

CITY OF CORAL GABLES
SPECIAL CITY COMMISSION MEETING
CITY HALL, COMMISSION CHAMBERS
WEDNESDAY, JUNE 10, 2015
9:00 A.M.

MEDITERRANEAN VILLAGE
(2801, 2901 and 3001 PONCE DE LEON BOULEVARD)

Comprehensive Plan Text and Map Amendment,
Zoning Code Text Amendment, PAD Site Plan,
Alley Vacation, Development Agreement, and
Revocation of an Existing PAD

MAYOR JIM CASON
VICE MAYOR FRANK C. QUESADA
COMMISSIONER PATRICIA KEON
COMMISSIONER VINCE LAGO
COMMISSIONER JEANNETT SLESNICK

CATHY SWANSON-RIVENBARK, CITY MANAGER
CRAIG E. LEEN, CITY ATTORNEY
WALTER J. FOEMAN, CITY CLERK

1 THEREUPON:

2 (The following proceedings were held.)

3 MAYOR CASON: Good morning, everyone.

4 Welcome to the June 10th Special Commission
5 Meeting. Normally we do it on the second and
6 fourth Tuesdays, but this meeting is dedicated
7 to the second reading of the Mediterranean
8 Village project.

9 To start us off, we're going to have some
10 legal niceties taken care of by our City
11 Attorney. Then we'll have Ramon Trias, of the
12 City, give us an update from the City's
13 perspective or where we are. Then we'll ask
14 the Applicant to respond, and then we'll open
15 it for public comment, no more than five
16 minutes, please.

17 If anybody plans to speak from the public,
18 please fill out a speaker card, and with that,
19 I'll turn it over to Craig Leen.

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

21 Good morning. As you may recall, at the
22 last Commission Meeting where this matter came
23 up, I read all of the items into the record,
24 the titles, and then the matter was continued
25 to today.

1 Although it may seem like it will take some
2 time, I'm going to read them again into the
3 record, because we have a court reporter
4 present, and it's important that it'd be clear
5 that we have read the titles. So that's going
6 to take about four or five minutes.

7 At that point, there's a couple of legal
8 matters I must raise, and then it will be
9 turned over to Ramon Trias. I'll try to do
10 this as quickly as possible.

11 As you know, today, these are Ordinances on
12 second reading. There's a number of them,
13 there's seven of them, and they're all being
14 consolidated for purposes of the public
15 hearing. So with that, I'm going to begin
16 reading them.

17 One, this an ordinance of the City
18 Commission of Coral Gables, Florida requesting
19 an amendment to the Future Land Use Map of the
20 City of Coral Gables Comprehensive Plan
21 pursuant to Zoning Code Article 3, Development
22 Review, Division 15, Comprehensive Plan Text
23 and Map Amendments, and Small Scale Amendment
24 procedures, changing the boundaries between
25 Commercial Low-Rise Intensity, Commercial

1 Mid-Rise Intensity and Commercial High-Rise
2 Intensity Land Use designations on property
3 generally bounded by Sevilla Avenue on the
4 north, Malaga Avenue on the south, Ponce de
5 Leon Boulevard on the west and Galiano Street
6 on the east, and generally known as 2801, 2901,
7 and 3001 Ponce de Leon Boulevard, Coral Gables,
8 Florida as shown on Exhibit A and legally
9 described on Exhibit B, providing for a
10 repealer provision, severability clause, and an
11 effective date. Legal description is on file
12 at the City.

13 The second Ordinance is an Ordinance of the
14 City Commission of Coral Gables, Florida
15 requesting an amendment to the text of the City
16 of Coral Gables Comprehensive Plan, Future Land
17 Use Element, Policy FLU-1.1.3, Table FLU-2,
18 Commercial Land Uses, pursuant to expedited
19 State review procedures, under Section
20 163.3184, of the Florida Statutes and Zoning
21 Code Article 3, Development Review, Division
22 15, Comprehensive Plan Text and Map Amendments,
23 amending the Commercial High-Rise Intensity,
24 Commercial Mid-Rise Intensity, and Commercial
25 Low-Rise Intensity Land Use Classifications to

1 provide that (A) residential use shall be
2 permitted and (B) intensity shall be controlled
3 by a Planned Area Development plan instead of
4 by Floor Area Ratio, in a project developed in
5 accordance with the Mediterranean Village
6 Form-Based Planned Area Development, and
7 further amending the Commercial High-Rise
8 Intensity and Commercial Mid-Rise Intensity
9 Land Use Classifications to provide that, in
10 such a Mediterranean Village project,
11 additional height may be granted for specified
12 uses or architectural embellishment, providing
13 for a repealer provision, severability clause
14 and an effective date.

