

City of Coral Gables City Commission Meeting
Agenda Items E-3 through E-5 are related
May 12, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Planning and Zoning Director, Ramon Trias

Public Speaker(s)

Mario Garcia-Serra, Representing the Applicant, Coral Gables Luxury LLC
Alejandro Gonzalez, Arquitectonica
Elizabeth Plater-Zyberk
Tim Plummer, Tim Plummer and Associates
George Navarro

Agenda Items E-3 through E-5 are related [11:33:12 a.m.]

E-3: Zoning Code Text Change. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Division 2, "Overlay and Special Purpose Districts" Section 4-201, "Mixed Use District (MXD)," to allow for proposed mixed use projects located within a designated Mixed Use Overlay District (MXOD) with an underlying zoning designation of Industrial District (I), subject to City Commission approval, the following: 1) up to an additional twenty (20) feet of habitable building height above the one hundred (100) foot maximum permitted building height for the purpose of increased floor-to-ceiling height and

aesthetics; and 2) increase the maximum permitted height of non-habitable architectural features based on the aesthetics and design; providing for a repealer provision, severability clause, codification and providing for an effective date. (PZB Vote 7-0, recommended approval)

E-4: Ordinance of the City Commission of Coral Gable requesting vacation of a public alleyway pursuant to Zoning Code, Article 3, Division 12, “Abandonment and Vacations” and City Code Chapter 62, Article 8, “Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process,” providing for the vacation of the thirty (30) foot wide alley which bisects the entire length of the block, and the dedication of a public cross-block easement on the property legally described as all of Block 3, Industrial Section, Coral Gables, Florida; providing for a severability clause, repealer provision, codification and providing for an effective date. (PZB Vote 7-0, recommended approval).

E-5: The following resolution for mixed use site plan review is provided for reference and not for consideration at this time. This resolution shall be included with the above ordinances, E-3 through E-5, on Second Reading, if the ordinances are approved on First Reading. Mixed Use Site Plan Review. A resolution of the City Commission of Coral Gables requesting mixed use site plan review and conditional use review pursuant to Zoning Code Article 4, Division 2, “Mixed Use District (MXD),” for the construction of a mixed use project referred to as “The Collection Residences,” on the property legally described as all of Block 3 and the public alleyway, Industrial Section (multiple street addresses), Coral Gables, Florida, including required conditions and providing for an effective date. (PZB Vote: 7-0, recommended approval with conditions).

Mayor Cason: Moving onto Items E-3 through E-5, which are related.

City Manager Swanson-Rivenbark: And as Ramon comes forward. E-3 and E-4 are going to be considered today and E-5 is a preview that if you move forward this item that would be brought on by resolution at the next meeting when Second Reading would be occurring.

City Attorney Leen: Mr. Mayor, I will read these into the record. Item E-3 is a Zoning Code Text Change. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, “Zoning Districts,” Division 2, “Overlay and Special Purpose Districts” Section 4-201, “Mixed Use District (MXD),” to allow for proposed mixed use projects located within a designated Mixed Use Overlay District (MXOD) with an underlying zoning designation of Industrial District (I), subject to City Commission approval, the following: 1) up to an additional twenty (20) feet of

habitable building height above the one hundred (100) foot maximum permitted building height for the purpose of increased floor-to-ceiling height and aesthetics; and 2) increase the maximum permitted height of non-habitable architectural features based on the aesthetics and design; providing for a repealer provision, severability clause, codification and providing for an effective date. There is a Planning and Zoning Board vote 7-0, recommended approval. Item E-4 is related to Item E-3, it's an Alley Vacation. It's an Ordinance of the City Commission of Coral Gables requesting vacation of a public alleyway pursuant to Zoning Code, Article 3, Division 12, "Abandonment and Vacations" and City Code Chapter 62, Article 8, "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process," providing for the vacation of the thirty (30) foot wide alley which bisects the entire length of the block, and the dedication of a public cross-block easement on the property legally described as all of Block 3, Industrial Section, Coral Gables, Florida; providing for a severability clause, repealer provision, codification and providing for an effective date. This was a Planning and Zoning Board vote again, 7-0, recommending approval. Lastly, and this is not before you today for a vote, but it's being read into the record. Item E-5, this will come before you at the next meeting, depending on how you act on First Reading, as the City Manager said, it's a mixed use site plan review. A resolution of the City Commission of Coral Gables requesting mixed use site plan review and conditional use review pursuant to Zoning Code Article 4, Division 2, "Mixed Use District (MXD)," for the construction of a mixed use project referred to as "The Collection Residences," on the property legally described as all of Block 3 and the public alleyway, Industrial Section (multiple street addresses), Coral Gables, Florida, including required conditions and providing for an effective date. This also received a Planning and Zoning vote of 7-0, recommending approval with conditions. All of these items will be discussed, will be consolidated for purposes of the public hearing, except that Item E-5, again is not being considered today. One other point, Item E-3 is a legislative item; Item E-5 is a quasi-judicial item, so a lot of the issues you may bring up related to potential harms or anything like that really should be raised next time. This is for the legislative change and also for the alley vacation. As the Planning and Zoning Director is going to inform you, there are conditions you can impose in relation to the alley vacation and he will discuss that.

Mayor Cason: Ramon.

Mr. Trias: Thank you. Mayor, Vice Mayor, Commissioners, I have a PowerPoint if I can have it - -- thank you very much. The project before you is The Collection Residences and it is located in a block that is bound by Bird Road on the north, Altara on the south, Aurora on the east, and Sunset on the west, so it's the whole block. Now the existing conditions is that there is an alley through the middle and that alley, the request is to vacate that alley to be able to do a mixed-use project that encompasses the whole block. The zoning and the land use allow for the mixed use already; the request before you in terms of the zoning text change is not a rezoning, the zoning is

already in place, but what it is, is a change on the height, the maximum height that will be allowed in that particular area. As you can see the block is right within the industrial area, which has developed through the years as a mixed used district and is becoming more and more fully developed, and it's an infill site within that parcel surrounded by mixed use buildings, and the proposed project, which is showing a rendering here in the center of the image, follow the massing of the buildings around and the existing zoning requirements. So that is why along Bird Road it's not a....because there is a requirement that there can only be 45 feet of height or space on that point, and there is nothing taller in the rest of the area, which is what the Zoning Code allows currently. The site information is 2.8 acres, the requested...is 3.5, and the height of the lower area is 45 feet of half double space, and 66 feet to the decorative elements, and that is one of the things that is being requested in the text change, a slightly higher decorative area in that area. Then in the apartment site of the block, the height is 115; currently the maximum height is 100, so what the zoning text is requiring is an additional 20 feet to be able to have higher ceiling, so I'll explain it in more detail, if needed, but that's basically the request. One hundred and twelve (112) units, residential units, then in the ground level of the residential building the full ground level is live-work units, except the corner, the two corner lots which are retail, then the area fronting Bird Road is commercial. There is parking in excess of what the Code requires, 168 parking spaces. And the architecture of the project is designed to create a very high quality....environment, so you can see how long Bird Road – there is an arcade that is very nicely proportioned at the scale of the width of that major road, and the base of the building is very clearly defined throughout. Along Altara, as you can see the design motif continues and then there is a decorative element in the center, which is again, a little bit taller than what is currently allowed and that's part of the request before you in terms of the zoning text. The east elevation very similar to the west elevation, and then the north elevation along Bird Road, as you can see has the arcade and the commercial businesses right along the road, the sidewalk. So the applicant is requesting three things, two of which you are going to act on today, and the third one is the site plan, which you will act on during the next meeting. The first item is the Zoning Code Text Amendment, which allows additional habitable height, which is about 20 feet, up to 20 feet, they requested a little less in this proposal, and then additional height for the developments. The second request is the alley vacation, and in that discussion I think you will have an opportunity to see what the public benefits that are being provided are and whether or not you are in agreement with those. Then we have the Mixed Use Site Plan, as I said before, is here before you in this document that you received. This is the site plan prepared by the applicant, all the information is here, and is one of the two documents that were provided for you by staff. The actual Text Amendment is here in this image, and as I said before, is 20 extra feet of half double space, but with some additional conditions, like for example, a maximum number of stories of ten, which is what's allowed now. In the past, the Code had a discussion of maximum number of stories that was taken out at some point, I think around 2007 or 08 (sic: 2008), so at this point the only regulation that takes place is additional height is the actual feet.

So that is why in this amendment, the proposal is to include a maximum number of stories in order to make it impossible to gain more density or more units. So that is the proposal of the applicant and I think it achieves the goals of the City. This will be something that is up to you to approve of course, and it will have to be designed in a way that is appropriate in terms of aesthetics and in terms of compatibility with the area. The second aspect of this amendment is an additional height for the decorative elements. Right now if the elements are within the – you can only do 25 feet in one area of the site and 10 feet in the area of the site that is closer to the residential neighborhood, which is Bird Road. So that limits the ability to enhance the aesthetics of the building, and the applicant is requesting additional height for both. In the area that is within the industrial area that is not affected by the residential, that height is capped at 190, at the discretion of the Commission, and that is what the applicant has requested. In terms of the before and the after diagram, we can see in this image that the current MX the overlay height standards are showing on the top and the proposed are shown on the bottom and they are very similar, as you can see there is not a huge difference, but you can see it's a little bit taller at the very top in the decorative areas on both ends and then the additional habitable height also makes a slight difference in terms of the dimensions. Those ideas are based on the samples of major in architecture that we have throughout the City, that I mentioned the Code, the fact that the decorative elements of City Hall, for example, are very significant in terms of the proportions compared to the overall design of City Hall. If you look at the tower and that is comparing the way that the composition of one building is compared to the proposed composition, as an example.

