense for you guys. Is there a way for the second floor retail -- and I'm just -- I'm

thinking out loud here. You know, maybe putting, again, benchmarks in place or controls in place, you know. If the retail on the second floor is not, you know, leased out within a year, two years, at 75 percent of the rate that it is the first floor, then you guys have an obligation to switch over to office. Again, I'm thinking out loud. This is something that I -- you know, throughout the conversation today along those lines. I know there was something you had alluded to that in the development agreement, but...

Mayor Cason: What does it say now?

Commissioner Quesada:....

Mayor Cason: And time frame for the

Mr. Garcia-Serra: Right now what the standards of operation states is that if there is any inability to...the second floor retail, then we will convert to professional office. That's the... where there is right now, where you're talking about a benchmarks, which, you know, I don't think we're ready to...them today, but we can continue talking about them to figure out what they are and what can work. You know...

Commissioner Quesada: Yeah, because -- I mean -- I guess the -- the biggest concern is to -- if - - you know, obviously, you have your experts, and obviously, you guys have analyzed this for three years. You know, our staff has been looking at it for a long time. You know, we -- we're trying to do everything we can to make something that makes sense for the entire community. But if it doesn't play out as planned so that it can adapt, you know, to meet the market conditions and to meet, you know, the residential conditions, so.

Mayor Cason: You planned to build it in a way that you can easily change the configuration, if you needed to?

Mr. Garcia-Serra: I think the conversion from retail to office should not be an issue. No.

Commissioner Lago: I mean, that's more of a vanilla box. I mean, it's really not that much of an issue. You want to take that -- you want to take a straw vote in regards to the theater?

Commissioner Keon: Right. I'd like it removed.

Commissioner Lago: Ma'am?

Commissioner Keon: I'd like it removed.

Commissioner Lago: You'd like it removed. Sir?

Vice Mayor Kerdyk: Removed.

Mayor Cason: I like it.

Commissioner Lago: I'd like it removed.

Commissioner Quesada: Well, it doesn't matter.

Commissioner Keon: Oh well.

Mayor Cason: All right, that's it.

Commissioner Keon: Remove it.

Mr. Trias: So remove complete?

Commissioner Lago: Yes.

Mr. Garcia-Serra: It won't be any...

Commissioner Keon: No.

Mr. Garcia-Serra: Including the second floor.

Commissioner Quesada: For the record, I like it for the sense of that you look at the Gables Art Cinema and you look at the success that the Gables Art Cinema has had in our community, you know, and they are -- you know, they want more screens. You know, last time I spoke to Steve Crams...

Commissioner Keon: ...like new screens.

Commissioner Quesada: Yeah. They like more because they're -- I think they're one of the top producing independent screens in the country.

Mayor Cason: Yeah.

Commissioner Lago: And we're -- I mean -- and I've met with them on three occasions, and we're working on getting them more screens. But let me tell you why I removed the theater.

Commissioner Quesada: Let me finish my thought for a second. Because it could be a complement. We're not talking Sunset Place. We're not talking Coco Walk. We're not talking -- you know, we're talking about high-end experience. We're talking about -- it's a different event. Again, and I do have the concerns that technology is changing the business plan for movie theaters, but I think it's unique. You know, Commissioner Keon brought something up that I hadn't thought about; you know, having a movie theater in a residential project. I've never heard of that. I haven't. But that doesn't mean it's a bad thing. You know, nowadays at the types of residence that are going to be in this project, I'm very high-end from what we've heard -- you know, there are individuals out there that -- very large homes in Coral Gables and have movie theaters in their homes.

Commissioner Keon: Right.

Commissioner Quesada: You know, they're going to live in a condominium or an apartment complex, but they're not going to be able to put that into their unit, but they go downstairs and there are 40-foot facilities. You can go watch a game down there. You know, you have a meal. You watch some live theater. You go downstairs. I mean, it's a -- you know, it's a community in and of itself there.

Commissioner Keon: Neighbors that have screen rooms in their apartments.

Commissioner Quesada: These are very nice units.

Commissioner Keon: That's what I'm going to hope that you see. I think the difference, though, between the Gables Art Cinema -- what you see is in the Art Cinema is, one, it's on a plaza that opens onto the street. Now -- and they will tell you that they really don't ever want to -- they would hope to never have to move their primary place, even if they got screens elsewhere that you walk to. They would never like to move their primary facility because of the value of that plaza to them, so it -- that is a street -- on-street amenity that has just, you know, really activated that whole -- you know, between the museum and Books & Books and the cinema.

Commissioner Lago: The restaurants.

Commissioner Keon: It has just opened up that whole area. The difference is this is a cinema inside a mall inside a closed space that isn't doing anything to activate anything but provide another amenity...

Mayor Cason: How many square feet...

Commissioner Keon: -- that I don't think is appropriate inside this place.

Mr. Garcia-Serra: The cinema...

Commissioner Keon: That's right there -- there's nothing similar about them at all.

Mr. Trias: Twenty-nine thousand square feet.

Commissioner Keon: So...

Mayor Cason: I think the only difference -- I mean, I agree with you, but I think a lot of the people who use it would be people that are living in their homes there, that are either coming to the -- they're going to eat afterwards. You're going to have people that would be hotel guests.

Commissioner Keon: Well, they're not eating afterwards because the value is that you're eating in there. You're not -- I'd rather go to the cinema, than go to a restaurant afterwards or whatever.

Mayor Cason: But I think -- you're right. I think that...

Commissioner Keon: But that's -- I prefer to see...

Mayor Cason: Well, we voted on it.

Commissioner Lago: I mean, that's pretty much -- pretty clear -- pretty much clear.

Commissioner Keon: OK.

Commissioner Lago: The final point that I have that we haven't discussed, and I was waiting for the Vice Mayor, is the issue -- the issue of the total retail size. Do you want to discuss that or -- because, I mean, right now with the removal of the theater, I think we're -- what was the total square footage?

Mr. Trias: Twenty-four thousand square feet for the theater.

Mayor Cason: Over 300,000 now, right?

Mr. Garcia-Serra: Right now we're probably around 300,000.

Mayor Cason: What was it that the BID (Business Improvement District) asked for? I recall the BID -- it was 300,000 --

Commissioner Keon: Square feet.

Mayor Cason: -- in streetscape. If I recall somewhere, it was roughly 300,000. They were happy with that because it brought up a critical mass of 600,000 to draw new people into the Gables.

Mr. Garcia-Serra: Right. And on the issue of the retail, I think it's very important to take into consideration what the BID's position is. Because imagine, that is their interest. That's what they were looking to protect at one point. We thought they were opposed to the project. They're actually now supportive of it. And the reason for that is that they do believe that the amount of retail that we have here and the type of retail specifically having those two larger spaces serve as book ends of the project that are going to help attract the necessary number of people to the central part of the City so that they're also going to Miracle Mile.

Mayor Cason: What was the original -- when you first started this project, the commercial part?

Mr. Garcia-Serra: You know, that predates me.

Mayor Cason: I think it was 400,000? So you went down to 25 percent?

Mr. Garcia-Serra: It was more, but it was 300...

Mayor Cason: You had discussions with principal owners of the shops on Miracle Mile and the BID about the appropriate amount and...

Mr. Garcia-Serra: Of course.

Mayor Cason: -- I think the BID, in their resolution -- I don't have it in front of me, but was it 300000 that --? Did they give a number that they wanted to... make the critical mass?

Mr. Garcia-Serra: Well, they were in support of the -- they were in support of the plan as proposed right now, which is 324. With the key point also being preservation of those two larger spaces as larger....

Mayor Cason: Right.

Mr. Garcia-Serra:...as larger tenants, along with the streetscape improvements connecting Miracle Mile to Ponce, and some other items there.

Mayor Cason: OK.

Commissioner Keon: What do you think your likelihood is to attract two larger tenants like that? I mean, I -- that's -- I always feel like -- at that point, I'm over-regulating....

Mr. Garcia-Serra: But you know, on that point -- on that case, we're so confident that we're willing to commit to it. Indeed, if you look at the development agreement....

Commissioner Keon: You feel like you can have some tenants to the....

Mr. Garcia-Serra: Yes.

Commissioner Keon: -- retail tenants at that site that would take two stories with the retail.

Mr. Garcia-Serra: Correct.

Mayor Cason: That's not possible on Miracle Mile. I think that's one of the points....

Commissioner Keon: No. That's fine.

Mr. Garcia-Serra: Right.

Mayor Cason: -- Miracle Mile that -- this is something that will -- those two book ends what will bring in a lot of the new customers, hopefully, that will then go to Miracle Mile.

Mr. Garcia-Serra: Correct.

Commissioner Keon: The only retail that I have a real problem with is that retail that's just very deep in your -- you know, deep in your project.

Mr. Garcia-Serra: One thing that I think there is consensus on definitely is changing the entrance of the hotel on the drop-off, so I think that....

Commissioner Keon: But that may...change the retail. So, you know, I'd like to see that come back to us. I mean, I'm willing to move ahead with that...

Mr. Garcia-Serra: Condition.

Commissioner Keon: -- in light of seeing what happens to the retail on that ground floor space with the movement of the hotel entrance and everything else.

Commissioner Quesada: Considering you just heard that -- what the Commissioners who want to move forward with the theater, is it possible to use that space for conference rooms, meeting space? I mean, is there an idea what you guys were thinking for that space; make it office, make it residential?