15 The third Ordinance is an Ordinance of the
16 City Commission of Coral Gables, Florida
17 providing for text amendments to the City of
18 Coral Gables Official Zoning Code, by amending
19 Article 3, Development Review, Division 5,
20 Planned Area Development, to create Section
21 3-510, Mediterranean Village Form-Based Planned
22 Area Development, with form-based development
23 standards that modify and supplement the
24 existing Planned Area Development standards and
25 criteria to allow appropriate infill and

1 redevelopment in urbanized areas if certain
2 minimum requirements are met; and amending
3 Appendix A, Site Specific Zoning Regulations,
4 Section A-36 Crafts Section, by removing
5 Section A-36.B.5 regarding the use, design and
6 number of stories for development in Block 20;
7 providing for a repealer provision,
8 severability clause, codification and an
9 effective date.

10 The fourth Ordinance is an Ordinance of the
11 City Commission of Coral Gables, Florida
12 granting approval of a proposed Planned Area
13 Development approval referred to as
14 Mediterranean Village pursuant to Zoning Code
15 Article 3, Development Review, Division 5,
16 Planned Area Development, for the construction
17 of a project consisting of a mix of uses
18 including office, commercial, retail, hotel and
19 residential, consistent with the separately
20 proposed Section 3-510 Mediterranean Village
21 Form-Based Planned Area Development on the
22 property legally described as Block 20, Block
23 23, (Less Lot 12 and a portion of Lot 11), and
24 Block 30, Crafts Section, also generally known
25 as 2801, 2901, and 3001 Ponce de Leon

1 Boulevard, Coral Gables, Florida; including
2 required conditions; providing for a repealer
3 provision, severability clause and an effective
4 date. The legal description of the property is
5 on file with the City.

6 That's true for all of these.

7 The fifth Ordinance is an Ordinance of the
8 City Commission of Coral Gables, Florida
9 requesting partial abandonment and vacation of
10 a 20-foot wide public alleyway generally
11 running east to west, approximately 85 feet in
12 length, dividing Blocks 3, 4 and Tract F from
13 Block 5 and Tract G of Ponce Place Villas East
14 pursuant to Zoning Code Article 3, Division 12,
15 abandonment and Vacations and City Code Chapter
16 62, Article 8, Vacation Abandonment and Closure
17 of Streets, Easements and Alleys By Private
18 Owners and the City; Application Process, and
19 the dedication of a public access easement
20 generally running over an internal driveway
21 from Palermo Avenue to Coconut Grove Drive
22 related to proposed development consistent with
23 the separately proposed Section 3-510
24 Mediterranean Village Form-Based Planned Area
25 Development, on the property generally known as

1 2801, 2901 and 3001 Ponce de Leon Boulevard,
2 Coral Gables, Florida including required
3 conditions; providing for a repealer provision,
4 severability clause and an effective date.
5 Legal description of vacation on file with the
6 City.

7 An Ordinance of the City Commission of
8 Coral Gables, Florida approving a Development
9 Agreement pursuant to Zoning Code Article 3,
10 Division 20, entitled Development Agreements,
11 for a proposed Planned Area Development
12 referred to as Mediterranean Village, related
13 to the construction of a project consisting of
14 a mix of uses including office, commercial,
15 retail, hotel and residential, consistent with
16 the separately proposed Section 3-510
17 Mediterranean Village Form-Based Planned Area
18 Development, on the property legally described
19 as Block 20, Block 23 (Less Lot 12 and a
20 portion of Lot 11), and Block 30, Crafts
21 Section, generally known as 2801, 2901 and 3001
22 Ponce de Leon Boulevard, Coral Gables, Florida,
23 providing for a repealer provision,
24 severability clause and an effective date. The
25 legal description of the property is on file

1 with the City.