Vice Mayor Quesada: No, no, that's in our Code and I go back to the Allen Morris project, I always forget, 121 or 150 Alhambra – 121 Alhambra that the height that they have, the architectural height is – its one-third, I'm not saying the actual number, I think it's...

Mr. Trias: 298.

Vice Mayor Quesada: 298, something like that, but the architectural height is one-third the height of the habitable area, correct?

Mr. Trias: In the Central Business District – yes.

Vice Mayor Quesada: But I'm saying using his as an example.

Mr. Trias: Exactly.

Vice Mayor Quesada: Alright.

Mr. Trias: So that's a lot already in the Central Business District, here the proposal is to allow a little bit more decorative area, height rather in the industrial district, that is what the concept is. The alley vacation, the second request – right now there is an alley down the middle up and down the block and it's 30 feet wide, so it's wider than a typical alley. What the applicant is proposing is an easement that runs across the block and that has been incorporated into the design and you'll be able to review it...

Mayor Cason: So in other words, the originally alley was in case you had a whole bunch of different people, buildings on both sides, so it makes sense to get to the back.

Mr. Trias: Right.

Mayor Cason: This is all owned by one, by the applicant, so they are saying there is no need for it, they want to put it a different way.

Mr. Trias: Right.

Mayor Cason: OK.

Mr. Trias: So currently what this configuration provides is a paseo for pedestrians, access for the parking garages, access for the back area, the commercial area of their project. It works better from the point of view of the development than the existing alley, so that is why the applicant is requesting that; and in the context of that vacation, I think that you will see that Planning and Zoning makes some recommendations in terms of a contribution for public space. In addition to that, there are some traffic enhancements, mostly pedestrian enhancements that are being proffered by the applicant to enhance the overall function of the area, and those I hope those conditions and those recommendations will be discussed by you as a Commission. And then finally, the site plan, if you have any additional questions I'd be happy to answer, but basically what it is, is it's very compatible with the district and if you look at the actual ground level plan, you can see the easement, you can see the activity that is proposed for the ground level and you can see the enhancements on the sidewalks and the pedestrian areas. As any other project, it has been reviewed by the DRC (Development Review Committee), the Board of Architects, the alley vacation was reviewed individually also by the Development Review Committee, there was the required neighborhood information meeting; the Board of Architects approved the Mediterranean bonus, which is requested, and then the Planning and Zoning also reviewed it and recommended approval. Staff finds that the standards of review are satisfied and recommending approval with a variety of conditions and we can go over in some detail, perhaps after the presentation by the applicant. Thank you.

Mayor Cason: Why don't we have the applicant – Mario?

Mr. Garcia-Serra: Good morning Mr. Mayor, Commissioners, Mario Garcia-Serra with offices at 600 Brickell Avenue, representing Coral Gables Luxury LLC, the owner of the City block, which is bounded by Bird Road on the north, Altara Avenue on the south, Salzedo Street on the west and Aurora Street on the east. Shortly, we'll bring up an aerial photograph of the property so you can get better oriented as to where it is, but it's immediately to the west of the Collection office building on the corner of Ponce and Bird Road. The developer entity of this project, there's a partnership of two of Miami's most distinguished real estate developers, the Collection Group and the Shoma Group; they are represented today by their principals Ugo Colombo, Masoud Shojae, Anibal Duarte, and Art Murphy. Between these gentlemen they are responsible for some of Miami-Dade's most prominent real estate and iconic projects. Similarly, this project's design is a product of collaboration between two of the most distinguished architectural firms in the world, both of which have local roots. Arquitectonica and Duany Plater-Zyberk, represented here today by Alejandro Gonzalez and Liz Plater-Zyberk. So let me tell you about what this impressive team proposes to do. As you know, the Collection Car Dealership located immediately to the east of the project site has a well-earned reputation for the most prestigious and successful dealership in the country, the luxury car brand. The Collection Residences wants to realize that same level of quality and standard for condominium residences. Just as ultra-luxury cars are available at the Collection Car Dealership, ultra luxury residences will be what distinguishes the Collection Residences. The size of the residential units range from 2,000 square feet to over 6,000 square feet and will be designed in such a manner and quality so as to be truly luxury homes in the sky. It's important to note that this project is not maximizing its permitted density. The site which is an entire City block, which you can see now in the aerial photograph, which was just brought up, would be entitled to approximately 350 residential units, but only 126 residential units are proposed. What is being maximized here is luxury and quality, not density. In order to accomplish this project three different approvals are necessary – a mixed use site plan approval, which is not actually scheduled for a vote today, but it's on your agenda for discussion purposes; a vacation and closing of the alley, which bisects the block north/south; and an amendment to the mixed use zoning regulations, so as to permit an increase overall height only for the purposes of increasing the floor to ceiling height of units and specifically prohibiting any increase in density or floor area as a result of that increase. We'll make a presentation regarding each of these requests in that order and I would ask Alejandro and Liz now to present the project and Alejandro will discuss the floor plans and Liz the elevation and rendering.

Mr. Alejandro Gonzalez: Good afternoon, Alejandro Gonzalez with Arquitectonica. So as you've already heard, as mentioned before, this project encompasses a block, the streets of Bird Road, Aurora to the east, Altara to the south, and Salzedo to the west. This is an overview showing a view from above, this shows us the roof plan and an amenity deck. The ground floor consists

primarily of commercial, retail and there is also live/work units, as well as lobbies that access the residences. Along the front of Bird Road we have two large tenants, the east and west sides of the property are lined with live/work units, and the south portion of the property is a combination of retail anchoring the corner, and a residential entry, a single residential entry to the complex to the south.

Mayor Cason: Explain live/work.

Mr. Gonzalez: Sure, let me do that. So the way that the live/work functions are we have living space and work space on...and there are two-story units. The first level is a combination of living and work space, the work space being dedicated for some work usage. It could be a small office or small retail component intended for the person that's going to be occupying the live component as well, and then the bedrooms and so forth are on the second level.

Commissioner Lago: What would the parking be for those units?

Mr. Gonzalez: The parking for those units would be on the third level, and I'll explain how all of that is connected, and how they would have access to their units and so forth.

Commissioner Lago: The reason why I ask is because I'm intrigued by the live/work, I think it's a great idea, especially for this area because I think there are two existing projects that are about a block away from there where you see that the commercial component the developer chosen has not really thrived so much, due to the fact that it's a little further away from Merrick Park, it's a little bit closer to Bird Road, so you see that those, I think live/work would be – the second component will be a little more user-friendly.

Mr. Gonzalez: Yes. The intent here – there are a few ways that people can access this, whether you are living in the live/work and working from there or whether you are visiting or you are coming to one of these businesses. Obviously, the intent – they all have a front door off of the street and you'll see that in some of the renderings that we'll show. So the intention is for really people to walk in and access this from the front door and there is a porch and so forth. There is on-street parking that we've maintained adjacent to those units, so somebody potentially that's coming here if they are not already walking in the area, which we are trying to encourage, they could potentially park on the street, and then as you know we have quite a bit of parking within the project. For the residents of the live/work and the person working there, they would have direct access from the garage into the live/work unit. So while the traffic and the pedestrian is encouraged to go through the front door on the street as well as the owner, the owners also have private access from inside of the residential building. So from the lobbies these guys also have access and directly from the garage.

Commissioner Slesnick: And you are saying the parking is directly across from those units on that – upstairs?

Mr. Gonzalez: Yes. If you look to the east and to the west on both sides...

Vice Mayor Quesada: If you don't mind, if you can grab the portable mick and point it, because your red marker is not working.

Mr. Gonzalez: Sure. So right here – these are the live/work units that line Aurora and Salzedo Street and directly adjacent to those we have on-street parking that could potentially be used to access these units directly, and as we go through the rest of the building and I show you how the building functions, egress and ingress, while we are here, so the block is also divided, as we mentioned earlier, the previous alley, which was connecting many owners was oriented in this direction to be able to service. Now that this one project, one block, having the access in this direction actually facilitates a lot of traffic and pedestrian movement, because rather than having a big block that's blocking somebody was walking across, now they have the opportunity to bisect the block this way. We've included a paseo and a public easement in order to facilitate that. So we are allowing traffic, public traffic, this is a public easement, both pedestrian and vehicular traffic cross block. From there we are also accessing the garage for the residential components – over here from this area as well, we have access to commercial parking; and from the interior here we have access to commercial parking as well, which is below grade. So just below this, as you guys know, there is a basement of parking for the mixed use.

Mayor Cason: Is this all going to be no rentals, is that correct?- you are going to sell these?

Mr. Gonzalez: Condominiums. Yes, that's right. So here is the lobby that supports the residential component. Each of the units, as Mario mentioned, these are larger kind of upscale units, they all have private elevator lobbies to those units. This is the drop-off, which has been internalized into kind of a court, and that's the lobby for the residential. As you know, fronting Bird Road, we have an arcade and similar elements on both sides of the retail. This is the third level – we are actually lining the garages with units, so a good portion of that is actually where the tower encompasses the block, which again is setback actually significantly more than required, setback 200 feet from the property line. We have liner units as well. This shows you the access from the ground level to the garage. We also have direct access to this section of it, which would likely be used for commercial, and also for relocating some of the on-street parking.

Vice Mayor Quesada: I'm looking at – actually in front of you I have the traffic study by Tim Plummer, I'm looking at that access that you are discussing now. I guess, I seem to be satisfied

with this, but I just want to confirm, verbalize it. If there is any kind of stacking that's going to occur coming into the project, obviously in condo projects you don't see it as often, but if there would be any kind of stacking there is a significant amount that can be done within the project itself, am I correct?- is that a correct assumption? I'm just basing it off of Tim, what I've read in your study here of what I'm seeing.