Mr. Garcia-Serra: Remember, but the removal of the movie theater also addresses the issue of reducing the mass setback and height.

Commissioner Lago: Yeah.

Mr. Garcia-Serra: And so...

Commissioner Lago: And I...

Commissioner Keon: Yes. So I think it's...

Commissioner Lago: That was one of my four points.

Commissioner Keon:...you can maybe add some more open space --

Mayor Cason: Or nothing...

Commissioner Keon:...on the ground floor.

Mayor Cason: Nothing in this...

Mr. Garcia-Serra: And that space is disappearing.

Mayor Cason: And that reduces 57...

Mr. Trias: And the benefit there is really bulk. It's not even the FAR because the square footage is very small. The bulk of that space, it really makes a big difference.

Mr. Garcia-Serra: But on the issue of the hotel conference facilities, there is an ability...what we really need to do is get the hotel operator in on the -- you know, figure out who it's going to be and get him involved in the planning. So, potentially, let's say from 350 go to 400 instead of...

Commissioner Quesada: Yeah. Because I know there's a need for it in downtown Coral Gables. I mean, we have the Hyatt, we have the Colonnade, but there's still a demand for it.

Mr. Garcia-Serra:... committed to a higher number is not being able to go to somebody and say, "Hey, where this project's happening, let's start talking about how you're going to operate the hotel."

Commissioner Lago: Mario, my final point was just the overall square footage of the project. Right now, as of right, this project is allowed to do 1,024,000 square feet of retail. Right now, if you include the removal of the theater and the two floors of restaurant on top of the hotel, what are we looking at in regards to square footage?

Unidentified Speaker: Well, we're not really...

Unidentified Speaker: We didn't take the restaurant.

Commissioner Quesada: We didn't take that up.

Vice Mayor Kerdyk: That's 3.2.

Commissioner Lago: I know. I'm saying -- no, no, we're including it.

Vice Mayor Kerdyk: Oh, including it.

Commissioner Keon: You're including it...

Commissioner Lago: I said excluded the theater but included the...

Commissioner Quesada: And also excluding that tower in the center of the project.

Commissioner Lago: Yeah, yeah, of course. But anything -- the redesign...

Commissioner Keon: The residential tower.

Commissioner Lago:...which includes obviously the step back.

Vice Mayor Kerdyk: It's 55,000 square feet

Commissioner Keon: It's only 55,000.

Mr. Trias: Want me to give you that number right now?

Commissioner Lago: Perfect.

Mr. Trias: When I tell you that number, keep in mind, of course...we also...tremendous...

Commissioner Lago: Of course, obviously...

Mr. Trias:...amount of other...

Commissioner Lago: I understand.

Mr. Trias:....public benefits. You know, that...

Commissioner Lago: I understand.

Mr. Garcia-Serra:....from the project as a result of....

Vice Mayor Kerdyk: It's like 50,000 square feet.

Commissioner Lago: I'm not going to hold you to every single point, but I mean, at the end of the day, we know that that's in flux along with the parking.

Commissioner Keon: As a warning, that it's not a big number.

Mr. McCuvolich: It would be 1.217.

Commissioner Lago: One point two one seven.

Mr. McCuvolich: One nine one.

Commissioner Lago: One point....

Mr. McCuvolich: Two...

Commissioner Lago: One seven.

Mr. McCuvolich:...one seven.

Commissioner Lago: One million two hundred and seventeen thousand square feet.

Mr. McCuvolich: Correct.

Commissioner Lago: All right. My now my final....

Commissioner Keon:....

Commissioner Lago: Now, my final question is this. That is 180,000 square feet above what is permissible as per the Code.

Vice Mayor Kerdyk: Twenty percent, yeah.

Commissioner Lago: How do you feel about that?

Mr. McCuvolich: How do I feel about it?

Commissioner Lago: Yeah. It's...that's my last...that was my last point.

Commissioner Keon: I'd like to see it less. I'd like to...

Commissioner Lago: What makes...

Commissioner Keon: I mean, I'd like to see 100,000 square feet out of that. I mean, I'd like to see it closer to what is right under the Code. But I'm waiting to see what's going to happen with -
- will we lose it? Will we lose square footage with the change in the hotel?

Mr. Trias: Most likely. And I think it's very difficult for you to make a decision without having that plan.

Commissioner Lago: No, I'm just...

Commissioner Keon: I think without a plan, I don't. But what I would like to see, I would like to see it less. I mean, I would like to see it 100,000 square feet less.

Commissioner Lago: The purpose of my statement....

Commissioner Keon: But.....yes.

Commissioner Lago: -- and the reason why I bring it up is because this is -- like I mentioned to you before, slide number 19, Commission options.

Commissioner Keon: Right.

Commissioner Lago: We're obviously moving in that direction.

Vice Mayor Kerdyk: Right.

Commissioner Lago: Either we consider number one, number two, or number three. So the purpose is to give a developer the sufficient grounds that they need to move forward, after waiting close to three years, to present us either in a week, two weeks, whatever staff deems necessary, with a more comprehensive, refined project.

Mr. Leen: Can I make a comment there? If you choose number one, which is the one where it goes to First Reading, we are going to need 40 days approximately to send the Comp Plan amendments up. So this would be come back in May. So there will be time for staff to address these issues, no matter what. Legally required, we can't do it sooner than that type of thing.

Commissioner Lago: Well, again, I was going to give you -- my opinion is, I think that -- I think we should continue it on First Reading, even though I would love nothing more than Vice Mayor Kerdyk to give his final seal...

Vice Mayor Kerdyk: Yeah.

Commissioner Lago:...but I think that the responsible thing to do is to continue it on First Reading, because there's -- we've just gone over probably two dozen items that they need to address before we can give a final approval for -- forget approval; before we can even vote on the issue.

Mayor Cason: Mario.

Commissioner Lago: Because we don't know the actual square footage is.

Mr. Leen: The issue ...

Commissioner Keon: So...

Mr. Leen:...at some point...I'm sorry, Commissioner. I don't mean to interrupt.

Commissioner Keon: No...issues.

Mr. Leen: But at some point, the change becomes so much that, really, you shouldn't redo the -- you should redo the First Reading at some point. I mean, the different project, you should redo the first meeting.

Vice Mayor Kerdyk: We've done that before...

Commissioner Keon: OK. Your option would be two then to continue First Reading to a future date...

Vice Mayor Kerdyk: They're not going to want to do that.

Commissioner Keon:...to allow for major....

Commissioner Lago: Mario, but I want to...

Mayor Cason: Mario.

Commissioner Lago:...but I want to make sure...I don't want a future date.

Vice Mayor Kerdyk: They don't want to do that.

Commissioner Lago: I want to...I need to get a date...I need to get a date, because how can we approve...I can't approve something when I don't know the exact square footage.

Mr. Leen: Can I just...just so you have this advice. The benefit of going...having this go through First Reading and then having it brought back to you -- because it's going to be less.

The project, obviously, it sounds like even if it's approved, will be smaller, so you could do that. You could have it go through. And then come back on Second Reading; then you have a full quasi-judicial hearing again on the revised project, and then you either vote it up or you vote it down or you vote it with modifications. That's a perfectly permissible way to proceed. And a vote on First Reading doesn't mean you approve the project. It means you're allowing it to go to Second Reading.

Mayor Cason: Then you'll have 40 -- at least 40 days to work on the development agreement, work on the...

Mr. Trias: Correct.

Mayor Cason:...architectural changes, all the things that we've been discussing. I mean, I don't see this as a major, major revision. I think this is -- and we've reached some consensus on a number of these issues. This would be...

Commissioner Lago: Vice Mayor, I think...

Vice Mayor Kerdyk: I think...make it a square footage....

Commissioner Quesada: Yeah. Can we talk about the square footage for a second?

Vice Mayor Kerdyk: I mean...

Commissioner Quesada: Because we started that conversation; we sort of digressed a little bit.

Mr. Leen: I don't agree with the slide.

Commissioner Quesada: So...

Mr. Leen: I mean, I don't agree with the slide. Let me just make that clear. I think that you can go to Second Reading on this. I don't think it just has to be a minor revision. I think what's important is that it's -- whatever revision you do, it's still germane, it's still the same project, it's still the same basic layout. It's just smaller. So be...

Commissioner Lago: Well, it's not.

Mr. Leen: So what I think you're saying --

Commissioner Lago: It's not, it's not the same layout. I mean, look at the complete difference in regards to the step back and the...

Commissioner Keon: Hotel.

Commissioner Lago: And the...

Mr. Leen: I meant the streets and the...

Commissioner Lago:...product -- no, I understand that. I mean...

Commissioner Keon: But it still contains the same elements --

Mr. Leen: The basic...

Commissioner Keon:...other than...

Mr. Leen: -- project.

Mayor Cason: Ramon, what's your...in regards to...?

Commissioner Lago: Floor plans are the same in regards to...

Mr. Leen: But what I think what they meant by minor, what I wanted to clarify is, we're talking about material change but to the project itself, so like this could be three different projects or it's a completely -- there's no longer the three towers and maybe it's one. I don't -- I think there may be just -- I don't want to...

Mayor Cason: Semantic.

Mr. Leen:...say what staff meant through the slide, but the way I view number one is a little different than I think it's been talked about.

Mayor Cason: Yeah.