2 And, lastly, the seventh Ordinance is an
3 Ordinance of the City Commission of Coral
4 Gables, Florida regarding the Planned Area
5 Development Mixed-Use Site Plan for the
6 proposed project referred to as Old Spanish
7 Village, generally described as 2801, 2901 and
8 3001 Ponce de Leon Boulevard, Coral Gables,
9 Florida and approved by Ordinance Number
10 2006-23 and amended by Ordinance Number
11 2007-27.1; revoking the PAD approvals for
12 failure to proceed in accordance with the
13 approved development phasing pursuant to Zoning
14 Code Section 3-509, providing findings;
15 providing for a repealer provision,
16 severability clause and an effective date. The
17 legal description of the property is on file
18 with the City.

19 Now, as mentioned previously, these seven
20 items are going to be consolidated for purposes
21 of public hearing today. Also, there's been a
22 previous public hearing, both, in front of the
23 Planning & Zoning Board, on this matter, and
24 then before the City Commission on first
25 reading, and I would like to indicate, even

1 though they're being consolidated for purposes
2 of discussion and for the public hearing, the
3 items have different standards of review and
4 each will be voted on separately.

5 Several of the items are Legislative
6 changes, Comprehensive Plan changes, Zoning
7 Code changes. Those changes, the Commission
8 has significant discretion, and you will be
9 determining what's in the best interest of the
10 City.

11 Ultimately, whatever you do needs to be
12 fairly debatable, and cannot be arbitrary or
13 capricious, and that's the standard that
14 applies.

15 There are also other matters, including
16 Site Plan, vacation of alleyway and other
17 matters. Some of these matters will be subject
18 to quasi-judicial review. You'll be having a
19 quasi-judicial hearing today, where there will
20 be testimony provided, it will be under oath,
21 and you will have to determine what is, again,
22 in the best interest of the City, but here you
23 will be applying a standard which is
24 evidentiary in nature, and what that means is
25 that you'll hear the evidence and you'll hear

1 what harms could be caused by this development,
2 both, the benefits and the negatives, and if
3 there are negative harms, and you think that
4 there are conditions of approval that could be
5 imposed, some of which are being recommended --
6 many of which are being recommended by Staff,
7 and many which are being proffered by the
8 Applicant, you can order that those be done,
9 and the conditions that you approve and
10 whatever your final decision is on second
11 reading, that needs to be supported by
12 component, substantial evidence, we have to
13 apply the correct law, and you have to provide
14 due process today, which will be done.

15 So with that, I need to ask Commissioner
16 Slesnick -- Commissioner Slesnick was not a
17 Commissioner on first reading, it was before
18 her election as Commissioner, so now she is
19 sitting here on second reading and the law
20 allows her to sit as a judge on second reading,
21 even though she did not on first reading, but I
22 must ask her -- Commissioner Slesnick, have you
23 reviewed the record from first reading and the
24 record of this matter in its entirety?

25 COMMISSIONER SLESNICK: Yes, Mr. City

1 Attorney, I have, and because I read all of the
2 paperwork and so forth and all of the records,
3 took me endless hours, and watched the tapes of
4 the previous Commission meetings, I'd like to
5 point out that this was not passed on first
6 reading of the March 25th Commission Meeting,
7 it was deferred to the April meeting. So all
8 of the records that say it was passed on first
9 reading, it was a continuous, but I just wanted
10 to point that out.

11 MR. LEEN: Thank you. Thank you,
12 Commissioner. I appreciate that. It shows
13 that you did read this very closely.

14 See, it's proven. Put that on the record.

15 COMMISSIONER SLESNICK: Too much reading.

16 MR. LEEN: So with that, I will turn it
17 over to Ramon Trias.

18 MAYOR CASON: Ramon.

19 MR. TRIAS: Mayor, Vice Mayor,
20 Commissioners, as the City Attorney has
21 explained, there are seven items before you,
22 and what I will do is give a brief PowerPoint,
23 that recaps some of the changes that have taken
24 place since first reading, and then the
25 Applicant will explain the project in some more

1 detail.

2 The Staff Report included a document that
3 was in a binder, that had multiple exhibits,
4 the Applicant's updated submittal, which is
5 this document, it's a 14 by 17 booklet that is
6 on record, and it is posted on the website, the
7 Development Agreement, Staff memos,
8 Comprehensive Plan responses, the PAD
9 conditions of approval, the draft Ordinances
10 and the PowerPoint presentation that you will
11 see today. I've made a couple of minor
12 changes, but it's basically the same
13 presentation that is in your package.

14 The site has been discussed in the past,
15 but just for the benefit of those watching at
16 home and for the citizens that may be here
17 today, I'll remind everyone that it's right
18 next to Ponce Circle and it's bound by Ponce de
19 Leon Boulevard on the west, Sevilla on the
20 north, Galiano on the east and Malaga on the
21 south.