Mr. Tim Plummer: Absolutely – and probably what's not showing in that study, we did a supplemental analysis, the City asked us to do a queuing analysis for the drop-off areas and we've done all that for the valet attendants and making sure there is adequate storage and there is.

Vice Mayor Quesada: The biggest concern I have in that neighborhood is there are so many projects coming to the east of it on the City of Miami side, and obviously we are seeing a lot of movement around Merrick Park as all the traffic and I think we are all suffering a little bit right now because of the construction they are doing on Bird Road on the City of Miami side outside of our control, and I just want to make sure that when this project is built, or a version of this project is built at that location, that any additional traffic we are stacking, which is the biggest problem that we see in this area is within the property, so it's not affecting the other thoroughfares.

Mr. Plummer: Absolutely – we analyzed all that.

Commissioner Lago: How many parking spaces are required as per Code in reference to this project?

Mr. Gonzalez: Required is 380.

Commissioner Lago: And what are the amounts you are providing?

Mr. Gonzalez: We are roughly at 500.

Commissioner Lago: One of the interesting things that if you see the cover they provided here, which makes me very happy just on an aesthetic reason deals with the fact that you mentioned before the issue of the liners. I think that the building looks incredibly beautiful and it really is aesthetically pleasing when you are hiding the parking garage, and you are hiding it behind those live/work town homes. It gives it a good touch; it gives it a good feel.

Mr. Gonzalez: Going back to your question before, the live/work would be parking in this area coming into a vestibule taking this down and then getting to their live/work units on grade. So

we can go onto the next level now. This shows – so there are two levels of garage and two levels of liner units. This is the fifth level, which is the amenity deck. You can see here how the tower setbacks significantly about 200 feet to the property line. That gives us the opportunity to have a deck along the front facing the residential area. This is the first level of the tower units and amenity portion of the project.

Mayor Cason: That's all restricted to the owners?

Mr. Gonzalez: Yes.

Mayor Cason: OK.

Commissioner Keon: Can you go back to the first floor, the underground floor, up in your paseo. Is there retail along the paseo?- or what is that along the paseo?

Mr. Gonzalez: Yes, there is some retail along the paseo, but the bulk of the pedestrian paseo is actually, it's a colonnade and we have some imagery of that.

Commissioner Keon: OK – and it's a road – I mean so cars and pedestrians could both cut through at that point?

Mr. Gonzalez: It can, but they are separated from one another.

Commissioner Keon:....there are two large commercial spaces.

Mr. Gonzalez: Yes, that's correct.

Commissioner Keon: And....small spaces.

Mr. Gonzalez: At this stage...

Commissioner Keon:...you are looking at two large spaces.

Mr. Gonzalez: Certainly there is some flexibility, but right now we are looking at it this way. There is enough frontage – it's possible that this is the intent currently.

Commissioner Keon: OK. You know I really – we are dealing with other projects in the City where people are building and looking at...I really need to compliment you on activating the street and really being part of the urban community, and not creating a project onto itself. I think

it's a really nice project and I hope that other developers that come through the City will follow that lead. Thank you.

Mayor Cason: How many people do you think will be living in this development?

Mr. Gonzalez: There are 126 units, so...

Mayor Cason: So 300 adults.

Mr. Gonzalez: Yes.

Commissioner Keon: Thank you. That's all.

Mr. Gonzalez: So we'll continue with the recommendations.

Ms. Liz Plater-Zyberk: Thank you. Liz Plater-Zyberk, DPZ Partners. You've already had, I think, a good explanation of the elevations, but I'll just point to a few things. This is the arcade facing Bird Road with the commercial space behind and entry points under the pavilions which rise above, a little bit above the pool deck height. Throughout the building has looked wherever possible to historical precedence in the City in terms of proportions and some of the detailing, and so you will see the arches, for instances are double circles, it's a kind of proportion that comes off the Biltmore Hotel, for instance; and then thereafter the balcony doors and the windows work with the height of the apartments. There is a tall floor to ceiling height, taller than normal because these are larger apartments and so that's being taken out for instance with the... You can also see that the balconies go in as well as come out, so there is a texture to the building, although it is a large building, it has long facades. There is quite a bit of effort to reportion your perception of it, including with the four-story, what is elsewhere four-story based, the attic of the so-called attic of the building being marked with moldings, and then I'll speak about the tallest part when you go to the south elevation. Next please. So the south, which is the main residential entry does have retail, two-story retail portion on the corners, which faces the retail across the street, across Altara, and above that has apartments which are lining the parking garage, concealing the parking garage behind. This is the amenity space, which is also two stories tall – because of the scale of the building, the proportion of things became very important. The amenity space started out when the building grew from its prior smaller unit version to this version. It was a one-story space; we realized that it really needed to be two-stories just because of the overall proportioning system. The decorative element at the top is concealing, of course large mechanical equipment. For the most part, the lower walls are doing that and then the small top most building we've studied from how you might be able to see it from the streets surrounding, because at first when you get immediately below the building, the

things that are high up begin to disappear, so there's been a great deal of work done to try to keep that in some proportion, so that it can be seen from below. As pointed out before, there is a four-story base at the building, which proceeds around it; the live/work are two-stories and then there are two-stories of liner buildings, and then these are the through apartments above. In both cases in the south corners, we bring those towers down. We are always trying to balance vertical expression as well as the horizontality of the building, of the building as-a-whole. The arches in front of the commercial in the northern part of the east and west elevations have the glass forward. The arcade is only on the north side, but it follows that theme follows through to these elevations; and then the two automobile entries and the pedestrian entry are given a great deal of kind of breathing space, and decorative surrounds on both the east and the west side. Do we have a west?- yes, so this one similarly is very similar, and in both cases you know the floor plans go the full length of the building. These are small reveals that just attempt to repropportion the building so that it would appear to have towers on the corners even though it's really the floor plan straight through. I think it's no more than a foot deep, but enough for a shadow. So you've seen this aerial which shows where the tall part of the building begins relative to the lower front. Next. From the south side, the massing -- from the pool deck, looking down on the pool deck, the amenity space behind, and the live/work. Each one has a small front porch and a bay window, and the bay window has a planter in front of it, so these are intending to be flexible in their use. I was just in Abaco in West Palm Beach where I noted that the live/works that were built there in the last five to ten years are very similar to these, in fact have quite a variety. Some people actually use them for work space, a small lower office or some kind of office; other people use them that first floor entirely as residential, and so it's very flexible in that sense. And the view from Bird Road showing the ground floor commercial with the arcade out front and the visibility into the store on the west side. And finally, on the south side the automobile and pedestrian entry to the residences is where the automobiles coming in on the right, turning around and coming out on the left, and the pedestrian entry in the center. I think that's it. Thank you.

Vice Mayor Quesada: I've got a few questions, and I don't know if it's for Ms. Plater-Zyberk or Mario or who. A few thoughts though. And I think Mario it's partly for you as well. I guess I have three questions. Number one, why do you guys think you should be entitled to additional height, aesthetically here? I think I've heard a little bit, but I guess I want sort of a direct response to that, number one. Number two is, I feel like what's happening on Bird Road, it's out of our control because it's in the City of Miami, we are almost creating a hallway on Bird Road, which I don't like. Again, it's outside the City of Coral Gables, beyond our control, but that's sort of happening as you are getting closer toward U.S.-1 on Bird. I think maybe this is something; this last comment is I guess is for staff, it's for us up here. When you walk through Merrick Park, when you are walking around anywhere in our downtown, it's so hot down here, and I don't know if it's something that we should just require more trees moving forward. When you look at what Cooper Robertson has proposed for us for Miracle Mile, I think we are all very

excited we saw the implementation of so many different trees; and it's just something that sticks out, again, it's not toward the applicant at this time; this is for us to think about more. Maybe in the future we require more oak trees or more shade trees throughout all these projects, and I think about I don't live too far from this location and we actually walk, my wife and I to Merrick Park quite a bit for breakfast or lunch or dinner, and in the middle of the day it gets really hot and having palm trees just isn't enough, and there aren't enough awnings. So something moving forward, if we can think about implementing more shade trees whereas these projects come in. I would like to see more greenery. I appreciate what Ms. Plater-Zyberk, what you guys put up there, it's sort of like a couple strolling down the street, so you sort of get the impact. To me that was helpful for me, that illustration, because it almost creates like a buffer when it's not a buffer, because it almost felt like a row home, that's the illustration I'm talking about, something we've seen in the area just west of City Hall, there are some nice row home projects that we've seen come in. It creates that feel and I appreciate the planners, the greenery. Coral Gables, I think we've really learned more of our downtown identity, working with Cooper Robertson and it's a downtown environment downtown, and park feel at the same time. So, I guess Mario if you can just address for me, why you guys think you are entitled to that additional height? -why we should do that?-number one; and number two is, how is this not creating more of that hallway feeling?- which I don't think any of us like. This illustration helps me a little bit, but if you can just directly address those points.

Mr. Garcia-Serra: Sure. On the issue of height, we've been emphasizing since the start of this project the ultra-luxury quality of this project, in other words these are going to be units that you haven't seen yet in the City of Coral Gables, as far as size, condominium unit and quality of unit and project that's being provided and part of that is the floor to ceiling height within each unit. Right now in the Mixed Use District you can do a 100 linear feet of height, which usually means 10 floors, 10 stories of actual space. With those dimensions in mind, that usually yields a 9-foot floor to ceiling height. By going up an extra 20 feet of overall height, or in this case 15, the Code amendment will permit 20, but we are only using 15 of that 20. It will permit us to have a floor to ceiling height that's closer to 12 feet, so of course, as all of you know, just from visiting different homes and so forth, the higher the floor to ceiling height, the more enjoyable the space it is, the more the space it is, the better quality of the space it generally is. So it's important to also keep in mind that the Code amendment will permit this increase in height subject number one to your discretion, but also subject to certain criteria and those criteria are that that additional height cannot be utilized for any additional floor area or any additional density, it has to be truly for the purpose of increasing floor to ceiling height within a unit. So again, the increase in height, but this height isn't used to increase the density or the floor area, but to increase the quality of the unit that is being provided.