Mr. Leen: I do think you could go to Second Reading on this, even with all these changes that have been mentioned.

Mayor Cason: Ramon, what's your point of view on that?

Commissioner Quesada: Well, I really think the interpretation comes down to our City Attorney, who sat through this meeting. So I mean, I think we should rely on his opinion.

Commissioner Keon: Manager to comment on this too, because it's -- this is all of what staff is going to have to do this, so...

Ms. Swanson-Rivenbark: Regarding...

Commissioner Keon: Operationally.

Cathy Swanson-Rivenbark: -- number one, I believe that staff, including myself, thought that if you were able to make significant advancement in the discussion on this project, that you could, if you wanted to, approve it on First Reading, and charge staff and the applicant to continue to

make further improvements; for example, a desire to continue to reduce the FAR; for example, a desire to increase the ground floor open space. You know, there are pieces that we could continue to work on within that First Reading approval, if that's the direction you wanted to take. So when I reviewed the PowerPoint in advance, that's how I interpreted item number one.

Commissioner Keon: OK. So...

Mayor Cason: Mario.

Commissioner Keon:...if we..

Mr. Leen: And that's how I interpreted too, but -- so if it's -- the way that you're looking at it, though, is by a minor change it means, you know, very small change to the square footage. That's not my interpretation of it. That's not the law, in my view. I do believe you could go -- I just want to make this clear for the record. You don't have to. You could certainly continue; you have that authority. But you could also go to Second Reading on this; it would be appropriate, and it would be an appropriate Second Reading at that point. And then at that point, you could either vote this up or down or with modifications.

Mayor Cason: Or continue.

Mr. Leen: You have the authority to do that.

Commissioner Keon: What is the advantage to -- if we were to approve it on First Reading with the directions that you just talked about, if we were to do that, of what advantage is that to you? What does that give you?

Mr. Garcia-Serra: Let me sort of talk about it in context of each of the items that are before you, because the conversation needs to get a little bit more nuance. I believe there are seven items; some of them are legislative amendments to the comprehensive plan and to the Zoning Code, the site plan approval, the alley vacation, the revocation of the old PAD. You know, I would say,

certainly, that there's consensus on the legislative changes. And if those are approved on First Reading -- it's important, especially for the comprehensive plan amendments to be approved on First Reading, because as Craig mentioned, those have to be transmitted then to the State Department of Economic Opportunity. They need the review on comment and your conversation should be informed by those comments.

Commissioner Keon: After First Reading.

Mr. Garcia-Serra: Correct, correct. The way the First Reading works in that case for those two amendments are, essentially, they're the transmittal to the State agency, and then they'll come back to you for another hearing on Second Reading and final approval and Adoption. The -- or having any discussion. Remember, again, we've come to so much consensus on so many different issues -- it's essentially a site plan, the site plan; and related to that is ... an extent the development agreement, because something affecting the site plan might affect the development agreement. You know, our preference, of course -- and remember, it's sort of to keep us going, too, and to keep this project moving forward, and moving forward in good faith would be a sort of First Reading approval with conditions, so that those conditions need to be addressed prior to Second Reading. And it's understood that, you know, the plan that you have now is the right plan. We want to reconfigure the hotel entrance. You know, those will be sort of the listing of conditions.

Vice Mayor Kerdyk: So you want us voting on the site plan today? Is that what you're saying?

Mr. Garcia-Serra: Well -- you know, of course, I want the site plan to have a positive vote here in some context. So we can even get more nuance than that, OK. We could -- there could be a First Reading with conditions. If there is issues with that -- and we want to come out of here with a good vote, with a stamp of approval, with everybody, you know, being behind this project. Could there also potentially be a sort of vote that is in concept where we're good with -- where you are right now in the direction in which you're going and you need to do X, Y, and Z. But if it -- you know, not call it the First Reading, potentially -- I mean, I think almost at that point, we're talking semantics.

Vice Mayor Kerdyk: Yeah.

Mr. Garcia-Serra: And then the important thing is to communicate, I think, especially to my client to -- who, as you know, has been in the process for a long time, has other communities that have been presented to him, but ... still wants to do this project done. I think we want to see him here. Then we're moving forward.

Vice Mayor Kerdyk: So do you have clear direction on the points that you feel -- that you can -- that you're -- you have clear direction on where you need to go from here?

Mr. Garcia-Serra: Yeah.

Vice Mayor Kerdyk: Like, do you really have direction on the square footage figure?

Mr. Garcia-Serra: Well, definitely the amount that we've proposed to reduce is preferred, you know, that reduced plan that we saw there. Any further reduction that we could realize in floor area as a result of these other changes that have happening, I know would be welcomed, and we're not going to try then to get that space and put it somewhere else, you know, sort of thing.

Vice Mayor Kerdyk: Well, I...

Mr. Garcia-Serra: So that way, when you're dealing with a project this big, who knows? Maybe when we do come back, it is -- instead of the 60,000 figure that we gave you, maybe it is 100, you know, at that point in time.

Vice Mayor Kerdyk: My square footage is different figure.

Mr. Garcia-Serra: Yeah, I know.

Commissioner Keon: What is ...

Mayor Cason: Vice Mayor...

MULTIPLE SPEAKERS

Commissioner Quesada: Let's discuss the square footage a second, Vice Mayor. And I think it's -- I think it's important to look at, you know, the benefits that -- the public benefits.

Vice Mayor Kerdyk: Sure.

Commissioner Quesada: You know, somewhere in the -- all the documents we've received, it said that they have public benefits over \$30 million, which --

Commissioner Lago: Thirty-five.

Mayor Cason: Thirty-five million.

Commissioner Quesada: OK.

Mr. Garcia-Serra: Thirty-six.

Mayor Cason: Thirty- six million.

Commissioner Quesada: I stand corrected.

Mr. Trias: That's on Tab A.

Commissioner Quesada: So -- you know, it's over that amount. I mean, that's over and above and beyond what their -- were required to do, so let's do a breakdown of it. So we have -- in the City of Coral Gables, we have transferred development rights, right? Last time a developer got additional square footage -- and I think they went up to 4.27 -- was the Codina project at 2020...

Unidentified Speaker: Sunset.

Commissioner Quesada: Alcazar. Oh, Sunset did it as well.

Mr. Trias: 2020 Sunset.

Commissioner Quesada: And the last time -- the last time that they traded, I believe it was at \$34 a square foot is what it worked out to. So here it's roughly 180,000 square feet that they're getting additional if -- I divided that by \$30 million, but if you want to put it at 35, 36 -- at 30 minutes [sic], \$172 in additional square foot. So they're paying -- I mean, if you compare -- if you want to do an "apples to apples" that -- what we've done in the past, they're paying significantly more for every square foot. I know you're a very analytical individual. That's why I wanted to you to understand they're really paying for.

Commissioner Lago: Can you go into also a little bit more detail in regards to if this project were located two blocks north, it would be within the CBD, and they would be within their right to have those TDRs (Transfer Development Rights).

Commissioner Quesada: Correct. Yeah. And, obviously, the TDRs apply when you're in the CBD and, obviously, they're just...

Commissioner Lago: And I say that because I want to clarify, you know...

Mayor Cason: Could you run down for the public again what the composition of the 36 million?

Mr. Trias: Sure, of course.

Ms. Swanson-Rivenbark: I'm sorry. Just as clarification, the Tab A that I have has 30 -- a significant number, but it's 31,052,000.

Mr. Trias: That's the correct number.

Commissioner Keon: Right.

Commissioner Keon: You know, and regardless of what that number is -- how high it is, how low it is -- I'm glad that we have it. But you know, I think we've said before that we don't really sell development rights. We need to ensure that we have a sustainable project that is here and lives well in our City for the next 50 years. It was the same as with Aster Development, with Merrick Manor, whatever. It was -- you know, what our responsibility to our residents is to ensure that we have sustainable, good development within our downtown. So I mean, I think it's wonderful that you're going to give that, but it's very nice, the things are good, but you know, there isn't enough money that you could give to me -- you could provide to the City that would influence my vote over the sustainability of a particular project.

Mr. Garcia-Serra: Of course. And our -- and, you know, argument is that this is a great project, and it's a great project because we think that the scale, especially now with the reductions that have been done are appropriate, and combined with that also what we're willing to do to address impacts --

Commissioner Keon: Yeah.

Mr. Garcia-Serra: -- to ensure

Mr. Trias: I'm going to make one correction on that, and that is the Art in Public Places. It's 10 million in their number; it's five million in our numbers, which is the additional, the additional contributions, so that's the discrepancy.

Vice Mayor Kerdyk: OK.

Mr. Garcia-Serra: So if you want, we go down the list, but it's \$2 million for the neighborhood improvements to the east of the project; 200,000 for Santander Avenue, which is to the south;

another 2 million for the neighborhood to the west; two million for the Ponce de Leon streetscape improvements; \$125,000 for University Drive; the Art in Public Places, 5 is what we would normally be required to do; we're committing to 10 million, which is the number that's listed on there; a million and a half for the parks that are going to be on the rooftop area; the big ticket item, or the biggest ticket item is the 17 million for the trolley service; 100,000 for the trolley stop; another 100,000 for the bicycle support facilities; and then the electrical vehicles charging stations are 114,000.

Mr. Leen: Mr. Mayor, before we go -- if there is going to be vote today, before we go to that, I would like a five- to ten-minute recess to meet with special counsel to put all the conditions you mentioned, and also with the Planning & Zoning Director, to put where -- which one it would be -- for example, you -- the Comp Plan amendment, we'd like to make the change to the wording. There's been a couple conditions; we'd like to put those in the site plan. There may be a change to the text of the Zoning Code amendment, for example. We'd like you to -- we can do that in about 10, 15 minutes, but I would like to do that before you vote, so it's very clear. Particularly if we go forward on First Reading, I want whatever your will to be in the documents, and I just need a few minutes to do that.

Mayor Cason: OK. Is 15 minutes enough?

Mr. Leen: Yes.

Mayor Cason: All right.

Commissioner Keon: I just want to know that we have -- that we are comfortable on -- I mean, this is all -- because we would go forward on First Reading. I want to make sure everybody's comfortable on going forward on First Reading. And if you're not, I want -- I'd like to know why so that -- I may agree with you, so tell me why.

Mayor Cason: Anybody not comfortable with --

Commissioner Lago: No, I'm not comfortable.

Commissioner Keon: OK. Tell me why.

Commissioner Lago: Because we haven't discussed square footage, and I need -- and I want to hear from every single one -- every single person on this dais, if they're willing to accept 1,217,000 square feet.

Commissioner Keon: No, I'm not. I've already said that. You know, I'm really looking at the retail. I'd like to see another 100,000 feet -- a hundred thousand...

Commissioner Lago: So you want it to be at 117?

Commissioner Keon: Well, I want to see at least...

Commissioner Lago: See, I'm not going to hold you to a number.

Commissioner Keon: OK, yeah.

Commissioner Lago: I'm not going to hold --

Commissioner Keon: I want to...

Commissioner Lago: I'm not going to hold you...

Commissioner Keon: I want -- particularly with regard to the retail.

Commissioner Lago: So you're willing...

Commissioner Keon: The buildings themselves don't really -- I think are OK. I'm OK with those things.

Commissioner Lago: So your number is \$100,000 at above as -- excuse me -- 100,000 square feet above as of right?

Commissioner Keon: What were we at as of right?

Vice Mayor Kerdyk: Million twenty-four thousand.

Commissioner Lago: One million twenty-four thousand, yes.

Commissioner Keon: And where are we?

Vice Mayor Kerdyk: Million two hundred and seventeen thousand.

Commissioner Lago: Give or take, because the hotel's

Commissioner Keon: No. I would like us to get closer to as of right. Not -- I mean, it doesn't have to be at it, but I'd like us to get closer. I think that's right.

Commissioner Lago: Bill -- Vice Mayor?

Commissioner Keon: Two hundred...

Vice Mayor Kerdyk: I will tell you that I need it to be closer to that number. I mean, that is my number, the main 24,000 square feet.

Commissioner Keon: Right. I....

Vice Mayor Kerdyk: Or close to it.

Commissioner Keon: Yeah. I don't need it as of right, because we have a development agreement and because of the form-based Code.

Commissioner Lago: That's right. And I...

Commissioner Keon: And for those definition different issues.

Commissioner Lago: And I'm flexible...

Commissioner Keon: But I do want it small...

Commissioner Lago: I am...

Commissioner Keon: I do want it less.

Commissioner Lago: Listen, I'm also very flexible...

Commissioner Keon: Yes

Commissioner Lago: And I agree with you.

Commissioner Keon: Yeah.

Commissioner Lago: And I think that the concessions the developer has made...

Commissioner Keon: Yeah.

Commissioner Lago: -- are incredible, and the project they're going to put out is going to be incredible. I'm with you. I just need a little bit smaller project and I don't -- with all due respect to the Vice Mayor, I want this to be a 5-0 vote. I want there to be a unanimous support for this project.

Vice Mayor Kerdyk: No.

Commissioner Lago: I don't want this to be 4-1, 3-2.

Commissioner Keon: Yeah.

Commissioner Lago: I want there to be consensus on this project. It's important for that. And I -- again, I don't want to derail the project for the developer, but if we have to continue this project or hear First Reading again, I'm more than willing. That's how important I think this project is to the future of this City.

Commissioner Keon: I just

Commissioner Lago: We've waited three years for this project. And it's not the developer's fault...

Commissioner Keon: No.

Commissioner Lago: -- as you mentioned so eloquently in your opening remarks. This goes back to our previous City Manager and to a lot of things that occurred, which I feel extremely bad for the developer at this present moment.

Commissioner Keon: Yeah.

Commissioner Lago: So I want to make that sure we -- let's take a 10-minute break. Let the attorneys, you know, confer.

Commissioner Keon: I guess I would be comfortable with it if we didn't have the -- we can't make that decision with regard to the square footage until we see the redesign.

Commissioner Lago: And that's why I'm saying...

Commissioner Keon: I think -- so that's the issue.

Commissioner Lago: And that's why I'm saying, if we vote...

Commissioner Keon: ... let them go...

Commissioner Lago: -- on first -- if we vote on First Reading right now -- let's say we vote, we don't have real changeable numbers. They're still influx.

Commissioner Keon: Right.

Mayor Cason: But can the numbers be worked on ... first and second.

Commissioner Keon: But we would require them before they could come back...

Unidentified Speaker: Yes. It's...

Commissioner Keon: -- and we're going to do it with conditions. And if on Second Reading, we'll continue it.

Mr. Leen: You can have a general condition.

Commissioner Keon: I'll continue it 10 times, if we have to continue it on Second Reading to get to where we want to be.

Mr. Leen: Commissioner, the condition could be that you want it to be less massive, and it could be a more general condition.

Mr. Trias: From my perspective, I think we have received very good input, and we're ready to provide you with a good site plan. From your perspective, you have to be comfortable with that, without the site plan being done. Yes. So clearly, it's going to be smaller, it's going to be less square footage; that's true. But I think that the -- particularly, the redesign of the hotel, if that goes according to plan, that's a big change, but I think it's very positive, and it's likely to result in less square footage, better retail, and probably no second -- viability for a second floor retail anymore.

Mayor Cason: OK.

Mr. Trias: So that's likely to happen.

Mr. Garcia-Serra: I think the break will probably be well advised so Craig and I can talk. I have some ideas maybe about...

Commissioner Keon: OK.

Mayor Cason: Why don't we take a -- we'll take 15 minutes. We'll take 15 minutes

Ms. Swanson-Rivenbark: Excuse me, Mayor. If I can just say one -- two things, though. Can we consider the recommendations that staff has offered you as a part of that language? And secondly, we have put significant constraints on the Art Center and it would be my recommendation, since it was an existing building, that that square footage not count towards the overall calculation?

Commissioner Lago: You know, and I agree where that.

Unidentified Speaker: Oh, OK, that helps.

Commissioner Lago: That helps? Can you hear -- can you hear what ... the City Manager -- the City Manager's brought a very good point, very good point about not including the square footage in the Art Center.

Mr. Leen: But I think that's only -- ... that's only 7,000 square feet.

Commissioner Lago: So that's still -- that still adds up.

Vice Mayor Kerdyk: Am I right or wrong, 7200 square feet?

Ms. Swanson-Rivenbark: We'll find out.

Commissioner Quesada: It's three floors.

Mayor Cason: All right, 15 minutes.

Mr. Garcia-Serra: That'll be part of the discussion.

Note for the Record: Commission in recess.

Mayor Cason: All right, we're back from our recess. I would like to ask the City Attorney to start off the discussion.

Mr. Leen: Thank you, Mr. Mayor. What we have done is staff went downstairs, and also special counsel and myself; we also spoke with the applicant and their counsel, and we went over the different motions that would be made related to each of the items that are before you and put in different conditions and different language to meet the goals and statements that you've made on the record today, in an effort to accomplish your will as a body. I do want to say two things. First, I know there's been some comments about -- and the applicant made these comments, too - - about "well, we want your support on First Reading." I wanted to just make a statement about what that means on First Reading. When you vote for something on First Reading, it does not

mean that you are voting for the project. In fact, you may have serious reservations about the project, and you may want to see substantial change. For example, you may want to see the project become smaller, and many of you have said that today. That does not mean you have to vote against the project on First Reading. You could vote for the project on First Reading, and make a statement on the record about what you would like to see when it comes back before you on Second Reading, and that will be clear. And then on Second Reading, you are not bound to vote the same way you voted on First Reading. In fact, you're supposed to look at the evidence again and then you make an independent determination on Second Reading. And then...

Mayor Cason: We'll also have public comment.

Mr. Leen: Yes, and there'll be a whole other period of public comment, more evidence placed in the record. And at that moment, you will make the vote on Second Reading, which is the final vote on the project. Now, I'm not saying you cannot vote against it on First Reading. I'm not saying that. But what I'm saying is a vote for this on First Reading, is not a vote to approve the project.

City Attorney Leen: I have asked Special Counsel to go point by point through the different motions that would be made by this Commission, if you wish to act on this item now on First Reading with the intent of incorporating all of the different conditions that have been discussed. In addition, in an attempt to make it so that the project is small based on the will of the Commission, as it has been stated today.

Ms. Trevarthen: Thank you through the Chair. You have before you, your agendas that will help us to try to keep things in order. Number 2 is the Comp Plan Map Amendment – I'll wait a moment because it looks like people are scurrying, and I think it's easier if you have it in front of you.