Vice Mayor Quesada: So let me stop you right there, just stay on that item. I think, my opinion, although I'm not sure and this question is for Commissioner Slesnick and Keon. You live in, I think one of the nicest residential buildings in the City, you are either 60 or 10 Edgewater, are the heights in the units they are much higher...

Commissioner Keon: They are huge.

Vice Mayor Quesada: Your ceiling is more than 10 feet or 12, or the average one in those units?

Commissioner Keon: Yes. Yes. Mine are just over 10 feet in what is considered a penthouse. The difference is that they are a foot higher. So it is a higher ceiling in almost all residential units is more luxurious. The part that's really interesting is that if you go to Manhattan and you are in the City, a lot of the pre-war buildings have 12-14-foot ceilings, and command a much higher price than some of the others that were built afterwards, that can have 9-foot ceilings, 8-foot ceilings, whatever. It's that sense of volume that you get when you walk into a room with those high ceilings. It will make for far more expensive units, so I think the question is for us and the City, do we balance that need for like Gables Ponce?- which are rental units, because they are in that same district, they can increase their density, they are smaller units, they really are targeted for students, young professionals, that are maybe single, that are starting out and this gives you the opportunity to actually expand the mix of people and types of people that would be living in that area, which is kind of nice. It creates a more, much more dimension to a neighborhood, to see that combination of small, maybe students, small young people starting out, whatever, other people that are actually could easily accommodate a family. I'm surprised that we've been hearing now in Miami, when I lived in New York lots of families lived in apartments. You don't see that a lot, you didn't see that a lot here in Miami. I'm seeing it where I live that there are more and more families because of the size of the families that are living in these units, and so I think it really adds a great deal of interest to that community. It's very clearly a community of interest because its surrounded by some major streets, so it's not – it doesn't sit in the middle of the City, it's a very clearly demarcated area within our City, and bringing what I think they are brave to do this, to bring this high quality, expensive real estate project into an area that doesn't have it, although it's beautiful and certainly could live well off of Merrick Park, which needs a little help, they are next door to probably the highest performing car dealership in, I don't know, the southern part of the states. I like what it does to that community, I mean that's why it will talk again about planning studies for other sections of the City, it's so that you don't have just all the same use and all the same stuff concentrated in one area, because in economic times, you know things change and whatever, and I think it gives some real sustainability to that neighborhood. I think it's a great project.

Vice Mayor Quesada: Now Commissioner Slesnick, we would always ask these questions to Vice Mayor Kerdyk, because he was our resident real estate expert, so you're the resident real estate expert now.

Commissioner Slesnick: But you also know, I tend to agree with Bill on height restrictions and so forth, and following the current Zoning Codes and so forth and not getting additional height. We just came back from the University of Virginia over this weekend, and Thomas Jefferson built all of his original buildings in the University of Virginia on the lawn with 12-foot ceilings, and we stayed in one of the pavilions, and it certainly makes a difference having a 12-foot ceiling instead of an 8 ½ foot ceiling.

Vice Mayor Quesada: Is that sufficient in what we have in the City have you seen in your experience for condos?

Commissioner Slesnick: For condos, no – lower ceilings by far...

Vice Mayor Quesada: Lower – 8 or 9-foot?

Commissioner Slesnick: Yes. Or 8 ½. So the volume, having the volume certainly makes any ground feel more luxurious and we have a historic home, and we have 9 or 10-foot ceilings in our homes, we have smaller rooms, but it just feels so much larger. So again, I'm against raising the height restriction, raising the height on most of these, but I find this project very interesting. First of all, it's in an industrial area, but it's a very well done project and having expensive condos in that area certainly would benefit Merrick Park, and again adds diversity to the neighborhood that Pat's talking about. We also need as a residential realtor larger units in Coral Gables because we have so many people downsizing from much more expensive properties that want more than a two or three bedroom, more than a two bedroom unit, and again having the volume and the space there makes it feel more comfortable for them, instead of just moving into an ordinary condominium, there is really a shortage in Coral Gables. My favorite part of this project though is the work space units, I think that's very unique and I'd like to see that in almost every new project coming on board, if that could be accommodated.

Mr. Garcia-Serra: You know on the issue of height, it's important to look at this graphic also, because you have to look at the existing as-built situation in the neighborhood, and the Collection Office Building to our east actually was granted a variance for height; and so if you look at the top of the Collection Building, if you go to the top of slab there, you'll see it's indicated at 117, which is actually two feet higher or a foot and-a-half higher than what we are proposing at 115 and-a-half. Similarly, with the architectural feature, we are higher than they are, but we are in the same neighborhood there on 147, we are at 175 feet in height, and of course we are a very small portion of the building which is an architectural feature. It was meant to try to be done a proportion to the rest of the building. This issue of the live-work units is very interesting that both you and Commissioner Lago pointed that out and I think it sort of speaks to the effort of this developer has made. It's been probably about a two-year process that they've been

developing the project, and you look around town and as Commissioner Lago said, there are a lot of retail spaces that are empty right now, not being utilized. So they saw that, they said, we don't want to be in that situation, unlike many other developers who say, OK, we have to put it, let's just put a retail space and let's move forward, and they are taking something of a risk here because it's somewhat of an untested product also, let try out these little work units. No one else has, let's try them out and let's see if they work.

Mayor Cason: The purchasing part of the people that are going to move in there should be quite high, and I would think that would help revitalize a lot of the struggling retail that's in that area that's not doing so well because of lack of people with money.

Mr. Garcia-Serra: Yes, it's a critical mass.

Commissioner Lago: Well Mayor what you have mentioned before, to my understanding, I'm not a hundred percent sure, but this developer has also done some row homes in the City which have been a great success, not only because of the design, but also the fact that they are at a great location and the product has sold out quickly. Let me tell you why, again like Commissioner Slesnick, I'm a little bit hesitant in regards to the height issue, but I've been alleviated because of certain things in regards to the project. You know Vice Mayor Quesada mentioned the issue of congestion and Bird Road kind of being a corridor with intensive amount of traffic and there is a lot of build-up in the City of Miami area, and what I'm really intrigued about the fact that the developer here is really going quality versus quantity, and I think that, that is something that we can't underestimate and we can't just overlook that. This developer is going to build 126 units when they could have built 380, correct?

Mr. Garcia-Serra: Correct.

Commissioner Lago: 380 – I mean that is a significant move, due to the fact that it will alleviate congestion in an area, which we are seeing a lot of development coming now, a lot of as-of-right development. They are not asking for an increase in the intensity, intensity staying the same, but actually having a reduction in density. So to me when I look at the height and I see what they are requesting in reference to just making the units a lot more pleasant like what Commissioner Slesnick has stated, the volume is going to be there. I'm leaning toward allowing this, because I think that this is going to bring a completely different feel to an area with those live-work units, it's really going to bring a different spark to an area, which I think is in dire need of it, especially with Merrick Park there and a few different things that are going on. So I'm leaning toward approving this, because I think it's just the right thing for an area which could really use it.

Mayor Cason: Also, isn't the idea to limit this text change only to this area?

Mr. Garcia-Serra: Right. There is also, if you go back one slide. It only applies to the northern, the mixed use industrial area, which is the area indicated by the red dotted line in that aerial map, so it would be our site and then I've also indicated in hash markings where are the potential sites that aren't developed already or that are underdeveloped and could potentially be consolidated, and that's what's indicated in the black hashing. So it's our site and three others that could potentially utilize this increased height provision, but it would be subject to your discretion of course, and subject to that criteria, which I discussed about, which means no increase in density, no increase in floor area, and aesthetically has to be subject to your approval.

Commissioner Slesnick: Can we go back to the live-work unit slide?

Mr. Garcia-Serra: OK.

Commissioner Lago: Can I ask you a quick question also?

Mr. Garcia-Serra: Sure.

Commissioner Lago: Just to keep it on deck until we discuss the live-work. Did the developer at any point consider maybe a certain portion or the whole project being LEED?- was that ever brought up?

Mr. Garcia-Serra: Being LEED – I'm sure we are incorporating some LEED principle in the project; you can speak more to that.

Commissioner Lago: I know there are some additional costs associated with having, potentially going after a LEED project. It's always a question that I ask.

Unknown Speaker: At this point the project is not pursuing any kind of LEED certification. Clearly we are using a lot of environmental strategies, but we are not pursuing a LEED certification.

Mr. Trias: If I could make a point. The....will be dealt with next meeting, so if you want to direct staff to have that conversation with the applicant, we could certainly have it. At this point that decision is not going to be made by the Commission's approval of the site plan.

Mayor Cason: What's the anticipated cost of the whole project?

Mr. Garcia-Serra: Construction cost are up around, I believe its – hard cost of construction is about \$122 million.

Mayor Cason: And have you thought yet about art in public places what you have in mind?

Mr. Garcia-Serra: Well, we are possibly incorporating some freezes on the entry façade of the residential tower, but in all likelihood with the vast majority of the art in public places contribution would be a monetary contribution.

Mr. Trias: The discussions that we've had with the applicant are similar to what you approved for 2020 Salzedo earlier today, a freeze at the entrance, and that would be my recommendation for some portion of that Art in Public Places.