Vice Mayor Kerdyk: So you are going to identify in these amendments and ordinances that what is applicable to like the height, and can you go ahead and go through that process too and FAR and talk a little bit about that.

Ms. Trevarthen: OK. Everybody have what they need?- Alright. So the first item on the agenda for the project is E-2, and what that title refers to is the Comprehensive Plan Map Change. The effect of this ordinance is to rearrange the Comp Plan designations on the project property. All

three are there now, they will be there in the future, they are just moved around. The effect of moving around those Comp Plan designations is to affect the available height.

Vice Mayor Kerdyk: OK. So this is the effect on the height.

Ms. Trevarthen: It does in certain areas of the project.

Vice Mayor Kerdyk: OK.

Mayor Cason: Is that the only issue of those that we discussed covered by this particular...?

Ms. Trevarthen: Yes – because in every other respect your commercial low, mid, and high rise categories are identical. The only thing that varies between them is the height.

Commissioner Quesada: Well this also has to incorporate sort of the straw vote that we took on the massing of that building in the center is going to be gone now. So to be clear this is going to be the map for the height, this Item E-2, and when we vote on it there will be no tall buildings that about the single family homes.

Ms. Trevarthen: And Commissioner Quesada is correct that the proposed site plan is going to have less height than was previously proposed. This change though is just the label on the map, it tells you the maximum envelope, it doesn't tell you this building looks like this and this building looks like that.

Commissioner Quesada: Got it.

Ms. Trevarthen: So based on what we've discussed, we think it's easiest to put those conditions into the later ordinances that are more related to the project itself.

Mayor Cason: So we have a motion on E-2?

Commissioner Keon: I'll make the motion for E-2. Now are there – were there any conditions with regard to E-2 though?

City Attorney Leen: No. There cannot be – This is the Comp Plan – the first two of all the Comp Plan, there are no conditions. There has been a change; there has been an amendment, which is mentioned by Special Counsel.

Vice Mayor Kerdyk: But if you approve this you approve 218 feet in that one location, is what we are saying, OK. Go ahead.

Mayor Cason: So we have Commissioner Keon made the motion. Do we have a second?

Commissioner Quesada: I'll second with conditions that we have incorporated, that we've discussed, but I guess....

Ms. Trevarthen: Let me try to clarify. The 218 is not here, that's in the Comp Plan Text Amendment, which is E-3. All this is doing is moving around high-rise, mid-rise, low-rise, that's all its doing.

Commissioner Lago: I want to put this on the record. I am kind of struggling with this right now and I think we all are because you are telling me that we are voting on something that has to deal with 190.6, but then you are adding 25 feet to it. So if I vote on E-2 am I in favor of allowing the two additional floors to the restaurant?- or am I not allowing it.

Ms. Trevarthen: No.

City Attorney Leen: Let me – ultimately I'll be held responsible for this, so let me make sure....

Commissioner Lago: No, it's not an issue of being responsible....

City Attorney Leen:...The legality of it, so...

Commissioner Lago: This is not an issue of being responsible. I just want to make sure we do this right.

City Attorney Leen: Know exactly what you are voting on. These Comprehensive Plan Amendments do not approve the 190 that extra height, but what it does do though is does permit it, because the Comp Plan is being changed, and now that will be allowed.

Ms. Trevarthen: No. No. No. No. All that this amendment does is change those colors. It doesn't remove the FAR, it doesn't create additional height, it doesn't do any of those other things. It makes red and pink and red...

City Attorney Leen: I was combining E-2 and E-3. The first one is the map change; it's just a map change for the color. The second one – Let's start over. The first one is a map change....

Ms. Trevarthen: That's all I'm talking about.

City Attorney Leen: It's just the map. This doesn't actually change the maximum height. This is something that you could, if you wish Mr. Vice Mayor, vote for and it would not be approving the height.

Commissioner Lago: Alright. OK.

Mayor Cason: City Clerk – the roll.

Vice Mayor Kerdyk

Ms. Trevarthen: Sorry, we have a motion, Mr. Mayor, I didn't hear a second.

City Attorney Leen: It was seconded. It was seconded.

Mayor Cason: City Clerk

Vice Mayor Kerdyk: Yes

Commissioner Lago: Yes

Commissioner Quesada: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 5-0)

Ms. Trevarthen: Now we get to one that's a little more interesting, that's E-3, which is the Text Change to your Comprehensive Plan. If you are following along this is in Tab E of your materials at page E-3, and there is a chart that's out of your Comprehensive Plan that controls your commercial land uses, and this is one where there are going to be some changes. So right now we are making two kinds of changes to your Comp Plan. In the column entitled "Density and Intensity," we are creating that opportunity to do the Form Base PAD Plan instead of FAR. That's not anything that's proposed for change. What's proposed for change is the final column, which is the height column, and what the document currently says in your backup page E-3 on Tab E, is that the heights of certain structures can exceed the applicable maximum to the extent approved by the City for those areas containing only architectural embellishment, that's one category you all agree on or (b) a top floor of one or two-level dining, entertainment, or other similar destination use open to the public, or (c) a top floor containing an activated rooftop. So that sentence, at least one, I think there was a consensus on the Commission to change that, to delete the words, "or other similar destination use". So those five words are coming out of the proposed text change. That affects the high-rise category on page E-3, and it also affects the mid-rise category on page E-4. So that's the first change from what's in your backup. Are there any questions about that change?

Commissioner Keon: Could you say that again. I just found the page.

Ms. Trevarthen: Sure. I'd be happy to. OK. So in the right hand column, you'll see underline text and that's that additional height and (b) was the one that I believe Commissioner Keon, you were the one that flagged the concern, and it says, "Or other similar destination use". So what we would suggest if anyone wants to frame this motion, you could delete the words, "or other similar destination use" and leave everything else alone and that would accomplish that particular concern.

Commissioner Quesada: I'm going to make an amendment to this. As the City Attorney said, it's not for approval, it's to move it to Second Reading, so we can have another public hearing, so we can continue the discussion, but I want staff to take a look at and to meet with the applicant discuss other similar destination to use open to the public, that's Section B that's underlined there, the top floor, additional discussions. I think Commissioner Lago brought up a good point of what happens if the...

Commissioner Keon: I'd like to strike it. I mean we could just strike it and it could be top floor, one or two level for dining and entertainment, and strike the rest.

Commissioner Quesada: Commissioner at this point, I think because it's the first time that, that issue has come up today, I would like to give staff more time to discuss it and maybe we make a note, so when we come back on the Second Reading, that there is a desire to strike that portion of it. I just don't want to cut it off – I want to give them the ability to think of other options, other ideas.

Commissioner Keon: You are right because that's operational and it's not really part of the design.

Commissioner Quesada: And also we thought about that specific portion for about 15 minutes here today, I think give people more time thinking about that there might be a different result. So again, my motion is to move forward to the Second Reading, not to approve, but to move forward to the second hearing, so we could have another public hearing and we can continue to have the discussion.

Mayor Cason: Do we have a second?

Commissioner Keon: I'll second it.

Mayor Cason: Commissioner Quesada made the motion, Commissioner Keon seconds.

City Clerk

Commissioner Lago: No

Commissioner Quesada: Yes

Commissioner Keon: Yes

Vice Mayor Kerdyk: No

Mayor Cason: Yes

(Vote: 3-2)

Mayor Cason: E-4.

Ms. Trevarthen: The next item is E-4, and E-4 is the legislation that creates this Mediterranean Village option within your PAD district; and this is where those more detailed conditions come into play. This should also be looked at in relation to E-5, which is the project itself, and the site plan that's being proposed to be built, and E-7, which is the development agreement that implements those changes. So right now we are going to have a discussion that affects those three items. Starting with E-4, the legislation for the Form Based Code -- We heard a couple of potential conditions, it's up to you whether you want to make them part of the motion. One that was proffered by your applicant, and correct me if I'm wrong Mario, the proffer is to drop the middle residential tower along the south side of Palermo. There is also an offer to drop the cinema use entirely from the project. The third item is the offer to redesign the hotel, so that the entrance is from the south on Malaga rather than from the west on Ponce.

Mayor Cason: Yes.

Commissioner Lago: Yes.

Ms. Trevarthen: The fourth item would be the implications that flow from that. Standing here today we can't really tell you all the redesign that really results from that hotel reorientation. So there is going to be other changes to what that footprint looks like, so I just want to call that out, so you are not surprised so that, that can be implemented properly.

Mayor Cason: But if we vote for these three it would be part of it, at least these three?

Ms. Trevarthen: I'm sorry, I didn't hear you.

Mayor Cason: In other words, if we vote for this today, the tower will be dropped, the movies will be dropped, and the hotel entrance will be changed, and maybe other things...

Ms. Trevarthen: That flow from that.

Mayor Cason: That flow from that can come up in Second Reading.

Ms. Trevarthen: Exactly. That's what we are suggesting would be appropriate conditions beginning with E-4. E-4 does implement the height that is provided by the Comp Plan Text Amendment, we talked about that in great detail. I think everyone clearly understands where that height is. So that is shown within the Form Based Code, you asked me to call out those.

Vice Mayor Kerdyk: So this is another height issue in this one right here?

Ms. Trevarthen: What it does is it shows – it's the whole Form Based Code...

Vice Mayor Kerdyk: OK.

Ms. Trevarthen:...so it makes possible for that building to be tall, just the same way the Comp Plan Text Amendment makes it possible.

Mayor Cason: That's the red dot?

Vice Mayor Kerdyk: Yes, that's the red dot.

Ms. Trevarthen: Red dot – yes – and the 5,000 square foot...in the sky with architecture over it.

Vice Mayor Kerdyk: What is the square footage in this plan – the square footage – yes.

Ms. Trevarthen: Do you want to add to that?

Mr. Trias: The only thing I want to add is that as a result of your input there will be changes, there will be changes in the Form Based Code, the Form Based PAD that make it tighter, and that deals with the buildings on the east side. So there will be some amendments on the legislative aspect of the PAD, and also in the Site Plan, so that's what is expected to happen.

Commissioner Lago: These three ordinances also deal with intensity or...

Ms. Trevarthen: They are the replacement for FAR and so; let me get my tab straight here. Which tab has the Form Based Code in it?- do you recall Ramon?- I think its further back.

City Attorney Leen: Can we have the letter?- it's F?

Ms. Trevarthen: Yes.

City Attorney Leen: OK.

Ms. Trevarthen: I think it helps to just actually see what we are talking about. So you see there is a document in there that's 50 pages long, that is the legislative changes and it's not just text, its drawings, its architectural standards, that's what we are talking about when we are talking about E-4.

Mayor Cason: These are the rules for...

Ms. Trevarthen: The rules for building the project, and so the particular page that relates to the red dot, you know there is an element that accommodates that height, but its 50 pages, so...

Commissioner Lago: But the problem with that is that I won't speak for the Vice Mayor, but you left me basically no option but to vote no. Again, I'm in favor of most of the project, but you've left me no option on these three ordinances, which we are discussing right now, but to vote no, because you keep tying in the red dot with the height.

Commissioner Quesada: Commissioner Lago remember...

Commissioner Lago: I know.

Commissioner Quesada:...what the City Attorney said, we are not approving the project at this vote. We are voting onto move it to Second Reading and another public comment, so that staff can continue the conversation with the applicant. Did I misinterpret that?

City Attorney Leen: That is my view, but Commissioner what – a lot of these issues – I think you are going to be happy when you hear the next one, because all those conditions that you've asked for are being put into the site plan, because that's where we can put them. We can't put a condition on a legislative change.

Commissioner Lago: Before we went to recess, we also discussed square footage, and we haven't finalized that number yet.

Mr. Garcia-Serra: If I could proffer something which I think might help. Right now early with the revised alternative plan that you saw today, we estimated it's a reduction somewhere I think between 50 and 60,000 square feet. There is going to be other revisions that are being done to the entrance and so forth, that are probably going to help us bring down that number too. We can further reduce and we are willing to commit today, if that helps us get to a consensus here that the maximum FAR that we come back with, even though we might not actually be regulated by

FAR, but we are going to use whatever that number results in, that number times the lot area of the building is being the maximum floor area to 4.0 FAR, which brings us down further, which brings us down at least 100,000 square feet just based on raw reduction, and we could potentially have more based on the adjustments that are being made to the entrance and so forth, and other sort of issues that came up.

Commissioner Lago: What's the number Bill?

Vice Mayor Kerdyk: Well 4.0 times 291,000 square feet is 1.188 or something like that, just doing it quickly in my head.

Commissioner Keon: And what would be built by right?- is that 1.1?

Vice Mayor Kerdyk: One point zero eight (1.08), 1.24, I thought it was.

Commissioner Keon: 1.024, so its 100,000.

Vice Mayor Kerdyk: 291,000 square feet times 4, I want to see how close I am, times 4.

Commissioner Quesada: 1164.

Vice Mayor Kerdyk: 1164 – I was off by 28,000.

Mr. Garcia-Serra: We are getting 1171.

Vice Mayor Kerdyk: OK – whatever, 1171.

Commissioner Lago: We also have to add the Art's Building, take the Art Building out, so you are probably around 150.

Vice Mayor Kerdyk: 160.

Commissioner Lago: 160 range.

Ms. Trevarthen: So to be clear what's in your packet, you measure it out you are at 4375. For the first time the applicant is now suggesting there would be a limitation of 4.0 that would apply.

Vice Mayor Kerdyk: You amended...

Ms. Trevarthen: He is offering that as a potential condition of approval of this legislation.

Mayor Cason: And you are trying to get even lower, if you can.

Ms. Trevarthen: To incorporate it into this legislation.

Mr. Garcia-Serra: Well we feel as comfortable saying here today is that reducing just literally chopping out for area from this building we are comfortable going down to 4.0. As a result of the other things you've asked us to do, in all likelihood we'll go even lower, but I can't tell you exactly what that number is right now.

Commissioner Lago: I feel comfortable with that right now. Again, to be 100 percent transparent with you, because like I mentioned before you just heard this. I really think that the number here needs to be close to 1.1, and that's my opinion, and again, I don't know how my colleagues feel. We are here for direction, let's give them direction, let's be honest.

Commissioner Quesada: We all agree with that.

Commissioner Lago: I want to make sure that Bill gives his point.

Commissioner Keon: So that would actually be in the site plan?

City Attorney Leen: He is proffering it as a condition of zoning change which can do, we can't do that, but he can and he's just proffered it.

Vice Mayor Kerdyk: My number was – I was going to come back in and say, listen, this is what I'm willing to do. I'm willing to go from the 1.217 – take off the 7,000, give you 7,000 square feet credit for the 7,200 square foot building that's there, supposedly, and then I was ready to take it down to 12 percent, 10 percent underneath that, which will be about 1.080, close to 1.1.

Commissioner Keon: So 1.1.

Commissioner Lago: Can we meet at 1.1?

Vice Mayor Kerdyk: But I can't vote for this because you know my issue is, unfortunately I'm not going to be sitting here on Second Reading.

Commissioner Keon: So you can vote for it. (Laughter)

Mayor Cason: Alright – do we have a motion on this one, E-4?

Commissioner Keon: With what condition?

City Attorney Leen: With the proffer. Are you accepting the proffer?

Commissioner Quesada: Cutting the project down...

Commissioner Keon: To 1.1.

City Attorney Leen: I would accept the proffer. I recommend you accept the proffer.

Commissioner Quesada:...I guess the amendment would be to cut the project down to the 4.0 FAR for continuing discussion purposes, because again, we are not approving anything here, moving forward – if we are talking about the Form Based Code, flipping through the requisite portions here, I think we also need to mention in the amendment the chopping out of that tall tower that was on, I guess closest to Galiano...

Ms. Trevarthen: That was one of the ones that I recited and I can recap those before the vote.

Commissioner Quesada: Recap it right now and we can incorporate it.

Ms. Trevarthen: Sure. So what we are hearing now is the loss of the middle residential tower along Palermo, the removal of the cinema use from the property, the redesign of the hotel to access vehicular from the south and then all of the design decisions that flow from those three changes that will affect other parts of the project, and that the Form Based Code be revised to have a 4.0 FAR maximum that's what I heard so far.

Mayor Cason:...Ramon?

Mr. Ramon: Yes – what happens is that the Form Based Code is also revised to reflect the changes, so it happens twice, the PAD Code and the site plan.

Ms. Trevarthen: The site plan is next.

City Attorney Leen: But right now you are only going on the legislative change and I want to talk to you a little bit about the site plan before you vote on it.

Commissioner Keon: Can I ask you another question? On this site on the Form Based Code, this is not where you deal with those deep transitions or whatever else that is on the site plan or that's in the Code?

Ms. Trevarthen: This is where the setbacks are determined and what...

Mr. Trias: The....is both – you deal with these both in the PAD regulations, which are Form Based and in the site plan.

Mr. Garcia-Serra: And let me try and state it a little bit more simply I think. We are going to need to revise the Form Base Zoning Code Text Amendment, to be consistent with the agreements that we had today to the changes in the site plan.

Commissioner Keon: OK. Did we discuss the transition from the residential areas?

Commissioner Lago: They showed us a diagram where they revised setback, I don't know if you...

Mr. Garcia-Serra: It's a reduction in height...

Ms. Trevarthen: Do you have those detailed distances?

Commissioner Keon: Do you have the reduction in height behind the townhomes?- was there a deeper transition between the single family and the other buildings, although you reduced the height, but is the transition deeper?

Mr. Garcia-Serra: Let's show you the picture so we are on the same page.

Mr. Trias: What I would advise is that you allow us to work with the applicant in ways consistent with what they have represented in those drawings, which deal with the transition and the setback, but it's not precise enough at this point yet for staff to be able to advise you, so we can be consistent with that.

Mr. Garcia-Serra: Overall height is reduced mass is pushed back.

Commissioner Keon: Right. But I'm also looking at what the transition is, so what actually is the depth of those townhouses are across the alley before you get to those buildings although the buildings are lower, it's more the depth of those.

Ms. Trevarthen: So that would be an addition of the motion for...

Commissioner Keon: I mean, I don't know how to do that. I want to make sure that comes to us and I'm not sure how that's worded.

Mr. Trias: I want to make sure I understand. Is your issue that the depth of the townhouses has to increase?- or are you thinking about the width of the alley being larger, is that what you are saying?

Commissioner Keon: Yes.

Mr. Trias: That's going to be a difficult design challenge, but we can try and look at it.

Commissioner Keon: OK. Thank you.

Mayor Cason: Alright on E-4, can we have a motion?