Mayor Cason: Let's go back to the work...

Commissioner Slesnick: As part of the Art in Public Places, it's just the quality of the design in the front of these units. I'm really impressed. It looks like row houses and they are not row houses, and I love the trees. I notice they are all palm trunks and there are more of deciduous trees showing in that picture and I do agree with Vice Mayor, with Commissioner Lago more shade along some of these streets.

Mr. Trias: If I could add. There is shade in every....the problem is when there is parking and then there is only so much room, so that's what you are seeing there.

Commissioner Lago: But if I could just interject what Commissioner Slesnick is saying. I think that it may not be this project, but it may be in the future, maybe we still have time. It may be a great idea, like what Commissioner Quesada was saying, the rendering shows palm trees, maybe we can get away from palm trees.

Mr. Trias: Yes.

Commissioner Lago: Maybe we can urge the developer for the developer to say, look let's go oaks, let's go --- again, more trees, shaded trees would be an incredible option.

Mr. Trias: And Commissioner that is the direction we are taking every project. When you see a palm tree, it's because there is no room literally in that location typically, otherwise you would see an oak tree; and then keep in mind that in some cases you have an arcade like on Bird Road that provides shade, so the building also provides shade, and then in combination with the landscape you can see the overall picture. So all those issues are discussed in great detail.

Commissioner Lago: There is so much asphalt out there.

Vice Mayor Quesada:....feel likes a part at the same time.

Commissioner Lago: You know all these terms, the SRI values, the solar reflective index, this is crazy how hot it is out there at 10:30am in the morning, not even 12 o'clock, so anything we can do in the near future just to start setting the trend, that's why I keep mentioning about LEED projects, I'm going to keep mentioning it on every single project. I'm going to try to push developers to head in that direction because it just makes sense as-a-whole, because if they do it, the neighboring project will do it, the neighboring project will do it, and it will just be a domino effect. Just the fact that they have that paseo going through, I mean I think it was Commissioner Keon that mentioned or Slesnick that mentioned it, that's just going to be an added touch for the residents that live there – that live-work feel is going to bring people walking around the neighborhood, it's going to be people visiting Merrick Park. If they really do put too nice, and they don't cut it up, they put two nice tenants, say like a market that they were showing, it's going to be a completely different feel for that area, which right now is pretty much a 7/11.

Mr. Garcia-Serra: On each of those points, the industry is following that direction and that lead, because each project now is incorporating more environmental green sort of engineering. You are seeing live-work, this is the first project that comes to you with it, but there are going to be a few more coming in the future, which also going to introducing live-work, because they want to activate the street, have more movement going on around there. Reach that critical mass where retail can sort of survive on its own and you are also looking, the developers themselves wanting to do more shade trees, because they realize...

Commissioner Lago: Let me one thing again. I'm a realtor, I don't practice as a realtor, I leave that up to Commissioner Slesnick, but I think she can probably attest to the fact that when someone is coming to spend high-end dollars on a project like this, which would probably be the best project the City of Coral Gables have seen in some time, a lot more and more people are looking for that type of sustainability in their projects, or that finish level that has to do with – that comes with a LEED accredited project.

Commissioner Slesnick: And is it because of the parking spaces that you can't put oak trees there?

Mr. Trias: What I said was, when you have a sidewalk and the corners where there is a bump-out, you can have a very nice oak tree. However when you have on-street parking, there is no

room, so we look at all those details and Brook from the Public Works Department advises us on the right species, so it's a case-by-case design process. So that's what typically happens.

Commissioner Slesnick: OK – and back to parking. How many spots are we losing on the street?- are we are picking them up in the garage?

Mr. Trias: Yes. One of the conditions of approval that you will deal with next time is that they are replacing the lost parking with 42 additional spaces.

Commissioner Slesnick: In the garage?

Mr. Trias: Yes.

City Manager Swanson-Rivenbark: Which the Parking Department will coordinate with you, they've been working closely with. I just need to interject on the issue of Art in Public Places. It is a separate conversation, and so the idea of how it will be resolved it does not come from the Planning Department, it comes from an established procedure, so we just want to be careful with the enthusiasm as it relates to those solutions.

Mayor Cason: Where are we with the discussion over what the City is going to get for vacating the alley?- is that for next time?

Mr. Trias: No, no, that's for today and next time, First and Second Reading. So certainly you can have the discussion right now if you want.

Commissioner Slesnick: But you haven't gotten to the alley vacation yet?

Mr. Garcia-Serra: No, not yet.

Commissioner Keon: The other issue I'd like to make sure we address is on the first floor of your unit of the building, you have two large areas that are retail areas that have glass fronts, is that right?

Mr. Garcia-Serra: Right.

Commissioner Keon: I really want to see also as we move forward, we have building sites leases that are on the streets, that they are not allowed to cover up those windows, you know that's one of the things that I find probably the most unattractive element of the corner of Douglas and the Mile is that you have a department store there, that has all of the windows blocked off by shades

so that you can pack more retail, I guess, and more racks in there, and it makes for a very, very, very unattractive walking experience along those streets. So I would like to, I don't know how we require that, but I'd like to see us require that, that where there are open expanses of glass, that they have to remain open, so that you can look into, you can see into the buildings and you are not against some sort of a curtained wall, although it may be glass. So I don't know how we require that, but I'd like to see it required, and I'd like to see as part of our work on the Mile that we also require that along the Mile, that change.

Mr. Trias: Commissioner the Code requires that the glass be open, however it doesn't deal very clearly with the area behind it for displays, so probably we need some more precise direction in the Code.

Commissioner Keon: OK. Will you look into that and come to us with that, but I would like to see it applied to this project.

Commissioner Slesnick: I agree with Commissioner Keon, especially when she was discussing the Agave Mediterranean Project. It makes such a difference when you can walk or drive by and at least sees something in the window.

Commissioner Keon: Yes.

Mayor Cason: Don't you have in mind on one of those for automobiles?

Mr. Garcia-Serra: It's a possible use, but we don't necessarily have a tenant lined up already, but the issue of having the glass...

Commissioner Keon: It's certainly nice to look at...

Mr. Garcia-Serra: It's a nice thing to put on the...

Commissioner Keon: Particularly that's a wonderful walking space now where they have the Collection where you walk by and look at the cars and whatever in there; it makes for a really nice walking area, as opposed to someplace that covers them up, so that they can find alternative uses for that interior space.

Mr. Trias: If I can follow up on Commissioner Slesnick's comment. In the Mediterranean Village the PAD regulations speak of that, speak of the transparency of the store fronts and so on, so...

Commissioner Keon: OK. We should look into moving that to the rest of our Code too, outside of just this project.

Mr. Garcia-Serra: And in our case, of course if we are showing glass we intend for it to be seen through and to have things on display, you know not for it to ever be covered up.

Vice Mayor Quesada: We have provisions in our Code that don't allow office space or office type uses on the first floor for that reason.

Commissioner Keon: I know, but we have other spaces where, although that is actually what's happened....

Vice Mayor Quesada: I don't know what the provision calls for in this geographic location, but I know other locations.

Commissioner Keon: In this location I think it's taken care of with the overlay, some of the requirements in the overlay they can act differently than other parts of the City.

Mr. Garcia-Serra: Commissioner Quesada had one more question which I'll address and then I'll head onto the alley vacation. I'm talking about the Bird Road corridor essentially and how...left over in the City of Miami.

Vice Mayor Quesada: Building hallway.

Mr. Garcia-Serra: There is a big difference between how City of Coral Gables regulates things and how the City of Miami regulates things, and there is even a difference with this project. In the City of Miami you are pretty much required to go out to the property line for your first eight stories and then at the eight stories you have to set back 20 feet, which isn't too much of a setback at all, and that sort of creates that condo canyon, sort of feel that you've probably heard before. Here in Coral Gables along Bird Road, your bottom 45 feet can go up to the property line, but above that height in this location, you have to be set back 100 feet, and in our case we are setting back 200 feet. So when they were pushing back that tower as much as we could, so that it doesn't have that enclosing effect along Bird Road and it creates great amenities that are also for the residents as far as the amount of space that's out there around there in the pool area.

Mayor Cason: Why don't we talk about E-4 then, and then we have at least one person from the public would like to participate.

Mr. Garcia-Serra: So we go to the alley vacation section now. As you can see, this is the alley that bisects the block north/south, its 30 feet in width, as Ramon mentioned. Historically, has been used to access the various different buildings that are on the block, as well as for parking. Now that the property is being considered, has been consolidated under one ownership and the proposal's to have one project there, it doesn't serve the purposes anymore of either access to several different buildings, or a need to have parking in the alley. So what we are proposing to do?-in the next slide, this shows the alley and its size is about 16,050 square feet – next one. What we are proposing to do, you can see in this plan here, which is to have the paseo and driveway that runs east/west through the project, to provide both vehicle and pedestrian access there and to indeed provide a public easement over that side, so that the general public can use it either for vehicle or pedestrian access as well as emergency services, if ever necessary, and it's not going to be your standard run of the mill paseo. If you go to the next slide you'll see this is the pedestrian only section of that cut through, through the building that goes in between the lanes of traffic and provides pretty ample sidewalk, benches, other sort of pedestrian improvements around there, so as to create a pedestrian experience which is going to be pretty enjoyable, being able to be shaded from the sun and the various elements and also having access to the retail that's on the north end of the building. So aside from this facility we are proposing as part of the alley vacation, go to the next slide, we are also proposing a series of pedestrian safety improvements in the area, totaling about \$85,000, which Tim could speak in more detail too, if you'd like, but it involves enhancing crosswalks, having walking signals, all those sorts of things, so as to better improve the situation right now, which as you know school is opening up or letting out, Coral Gables High in particular, there are a lot of people walking around in this neighborhood. What we have also proffered in connection with the Planning and Zoning Board recommendation, we went to Planning and Zoning Board and they recommended approval of all of these requests by vote of 7-0, that also said that we should do something to try to enhance ground floor open space in the area. And so we kicked around several ideas, but what we have right now proffered and it could be part of the discussion today is a \$50,000 contribution toward the City to be used for enhancements of ground floor open space, and specifically suggesting The Underline, which is the project I'm sure many of you have heard about, the proposed pedestrian and bicycle path improvements under the Metro Rail guideway from the Brickell Station all the way down to the Dadeland South Station, which of course runs, a significant portion of it runs through the City. There you'll see the portion of The Underline that's directly south, not directly, but south of our project, as well as before and after, before pictures and after renderings of the sort of improvements that are being proposed for The Underline area. So with that said, that's basically the three things that we are requesting and Planning and Zoning Board, every Board that has looked at this project actually has recommended approval unanimously, and I ask that you follow those recommendations as well as staff's recommendation.