Commissioner Keon: I'll make the motion with the conditions to – do I need to read the conditions?

City Attorney Leen: Before you begin. On Item E-4, this is the first quasi-judicial item.

Mr. Trevarthen: No, this is legislative.

City Attorney Leen: Oh, it's still E-4?

Ms. Trevarthen: We are doing Form Based Code.

City Attorney Leen: I'm sorry.

Mayor Cason: Commissioner Keon made the motion – second?

Commissioner Keon: With the conditions.

City Attorney Leen: With the conditions that is stated by...

Commissioner Quesada: And cutting down the FAR of the size of the project.

Commissioner Keon: I think I'll read. It's the removal of the residential building on Galiano but it will increase – you've added additional...

Mr. Garcia-Serra: The residential...

Commissioner Keon: To the residential building on Malaga, yes? OK. So it removes the one residential building but adds residential units to the existing one on Malaga; removes the cinema use; and the changes, the redesign of the hotel entrance.

Ms. Trevarthen: And the 4.0 FAR.

Commissioner Keon: And the 4.0 FAR.

City Attorney Leen: Which is being accepted and a proffer.

Commissioner Keon: OK.

Mayor Cason: Do we have a second?

Commissioner Quesada: I'll second.

Mayor Cason: Commissioner Quesada seconds.

City Clerk

Commissioner Quesada: Yes

Commissioner Keon: Yes

Vice Mayor Kerdyk: Yes

Commissioner Lago: Before I vote on this, you are assuring me that this has nothing to do with height.

Ms. Trevarthen: I'm not assuring you of that at all. It implements the height that was created...

Commissioner Lago: Then I vote no. I vote no. I vote yes for everything else, but I can't vote for this, so I vote no.

Mayor Cason: Yes.

(Vote: 4-1)

Mayor Cason: E-6 – E-5, excuse me.

Ms. Trevarthen: E-5 is the site plan and the City Attorney would like to talk to you about it.

City Attorney Leen: Before Susan our Special Counsel reads in the conditions, I just wanted to – we’ve been talking about a lot of legislative items. For purposes of the record, I just wanted to be clear, this is a quasi-judicial item, so the decision you make here, although again it’s on First Reading and whatever vote you do would be for it to go to Second Reading, your vote still needs to be supported by the competent substantial evidence in the record, so you need to think about in making this vote whatever you do needs to be supported by the evidence that you heard, which is the evidence from staff, the evidence you heard at the public hearing, the evidence you heard in answers to questions. This part of the proceeding is based on the record that we’ve been talking about throughout and all the different exhibits and things like that. I just wanted to be clear for the record.

Commissioner Lago: Thank you Craig.

Mayor Cason: So what are we voting on this one?

Ms. Trevarthen: This is the site plan and I would recommend the same things that you did with the Form Based Code, so I can recap those for you. It would be appropriate for a motion to be made that would involve the applicant’s proffer of a 4.0 FAR, the removal of the residential tower in the middle, the removal of the cinema use, the redesign of the hotel, the other design implications of those changes and looking at the setbacks and transition to the east. Those were the things that were covered in the legislative Form Based Code; similarly they should actually be shown in the drawings that are going to be built as the project.

City Attorney Leen: And although the proffer condition related to the Zoning Code Text Amendment, I assume you’d also proffer that as a condition as well.

Mr. Garcia-Serra: 4.0.

City Attorney Leen: So it’s a 4.0 proffer.

Ms. Trevarthen: Any four we are going to rewrite the legislation to incorporate it. Here it’s going to be realized in their drawings.

Commissioner Keon: Now if we in addressing this whole issue of second floor retail, I would ask you to remove second floor retail as a condition of the site plan. Ramon, you had said that you believe that the redesign of the hotel will eliminate second floor retail?

Mr. Trias: Partially, and I think it’s going to enhance the overall retail design....and I think that’s something that I cannot tell you right now yet whether it’s going to be everything you are requesting, because this is not designed, but I think it’s going to be much better; and at some

point the site plan is the document that allows that second story retail or not, this is really the one.

Mayor Cason: So we can vote on next time around, if it's not what we want.

Commissioner Keon: OK. I'm willing to wait to see what the redesign looks like, but I'll tell you on Second Reading I will vote to remove second floor retail.

Mayor Cason: We have a motion?

Commissioner Keon: I'll make the motion.

Mayor Cason: Commissioner Keon makes the motion. Second?

Commissioner Quesada: With the conditions.

Mayor Cason: With the conditions.

Commissioner Quesada: Second.

Mayor Cason: Commissioner Quesada seconds.

City Attorney Leen: Just to confirm. So your motion is with the conditions?

Commissioner Keon: It's with the conditions of removing the residential building, one residential tower.

City Attorney Leen: Everything that was said.

Commissioner Keon: Everything that was in the last...

Ms. Trevarthen: And if I can interrupt before we go forward, I apologize, but what I should have said at the beginning of this one, because this is a site plan is, everything that is in the staff report is recommended by your staff. There are a number of meaningful conditions there that apply, and also the conditions that were suggested in the memo dated today by Ramon Trias and all of the attachments, those are also relevant to the site plan.

Mr. Garcia-Serra: The one thing I would add to that with the acknowledgement that many of those are things that have to be incorporated into the development agreement, so we have to hammer out the details on those.

Mayor Cason: OK.

Commissioner Lago: I'm sorry. I need – Craig, give me a breakdown again. Explain to me again what I'm voting on here.

City Attorney Leen: OK. So you are voting on the site plan. Now the site plan – you've already voted on the legislation...

Commissioner Lago: Yes.

City Attorney Leen: OK – and I understand positive on one and negative on two of them, but you voted on the legislation, that allows – assuming that legislation eventually passes, it allows for this site plan. The site plan though is much more specific – the legislation is pretty specific because that was the purpose of the Form Based PAD, but this is the actual site plan, this is where you are looking at whatever is being suggested or pardon me, proposed by the applicant, what harms could be caused by it and are there supposed to be conditions that can be placed to prevent those harms. Also, this is where you could put conditions and the other ones too, but here you could put, if you felt that there was a harm because of the height, or you felt that there was a harm because of the massing, that's where you could put a condition to address that.

Mayor Cason: So all these conditions...

Commissioner Lago: So basically the height is still in play here, correct?

City Attorney Leen: Oh yes. The height is – in this one more than any of them really, you are approving the height because you are approving the actual plan that will be in place.

Mayor Cason: But we are also approving all of the conditions that you gave us today, plus everything else in this other document here?

City Attorney Leen: Yes.

Ms. Trevarthen: And you are correct that there are numerous conditions affecting what Craig just said in your staff report and in the memo.

City Attorney Leen: And I just want to say, I respect however you would vote on this, I'm obviously neutral to that, but again, even if you have significant reservations what you are basically doing, if this goes past First Reading it allows staff to work with the applicant to come

back on Second Reading with another proposal and you are free, assuming the evidence supports it, you are free to vote no at that time on this project.

Commissioner Keon: Where do we get to the point where we talk about the increased open space?

Mr. Trias: The site plan is the place to do that and to deal with the specifics of the design and the specifics of the location.

Mayor Cason: So when we see this again you are going to come back with new percentages of open space based on all the other things you are going to be doing?

Mr. Garcia-Serra: Right.

Commissioner Keon: I'd like to see is 20 percent open space on the ground floor, can you do that?

Mr. Garcia-Serra: We can work to provide more open space...the direction in which we are going to, there are even pieces of land that we are willing to proffer, you know as open spaces on their own. To commit to a numeric threshold on that issue in particular is very difficult for us right now.

Mr. Trias: The issue is really the quality, also the open space because some of the areas that qualify may not be as...by the applicant may not be good enough from many points of view. The difficulty here is that I expect the site plan is going to change significantly based on your input, so we don't have it yet. Now certainly, we are going to work with the applicant to increase open space to make sure that the retail is according to what you said...

Mayor Cason: Your pocket park idea as well.

Mr. Trias: All of that is work to be done in the next 40 days.

Mr. Garcia-Serra: You might shoot me for, even looking this up right now at this point, but on the issue of height; it sort of bothers me, because I think the height of the hotel is the one thing that is holding us back from...[inaudible]...on all of these items.

Vice Mayor Kerdyk: Well it's probably holding you back for sure from, I think maybe Commissioner Lago, I think I'd like to see the density lowered under 1.1, which is...

Commissioner Lago: Vice Mayor if you had two hours extra we could negotiate. We could probably negotiate the FAR down to a reasonable amount, we could probably get your vote too.

Vice Mayor Kerdyk: Sure. I missed my 3:30.

Commissioner Lago: Don't forget – Listen, my issue now is not only based on height. I made it very clear, is an issue of FAR.

Mr. Garcia-Serra: And maybe what might be best at this point is to understand that we might revisit that issue between First and Second Reading, also.

Vice Mayor Kerdyk: That's a shame because I'm not going to be sitting here.

Mr. Garcia-Serra: I know. I know.

Commissioner Keon: Or the bad choice you make.

Mr. Garcia-Serra: There you go.

[Laughter]

Mr. Garcia-Serra: I think we had the discussion earlier, we wished we could have gone to the 5-0 vote on that, it was 3-2. It is what it is. But let's keep on looking at it, I guess, between First and Second Reading.