Mayor Cason: Ramon you had something else you want to say?

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Agenda Items E-3 thru E-5 are related – Zoning Code Text Change;

Alley Vacation; Mixed Use Site Plan Review ("The Collection Residences")

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Mr. Trias: Yes. As far as the contribution for public space, the applicant, staff and Meg Daley met about The Underline, and as you well know, many of you have been working on this project, there is no design yet, so this is simply a cash contribution that the City will be able to use toward that project whenever that project is more clearly defined. Right now the applicant is proposing a \$50,000 contribution; Leonard Roberts from our staff has reviewed this and is recommending a contribution of \$385,000.

Commissioner Slesnick: How much?

Mr. Trias: \$385,000, that's his review. So at this point it's really up to you to make a recommendation and then perhaps by the Second Reading, we can be ready to make that final...

Commissioner Slesnick: Ramon, do you have an appraisal for the value of the alley?

Mr. Trias: I would prefer that – is Leonard here?- he can speak on that.

City Attorney Leen: I would like to add something here before this information is given. You can certainly hear the appraisal, but the law is clear, that we can't just sell the alleyway, so we can't just say well, this is the appraised value, pay us for it. What we can do, and the law is also clear on this, and I've given a City Attorney opinion to this effect as well, the Code allows us to consider a mitigation plan and it allows us to consider the harm to the public from the loss of the alleyway, and also the increase intensity that will occur because its being used to enhance this project, and in that respect you can request that you can either accept the proffer or you can decide not to approve the vacation, if you do not believe that what is offered is sufficient and the things you should consider is there a contribution that can be provided to a park, to an open space, as is being proposed, is that contribution sufficient?- and in deciding that you should certainly consider the appraised value, but what can happen is that we just say, OK that's how much it's going to cost and we go to the highest bidder, we are not allowed to do that.

City Manager Swanson-Rivenbark: And I just want to point out in the staff report that there is a recognition that rather than hold up the project and prevent it from coming to First Reading with a Second Reading being required, that staff would also continue the discussion with the developer between First and Second Reading, and we've had very friendly discussions so far.

City Attorney Leen: And I'd like to read into the record the standard you'll be considering. What it says is, "the vacation or abandonment will provide a material public benefit in terms of promoting the desired development and approves the City's long term fiscal condition and the applicant provides beneficial mitigation in the form of a proffered mitigation plan, which

mitigates the loss of real property, the increase in the intensity of use and/or impacts on the public health, safety, and welfare, including increased parking and traffic.” So you are considering all of that when you consider their plan.

Mayor Cason: What’s the net loss of alleyway between the two projects?

Commissioner Lago: Its around 16,000 square feet.

Mr. Trias: 16,000 square feet – yes, which includes also parking, on-street parking.

Commissioner Keon: I think that there was – I think that I heard at one point with the development of The Underline that they anticipated a cost per mile or cost per some linear space to develop, and I don’t really remember what that was, but I would think it would be maybe rather than just a number of \$50,000, you know maybe you could look at what would be that space that goes through Coral Gables it’s kind of where this overlay district is, whatever the link of that is along The Underline, you know maybe you could consider that as a contribution, but I don’t know what that number is.

City Manager Swanson-Rivenbark: Commissioner just so you know, I didn’t hear it from Meg Daley, but I had heard it from someone else that it’s estimated at about \$10 million per mile.

Commissioner Keon: So maybe there is a small portion of that, that we can look at that is in our City that’s affected by that and it could be as opposed to just a number, it could be relative to what the cost to develop that might be, and you know there could be some portion of that. I know they are looking at developing some hubs along there that you could sponsor one of those hubs or one of those things, certainly could bare your name or whatever else, that could be for a later date, but the cost of whatever your contribution, maybe it could be in line with that sort of a thing. It’s a wonderful project, I think it will really bring a lot to the City, the developers and the people that work on this have been good citizens and good residents and good people, and I’m sure that they would want to contribute to that linear park that will only make it better. So I’m sure that you will work that out and that they would be most generous.

Mr. Garcia-Serra: That’s definitely how we feel.

Commissioner Keon: Can I ask you one more question about this? I’m looking at, I think it’s 26, the loading zones in the places where you will service this project, is it all within the project so that you are not parking trucks on the streets to load/unload and to service?- and particularly because you have a market there and markets and those sorts of things require some large trucks

and bays and things to be able to service a project, and like waste management to pick up your trash and whatever, where is that?- how is that being taken care of within the project?

Mr. Gonzalez: So all of the loading is going to be done within the boundary of the project, it's all internalized.

Commissioner Keon: It is all internalized?

Mr. Gonzalez: It's all internalized.

Commissioner Keon: It's kind of hard to tell from this drawing exactly how you are doing that.

Mr. Gonzalez: So for the residential and the garbage and so forth, all of that's happening here, directly accessible from this easement, and then with respect to the market, or some other potential tenant here, the only thing that's occurring on the street is maneuvering.

Commissioner Keon: OK. So I see you have a loading bay that is significant and big enough to accommodate a market.

Mr. Gonzalez: Absolutely.

Commissioner Keon: OK. And so waste management, their trucks and everything would actually come in through that paseo, so the paseo is obviously pretty large if it can accommodate that and allow them to maneuver and to do all that activity within there.

Mr. Gonzalez: Yes.

Commissioner Keon: OK. Those streets are narrow and I wouldn't like to see commercial vehicles taking up so much of the street space, so that traffic can move pretty freely through there.

Mayor Cason: Do you all anticipate the excess parking?- do you anticipate any rental of that make public use for any of that parking or is it going to be totally...?

Mr. Garcia-Serra: Well as part of our mitigation of the alley vacation, we are also proffering 42 replacement parking spaces. So the parking spaces that are being lost in the alley are being provided to the City within the parking garage on the first level of parking easily accessible to elevators and stairwells for permit parking. So those 42 spaces the City will manage for permit parking, all the rest of the parking will be ours and it's going to be used for residents and tenants,

so there is no – and actually I believe with every conditional use approval that comes to you, you put a condition that provides that those parking spaces can't be leased out to people outside of the building and I'm pretty sure it's in this resolution also.

Vice Mayor Quesada: Has your parking plan been designed for a market and what other retail uses?

Mr. Garcia-Serra: What I'll tell you is that it's been designed for great flexibility.

Commissioner Keon: For what?

Mr. Garcia-Serra: For great flexibility.

Vice Mayor Quesada: What does that mean?

Mr. Garcia-Serra: That means the parking ratio that we are using to park those spaces right now, if you look at our Zoning Code table is retail; one space for return and 50 square feet. However, we have about 150-some additional parking spaces which are not part of...

Vice Mayor Quesada: So you guys are over parked then?

Mr. Garcia-Serra: Yes – we are over parked by about 150 spaces.

Mayor Cason: But you are looking for if you have a market in there...

Mr. Garcia-Serra: Exactly.

Vice Mayor Quesada: Yes, but hold on a second though. He just said if its retail you guys are OK and you still have 150 left over.

Mr. Garcia-Serra: Correct.

Vice Mayor Quesada: In other words, our Code is requiring you to make a bigger building than is necessary.

City Manager Swanson-Rivenbark: They are choosing to over park.

Mr. Garcia-Serra: Exactly.

Vice Mayor Quesada: You are choosing to over-park just in case you have a different use in the...

Mr. Garcia-Serra: For example, something that could very well happen is a restaurant, and if a restaurant moves into any of those spaces its 12 parking spaces for 1,000 square feet, so.

Mr. Trias: Commissioner this happens all the time...

Vice Mayor Quesada: I know it does, and I think I've said this a lot, when we are under-parked its bad, and when we are over-parked its bad, because it ends up being more costly to the developer, it takes away from the design, it takes away from the project, and it makes it bigger when we don't want a bigger project.

Commissioner Keon: But they have been able to hide their parking, so if you can hide the parking it's not too much.

Vice Mayor Quesada: Yes, you say hide it, but really not really because it goes into their overall bottom line cost and we end up as a community, we end up with a project that they've invested more money in parking when they don't need it. I think it's a bigger problem than...

Mr. Garcia-Serra: In this case, as far as mass of a building remember one of those levels is a basement, so it's underground.

Commissioner Slesnick: I would like to see more parking spaces devoted to the City for the City use for the vacation of the alley, if staff could look into that.

Mayor Cason: Alright, we have...

Commissioner Slesnick: One other thing Mario before – are you building any grease traps and so forth in that space?

Mr. Garcia-Serra: Grease traps are provided for.

Commissioner Slesnick: I'm just curious.

Mr. Trias: Commissioner Slesnick do you have a number of parking spaces?

Commissioner Slesnick: Yes, but if we are vacating the alley and you mentioned the number of spaces that would be lost in the front and the back...

Mr. Trias: Those are 42.

Commission Slesnick: I just think in exchange for vacating the alley that we should maybe have more parking spaces dedicated to the City in the building.

City Attorney Leen: Mr. Mayor, Commissioner, I know you had asked for the appraised value, I didn't mean to interrupt that. I know that Leonard can provide that to you and the City Manager, it's just that all I wanted to say though was that the amount that you require could be greater or less, we are just not selling it, so it wouldn't be the same.

Commissioner Slesnick: But there is a value for the alley plus the air rights.

City Attorney Leen: You should know what the amount is.

Mayor Cason: Why don't you go after Leonard?

Commissioner Lago: Leonard.

City Manager Swanson-Rivenbark: And as he comes up, it's not an appraised value, but he has created some information that may be helpful to you.

Mr. Roberts: Leonard Roberts, Economic and Cultural Assistant Director. We don't have an appraisal for the site; the site is roughly 16,000 square feet, 3.5 FAR, 56,000 square feet. We have development rights roughly around \$33 a square foot for building rights, which puts you if you were to look at strictly from a private sector standpoint roughly about \$1.9 million for 16,000 square feet.

Mr. Garcia-Serra: Now it's important for me if I can to interject here on this issue, because remember as the City Attorney already mentioned, this isn't a sale of City property. If it was a sale of City property we'd be looking at another set of provisions and another set of procedures to go through for a sale of City property, which we've done on other projects. What we are doing here is vacating an existing alley; an alley that was dedicated by the original property owner, whenever it may have been. In this case, probably in the 1920's, with no compensation being received, and also the legal act of dedication does not give the City a fee simple interest, so it's not like you can go to a federal insurance company and they'll give you a title policy that says, the City of Coral Gables owns this, so let's talk about selling it. This City in this role is acting as a steward on this public dedication that was done earlier and deciding should we or should we not release this dedication and vacate the alley; and if you look at the legal criteria that there is

for making this sort of decision, you have some in your City Code, and you also have some in your Zoning Code, but if you look at the criteria basically it tells you, what's the benefit that the alley is providing to you right now?- and what's the potential benefit that could be provided by vacating and doing this project?- and so, when you look at it in that scenario and you look at the existing alley, it isn't one of the great open public spaces of the City, that's for sure. There might be some parking being provided on there, but it's not metered, so you are not getting any income from it, and the benefit of perhaps potentially being able to access different buildings and service from the alley is going to be taken away by the fact that this is all owned by one property owner, and you look at the potential public benefits that there are from vacating the alley. Having this project that's probably going to generate around one million dollars in additional revenue to the City, \$85,000 worth of pedestrian improvements, an extended paseo mid-block...that's about half-a-million dollars in value, bicycle improvements that are about \$10,000, the 42 parking spaces that we are providing to the City and true replacement that still would be valued at the City estimates at somewhere around \$1.7 million. You know it's a very nuance sort of analysis that we have to look at here. It's not just a purchase and sale, to determine what is the appropriate and fair price, and I'll be the first one to admit it's tough to say, OK, well this is the right one. You know we are going to have to discuss that between First and Second Reading, good to get your input now, so we come back at Second Reading we feel that we've addressed what the concerns are, but again, we can't look at it two dimensionally as a City selling this property to the developer because it isn't. In actuality the City is a steward of this space which was given for free by the predecessor property owner.

Commissioner Keon: The whole purpose of the alley was to service the project – whatever the stores were or the buildings or whatever, along that alley without creating congestion on the actual City streets, and in your plan you've demonstrated where you have, in turn for that alley, you are servicing your whole building from within, so you are achieving the same purpose by the utilization of your space that takes up a lot of space, but maybe could use for some other purpose, but you are using it for that. So I don't have a problem with...and the connection east-west is a better connection than north-south anyway for that community, so I think you've made good...

Mr. Garcia-Serra: From a safety point of view.

Commissioner Keon: You've made good use of that property. It's more just what your contribution could be maybe to The Underline, and I'm sure they'll work with you to name a hub or whatever else, but I'm sure you'll be generous.

Mayor Cason: Alright, let's...

Vice Mayor Quesada: I'm sorry, one more question. Procedural in nature and I don't know if it's for Ramon, I don't know if it's for Mario. So why is this being done as a Code Amendment rather than a variance?- what's the benefit of doing it as this amendment?

Mr. Garcia-Serra: Well it was our request.

Vice Mayor Quesada: It was your request to do it this way, then why this way and not a variance for the height?

Mr. Garcia-Serra: Because in the City of Coral Gables in order to obtain a variance you need to establish and satisfy legal criteria of hardship, and hardship historically has been interpreted very strictly here in Coral Gables...

Vice Mayor Quesada: So it's more beneficial for an applicant to take this procedural route rather than the variance route?

Mr. Garcia-Serra: I would say even from a legal point of view it's the appropriate one...

City Attorney Leen: Commissioner probably they would not technically qualify.

Vice Mayor Quesada: Maybe in the future what we need to do is look at our Code for this, because when you do the Code Amendment it's the entire area that is affected, correct?- and the variance is specific to that project, and really what we're all discussing here is the specificity of this one location, rather than the whole area.

City Attorney Leen: It's something that we can definitely look at. I talked some more about the idea – this has come up occasionally where the Commissioner wants to do something for a particular project because it's something unique about the project. One of the things we look at and there is truth to what you say, maybe the City doesn't want to do a much broader amendment. However, the hardship component is an important one and so because...

Vice Mayor Quesada: Is the hardship component specific to our Code or is it specific to County or statutory requirements?

City Attorney Leen: It's specific to our Code, but it's part of the Constitutional Amendments we are taking.

Mr. Trias:...and in this case it's really a request that applies to a very specific area, not a very big area, but it applies to all of the properties and it's probably beneficial to all of the properties.

Vice Mayor Quesada: I know, but I guess what I'm saying is sitting in this position here, I'll be a hundred percent honest with you, if I wasn't an attorney, I did some real estate in the past, I don't think I would have caught that. So I guess it's more concerning for the general public that are watching along that these kinds of situations I think are better couched in the form of a variance because it's project specific. All the comments you've heard here today are project specific not necessarily for the area, obviously there's been some overlap. It's clearer moving if it's couched that way. Again, I understand the problems that we have with a variance, and I don't know if your statement related to the hardship aspect is more academic and that's what you are taught and that's what you do with the variance, or is it specific to every individual Code, but we can address...

City Attorney Leen: You should hear from both of us because we come at it from slightly different perspective. From the legal perspective, my perspective, the variance is really a product of takings law, it helps you avoid a taking, and so it requires hardship, otherwise there would be, basically there wouldn't be a taking; there would be no basis for the variance, because the general idea is that the law should apply to everyone. Now there are jurisdictions that do allow administrative variances or variance that don't require the type of hardship that our Code requires. We could relax that, you still need to show uniqueness though or else there is no reason to treat this property...

Vice Mayor Quesada: That's fine and that's still something that gets walked through today, we've discussed the uniqueness, not whether this dais will agree or disagree with it is yet to be seen, but the point is we are still going through all of those requirements and moving forward, I think it's clear for the public to understand this process, in my opinion it should be a variance process, but I understand why it's not.

Commissioner Keon: But I think if you sit on the Code Enforcement Board and most of the variances that are requested are the Board of Adjustment, most of the variances that are requested are related to residential properties and it's for an existing condition, so it really doesn't allow for – you don't grant a variance for aesthetics, you don't grant a variance to allow this issue of volume, you really – a lot of times its more setback related due to some condition that exist, such as it's on a corner or the way a lot is shaped or whatever. It's a very different process and I think you would never want to undermine the process that we have in place to grant a variance on a residential property in our neighborhoods, so my concern would be if you then started using a variance procedure to look at these as opposed to text amendment, I'm really afraid what it would do and how it would affect the actual Board of Adjustment's work or the things of our Code relating to variances as they now exist in the residential area, although they

do result in granting additional whatever, it's for very different reasons. It's a different process and different reasons.

Mr. Trias: There has to be a hardship and it cannot be the result of an action by the applicant, so in those two cases it just doesn't....

City Manager Swanson-Rivenbark: Vice Mayor will recall, the Code is still ten stories, what we are allowing is additional height, so the small number of properties that could benefit from this text change would only be able to benefit if they also did that type of floor to ceiling height, they are limited to the ten stories, there's been ten stories in that area for a long time.

Vice Mayor Quesada: Got it.

City Attorney Leen: One other thing you could think of, instead of doing a variance, if it's very unique and you can show why it should be treated differently than other areas, you could do a site specific as to that specific area, and that's something that we've done before. Usually, it's because of legal non-conformities, but that is available to you as a process. One other thing I wanted to say is that, I do think that Ramon and I should speak about situations what you mentioned, we should at least talk about it and see if there are ways to address that.

Mr. Trias: Vice Mayor some Codes do allow for adjustments within, let's say, ten percent of the dimension or whatever administratively.

City Attorney Leen: Exactly.

Mr. Trias: Now that is not the way the Coral Gables Code is. The Coral Gables Code is the total opposite, it's very strict, so that's a choice that is made at the policy level by the Commission, how much flexibility do you want to give staff or not, so clearly right now there is none, but in other cities, in fact the cities next to us there is some flexibility...