Vice Mayor Kerdyk: I think they are ultimately going to get to the point where, if I was sitting up here, I'd probably other than the height, would maybe work, but the fact is that right now we are not there. You want to sit there and proffer something else....

Mr. Garcia-Serra: No. There is only so much time we have in a day. We have to be careful what we try to do here, not knowing what the other consequences are.

Commissioner Keon: I know, but you know the problem is the more you go on, the longer you go, the more confusing it gets.

Commissioner Lago: Commissioner Keon had to ask three times to be told what I'm voting on.

[Laughter]

Mayor Cason: We'll be briefed on it in the next 40 days, as to your progress on all of those issues.

Commissioner Lago: That's a lot of open spaces.

Mr. Trias: Mayor and Commissioners and Vice Mayor, I fully understand the difficulty here and the fact is that you are voting on a site plan that is not before.

Commissioner Keon: That's not before us. Well you know, I think at some point we can have workshops between now and Second Reading, can you do that?

Mr. Trias: We will follow whatever you process you prefer and my recommendation is that we are going to work very hard...

Commissioner Keon: Between First and Second Reading do you have workshops?

City Attorney Leen: I'd rather the Commission be briefed maybe, although even that, it's a quasi-judicial proceeding, and there are parties. It's something we can talk about if that's what you want, but the point I want to make is, you are voting on – I don't mean to correct the Planning and Zoning Director, because I understand practically what he is saying, but you are voting on the site plan before you. What's happening though is a number of, a lot of conditions and amendments are coming in, but the hearing was about that site plan. I just want to be clear about that. What will happen is on Second Reading probably a significantly revised site plan will come in front of you, but it will be smaller, so the impact would be less. So that's why I believe this can go to Second Reading.

Commissioner Keon: OK.

Mayor Cason: Alright. So we had Commissioner Keon made the motion and Commissioner Quesada seconds.

City Clerk

Commissioner Keon: Yes

Vice Mayor Kerdyk: No

Commissioner Lago: No

Commissioner Quesada: Yes

Mayor Cason: Yes

(Vote: 3-2)

Mayor Cason: E-6.

Ms. Trevarthen: E-6 is the alley vacation. This is just a portion of the alley, about 85 feet in length and what it does is it allows for that alley to now access the newly created public access easement. So on this particular vote Craig advised you at the beginning of First Reading on the 25th, that we were treating it as quasi-judicial, although that's not 100 percent clear, and at that time I read into the record the criteria in Section 62-264 of your Code, for an alley vacation, and it's in your backup, so – unless anybody wants a refresher on that, you are free to make a motion on alley vacation.

Vice Mayor Kerdyk: I'll make the motion.

Commissioner Lago: I'll second the motion.

Mayor Cason: Vice Mayor -- Commissioner Lago seconds.

City Clerk

Vice Mayor Kerdyk: Yes

Commissioner Lago: Yes

Commissioner Quesada: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 5-0)

Ms. Trevarthen: The next item is E-7, and that the development agreement, which is very much a work in progress and will be substantially revised at the time you see it again. This is a document that I recommend you should consider including all those same conditions. I will recap them for the sake of the record and the Clerk, but the development agreement touches on all of this in different ways and basically its point is to provide the legal assurances that these things will happen. So the conditions that will go into the rewriting of the development agreement, if you chose to make them in a motion, would be a change to the residential use, I mean the removal of the residential tower, we'll just decide if it changes the wording or not, we don't know yet. We will no longer have a cinema use to refer to; the references to the hotel will reflect the redesign to access from the south; it will reflect the 4.0 FAR that was proffered by the applicant; and it will reflect to the extent that it touches on them any of the other design changes that flow from those recommended conditions. There are a number of items in your staff report in your packet, as well as the memo dated this morning by Ramon Trias, that affect the development agreement as well, so it would be appropriate for those to be part of this motion.

Mayor Cason: So this is basically our contract with the developer, the things that they are going to do that we can actually see in the way of drawings rather than the numerical under the, what was it called...

City Attorney Leen: Euclidian.

Mayor Cason:...Euclidian – and we are also free, based on the public comment in the Second Reading anything else that comes up to add more conditions.

Commissioner Lago: What about the issue of parking on the ground level?- the issue of height?- the issue of what else did we mention?- the step-back for the transition to the residential area?

Mayor Cason: The parking things.

Commissioner Lago: Parking liner?

Mr. Garcia-Serra: Ultimately the development agreement is tied to the approved site plan, so whatever changes happen in the approved site plan happens in the development agreement.

Commissioner Lago: You left me on option.

Commissioner Keon: I'll make the motion.

Mayor Cason: Commissioner Keon makes the motion.

Ms. Trevarthen: I mean to be specific the development agreement doesn't actually address the height, but it does interlink with the site plan.

Commissioner Keon: It interlinks with the site plan.

City Attorney Leen: I guess it needs to be clarified. If you remove the height from the site plan could you still approve the development agreement as it's written?

Ms. Trevarthen: Yes, although it's going to be substantially rewritten, it's not going to be effective on the height.

Commissioner Keon: It's going to be rewritten anyway.

City Attorney Leen: I just want to be clear though because you asked me about which ones relate to the height, this does not approve the height, this particular one.

Commissioner Quesada: And again, as you mentioned at the beginning, this is not an approval, this is to continue the conversation to have another public hearing. This is not a final determination.

City Attorney Leen: This is approval on First Reading not of the project.

Commissioner Quesada: Just like every other vote we've had and the next vote that we are going to have.

Commissioner Keon: This gives them the opportunity to provide us and to come back with what we have directed them to do. It's a good faith offer that they are going to do what we have asked them to do, because we believe that we want to do, enter into an agreement with them to develop this project.

Commissioner Quesada: Correct.

Commissioner Keon: And we can't move it at all unless we deal with this.

Mr. Garcia-Serra: And the most important part of the development agreement remember, is the memorialization of the public benefit and the other proffers that we are doing.

Commissioner Lago: I'll make a motion.

Mayor Cason: You can't, she already made one.

Commissioner Lago: I'll second motion.

Mayor Cason: Commissioner Keon made the motion and Commissioner Lago seconds.

Vice Mayor Kerdyk: Does this have density in – is density...?

City Attorney Leen: No. No.

Commissioner Lago: That's why I second the motion. It neither has issues with height or density.

Mayor Cason: City Clerk

Commissioner Lago: Yes

Commissioner Quesada: Yes

Commissioner Keon: Yes
Vice Mayor Kerdyk: Yes
Mayor Cason: Yes
(Vote: 5-0)

Mayor Cason: And finally E-8.

Ms. Trevarthen: E-8 is an item we haven't talked about much, but it is the action that's required by your Code under the PAD when you have the Old Spanish Village, pre-existing PAD that did not meet all of its timelines. There is a discussion of this in your staff report in your packet. The Code calls for the Manager to report this and to bring it to your attention. She is doing so by that staff report and recommending that of the three options available, which include extending, amending or revoking, she is recommending that that be revoked and that this be a new approval that stands on its own...

Mayor Cason: So it's "housekeeping" in a sense.

Ms. Trevarthen: It is "housekeeping" in a sense.

Vice Mayor Kerdyk: I'll make the motion.

Mayor Cason: Vice Mayor makes the motion.

Commissioner Lago: I second the motion.

Mayor Cason: Commissioner Lago seconds.

City Clerk

Commissioner Quesada: Yes
Commissioner Keon: Yes
Vice Mayor Kerdyk: Yes
Commissioner Lago: Yes
Mayor Cason: Yes
(Vote: 5-0)

Mayor Cason: I want to thank you. This was a long meeting but I think it was very productive. I'm looking forward to you working constructively with our staff to come back, having listened to our concerns, try to get the square footage down, try to work the other issues that concerned us

in 40 days and at that time we'll have another public hearing and a chance to hear further comments on it.

Mr. Garcia-Serra: We'll come back with the new and improved site plan, which will be acceptable and I'm hoping acceptable to everyone.

Mayor Cason: Anybody want to say anything?

Commissioner Keon: More open space and no second floor retail.

Mr. Garcia-Serra: That's what we are working towards.

City Attorney Leen: And just a reminder to the public, there will be a full public hearing on Second Reading, that's when the Commission will make their final decision on this matter.

Ms. Trevarthen: And that will be advertised, the date for that has not yet been set, but it will be advertised.

Vice Mayor Kerdyk: I think it would be appropriate to thank the developer, thank you Susan also, our staff who has worked tireless in trying to get this ready for this hearing and I thank you very much for all you've done, I mean each one of you have spent a lot of time getting this ready.

Commissioner Keon: And I would really like to commend our Manager for bringing us back together and getting this done.

Mayor Cason: That staff report was very helpful for us to organize our thoughts to work...

City Manager Swanson-Rivenbark: They all came together and worked as a team.

Commissioner Lago: And I also want to recognize Ramon who did an incredible job and staff has really worked hard, and I commend them for doing this under such tight constraints.

Vice Mayor Kerdyk: What makes Coral Gables special.

Commissioner Lago: And this is your last...

Mayor Cason: No, he'll be here on the 17th. We are bringing boxes of tissue for that particular meeting.

Commissioner Keon: I would also like to tell you all what a pleasure you are to work with.

Mr. Garcia-Serra: Many thanks to everyone for your efforts; it's not every City Commission that sits here the whole day. Thank you – appreciate it.

Mayor Cason: With that we are adjourned.

[End: 4:28:18 p.m.]