City Attorney Leen: And Ramon is one of the leading experts on this issue. I have a class on this issue; he speaks to them on this issue, so he knows a lot about it. I do want to say one other thing. We do occasionally in the Board of Architects and in other Boards, we have if there is a condition of approval that would adjust the Code a little bit, we've allowed it as long as it's meeting one of the needs that's expressed in the Code. So there are other ways on a small basis to do it and Ramon and I have tried to be flexible where we can, but our Code is pretty strict when it comes to variances.

Mayor Cason: Is there any way that we can limit this to just a rectangle at the top and not the two little fingers coming down?

Commissioner Keon: I don't think there is anything wrong with limiting it to the area, I mean it makes it consistent, I think you are giving somebody – you know because it's such a unique area with an overlay that, that entire area is bounded very, very clearly how its bounded, and with an overlay and whatever else, I think to be consistent throughout the area is better than – it's almost like, I don't know, spot zoning or those kinds of things. It's giving a right to somebody for no other reason but they are there, which I don't think is a good policy. I think if you can extend it to the area because it's such a clearly delineated area that would probably be a benefit for the particular reasons that it's being given, I think it would serve that very clearly delineated small area probably pretty well.

Mayor Cason: I don't have a problem with that.

Mr. Trias: The City Manager explained it well. It's written specifically to encourage aesthetics and to prevent additional storage or density or things like that, so it's very cleverly done I think.

Commissioner Keon: Yes, it's pretty well defined.

Mayor Cason: Any other discussion? I would like to have George Navarro; I think you wanted to speak. Are there any other speaker cards Mr. Clerk?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: After George I'll close the public hearing.

Mr. Navarro: Thank you very much. Mr. Mayor, Commissioners, for the record George Navarro with offices 333 S.E. 2nd Avenue.

Vice Mayor Quesada: Get sworn in.

City Clerk Foemen: Please raise your right hand. Do you solemnly swear or affirm that the testimony you provide today will be the truth and nothing but the truth?

Mr. Navarro: Yes, I do. Thank you. Good morning again, this morning on behalf of the Roger Development Group, Oscar Roger is the property owner in the area and a stakeholder. Oscar Roger was actually instrumental along with our firm in the creation of the original MXD District and subsequently went on to develop One Village Place, which was the first project that was

developed under the then recently...established MXD District, and since that time the MXD District has really evolved and I believe it's really led to the transformation of this once industrial area into an area where residents and visitors can truly go to walk, shop, dine, and live within close proximity to one another, and that's the vision that was originally intended for this area. I believe this project will be a significant enhancement to the area, I also believe that the proposed Code Amendments are going to play a significant role in allowing for better quality and better designed projects to be created in this area, particularly in the south industrial district as well, it was originally recommended by staff to be included as part of this application, as Commissioner Keon was saying that's where you are going to have the future Underline, which is a project that's going to connect Brickell to Coral Gables, it's going to result in hundreds of acres of open space, and also have better pedestrian and bicycle safety for residents that want to get from downtown Coral Gables to downtown Brickell and I believe that because of those factors that's also an area that's appropriate for consideration into this amendment as was originally proposed by staff. Some of the benefits of having this increased height is really the quality of the project suffer – when you don't have the ability to have this excess height, the architects are forced to take away height from other portions of the building, and the first two portions of the building that suffer are the parking pedestal and the ground floor retail, and that leads to having poor retail tenants in the area which affects the overall businesses. When you take away from the parking pedestal, in order to add height under the existing regulations to create this higher floor to ceiling heights, you basically create less clearance for the visitors and the users of the parking garage to go ahead and move around.

Vice Mayor Quesada: Because that makes more cramped parking.

Mr. Navarro: Correct. What you do is, right now you are dealing with a certain amount of height that you have to allocate to your residential tower and to your parking pedestal, and in order to get this height, what some projects will do is they'll take away from the parking pedestal. Also, they'll take away from the ground floor retail to add the additional height to the residential tower and what that does is while national tenants and big tenants are looking for approximately 18 feet of height for the ground floor retail, you are ending up with only about 14 feet of height, and that from a marketing perspective really does a disservice to the quality of tenants, and you can see that in certain areas in this area and you want to make sure that you bring the type of retail, the good retail that will compliment what you have right now in Merrick Park.

Vice Mayor Quesada: Most national retail tenants are looking for 18 feet of height?

Mr. Navarro: That's correct, yes.

Vice Mayor Quesada: For the first floor. Is that the standard?

Mr. Navarro: Yes, national standards across the United States, when you have a big national tenant they are going to look for approximately 18 feet in height.

Commissioner Lago: So let me ask you a quick question. For example, the Epicure, which is something that hasn't been done before in the City, an open concept, very volume, like Commissioner Slesnick has mentioned, is that something that's kind of setting the standard right now for that type of retail?

Mr. Navarro: That's correct, yes – and you can see that in that environment you have very high ceilings, which leads to more lighting, they can accommodate their signage, inside, their interior signage which guides people to where different products are located, and when you have smaller ceilings, you don't really get to have that flexibility, and tenants are a lot more reluctant to go into those spaces.

Commissioner Keon: Makes them cave-like.

Mr. Navarro: Correct. And you also need to have the issue where you can have vacant space, dead space, which is not what you want to have in an environment as rich as this when you are right next to Merrick Park. You have all these signature developments, you are right next to the Metro Rail and the Underline and to U.S.-1, and this is really an area that's become very pedestrian friendly and walkable and you want to have some of these larger tenants that come in, because they really help the boutique shop and the mom and pop shops by attracting customers to the area. So I think that's very important from a design perspective, I know there is actually a situation we are dealing with one of our projects and we think that this is very forward thinking and that it's a very smart coach change because it's not an across the board approval, it's really on a case-by-case basis. This Commission, the projects will come before you and you will analyze it to make sure that this is a unique design and that it is an aesthetic quality and a benefit that warrants this addition height, so there is a level of review, it doesn't allow increase density, it doesn't allow for increase FAR, it doesn't allow for increase number of stories. So all you are doing is allowing greater design flexibility, we think it's a great...a great text change, and we ask that you do approve it for the industrial Mixed Use District, which is really going to lead to the revitalization of this area and to the redevelopment of some of the vacant tracts, especially that you have in the south industrial district. So with that I conclude and we ask that you please approve as was originally recommended by your staff.

Mayor Cason: Thank you very much. Any other speaker cards?- if not we'll close the public hearing portion, any more discussion?

Vice Mayor Quesada: I'm going to make a motion to approve as proposed by staff and presented by staff, however I do want to have additional discussion at the Second Reading and actually I want to have additional discussion with staff before our Second Reading, related to the points raised by Commissioner Slesnick with relation to the compensation related to the alley vacation. I want to think about it a little bit more after hearing what Leonard said and hearing what Commissioner Slesnick said. I know we can make the decision at the Second Reading, but just to move it on from this point.

City Manager Swanson-Rivenbark: Excuse me though as clarification, it is for that area that was outlined on the map that's what we are proposing. We are not proposing today to rezone or extend the text amendment to the south. It is only to...

Mr. Trias: To the north – to the north industrial district.

City Manager Swanson-Rivenbark: I just didn't want to have confusion with the comments of the speaker.

Mayor Cason: OK.

Vice Mayor Quesada: But we are going to have an opportunity...

Mr. Trias: There is the issue of the text amendment and then there is the issue of the alley, which has to do with the compensation.

Vice Mayor Quesada: I understand that.

Mr. Trias: OK.

City Attorney Leen: So the text amendment, we should do the motion first, I would recommend.

Mayor Cason: Let's do it on E-3.

Mr. Trias: My recommendation for text amendment is that what's proposed is for the north industrial district only. The speaker was speaking about a previous proposal.

Vice Mayor Quesada: But that's not what the speaker, Mr. Navarro, was speaking about right now, it's really not ripe for discussion right now, I understand...

Mr. Trias: Right.

City Manager Swanson-Rivenbark: That's staff's point. We just wanted to keep it to what we said today.

Vice Mayor Quesada: We can discuss that at a future date whenever the project comes up.

Mr. Trias: Absolutely.

Vice Mayor Quesada: Duly noted, but I just don't think it's the proper posture to make a decision on it right now. So I'll make a motion on E-3 to approve.

Mayor Cason: E-3, the Vice Mayor makes the motion.

Commissioner Keon: I'll second it.

Mayor Cason: Commissioner Keon seconds.

City Clerk

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mayor Cason: And on E-4.

Vice Mayor Quesada: So moved.

Mayor Cason: Vice Mayor makes the motion.

Commissioner Lago: I'll second it.

Vice Mayor Quesada: Again with the caveat that we'll have additional conversation at Second Reading.

City Attorney Leen: So you are allowing it to proceed...

Vice Mayor Quesada: Correct.

City Attorney Leen:...but they may need to take another look at their mitigation plans.

Vice Mayor Quesada: Yes. I'll tell you why. We've had this discussion in the past and most recently we had a discussion related to the Agave Project hearing that we had. At this point it's not an approval, at this point what it is, is we are agreeing to continue the conversation to the Second Reading where the approval is made at that time.

Commissioner Lago: We request that staff have further discussion with the applicant to come to maybe an agreement regards to a monetary figure.

Vice Mayor Quesada: But again, at that same time I'm not ready to discuss what that figure should be...I want to think about it a little bit more.

Commissioner Keon: So it's really only the mitigation aspect, is the only thing.

Vice Mayor Quesada: And Commissioner Slesnick this is really stemming from what your statement is.

Commissioner Slesnick: I'm fine with staff's feeling with this.

Vice Mayor Quesada: Yes.

Mayor Cason: OK. City Clerk

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mayor Cason: Thank you very much.

Mr. Garcia-Serra: Thank you very much.

[End: 1:13:57 p.m.]