22 If you look at the site in context, it's a
23 few blocks south of Miracle Mile and it's just
24 south of the Central Business District. So,
25 from a technical point of view, it's outside of

1 that district, but it's very close.

2 The existing conditions at the site, and
3 this is a slightly older image, so there's a
4 few buildings that are no longer there, but the
5 building that remains, the building that is
6 still there, is the Arts Center Building, which
7 is an integral part of the project and it's a
8 very important building in the history of Coral
9 Gables, as most of the City was actually
10 designed in that location, when George Merrick
11 was the developer.

12 So that is at the center of the project,
13 and all of the streets, such as Coconut Grove
14 Drive and Palermo, will remain, and those were
15 original streets in the plan that Merrick
16 originally designed.

17 The project, you may have seen it before,
18 it has changed, but it has changed mostly in
19 the back, where it has become a little bit less
20 tall, and the changes in the front deal with
21 some subtleties of design, and we'll go into
22 some detail on that, but generally that's the
23 view of the project from what I see as the
24 front, which is Ponce de Leon Circle. That's
25 what you will see, a hotel, an office building,

1 and retail on the ground floor; a true mix-use
2 project that integrates three blocks of the
3 City and tries to continue the fabric of the
4 Downtown of the City towards that area, in
5 terms of the aesthetics, in terms of the
6 massing and in terms of the overall mix of
7 uses.

8 Very briefly, and for the benefit of those
9 watching, I will remind everyone that this has
10 had -- this project has had a very extensive
11 process of review in the past year and a half.
12 We've had about 20 -- this is the 20th public
13 meeting, and those meetings have included
14 Commission meetings, they have included
15 Development Review Committee, they have
16 included Board of Architects review, Planning &
17 Zoning Board required neighborhood meetings.

18 We also had some new ideas, such as the
19 expert review, the peer review panel that
20 reviewed the architecture and the aesthetics
21 and the urban design ideas of the project.
22 Further Board of Architects review, additional
23 Expert Review Panel, the Planning & Zoning took
24 some action on it. The Historic Preservation
25 Board also reviewed it, as the historic

1 building is right in the center of the project.

2 The Traffic Advisory Board Development
3 Review Committee for the alley assessed -- the
4 City Attorney has explained, some of these
5 items are looked at separately, and they have
6 been looked at separately in the process, also,
7 and finally we get to the last page, and you
8 can see that we have the Commission's first
9 reading, and then, as Commissioner Slesnick
10 pointed out -- then on March 2nd, there was
11 also the first reading, and then the second
12 reading, that was continued, and today's
13 meeting, which is Number 20.

14 In summary, we've had 19 public meetings,
15 this is the 20th; we've had 18 postings at City
16 Hall; we've posted the materials on the website
17 16 times; the minutes, six times; the property
18 has been posted seven times; we have sent seven
19 courtesy notices; different meetings have been
20 advertised by the newspaper eight times; and
21 the meetings have been televised nine times;
22 and that's for the past year and a half.

23 So I think there has been extensive
24 opportunity to understand the project and to
25 comment, by the part of the public and by the

1 part of the Comission, and as a result of that
2 extensive process and as a result of the
3 leadership of the Mayor and Vice Mayor and
4 Commissioner, I think that now I can show you a
5 project that is much better than it was before,
6 a project that is highly improved and a project
7 that I think you will be able to consider
8 carefully.

9 The first item, and we have a variety of
10 issues, but the first items for consideration
11 deal with the Comprehensive Plan. We have
12 Susan Trevarathen, our attorney, if you have
13 any technical issues, here in the audience to
14 help you through the process, but there are
15 some very minor changes. It's basically the
16 same request, except that, for example, in the
17 Land Use Map, some of the high-rise at the very
18 top of Palermo was taken out, and instead of,
19 we have replaced it with mid-rise, so it's a
20 little bit lower, and that was as a result of a
21 desire to have a better transition with the
22 neighborhood that is just to the east.

23 As a result of the comments from the many
24 agencies, and the agencies had suggestions,
25 they didn't have objections, it was simply

1 ideas, we are recommending to include the 4.0
2 FAR in the text. It's really for the benefit
3 of having redundancy and multiple ways to keep
4 the project in check, but I think that's a good
5 change, and we've also clarified that the
6 additional height for architectural features
7 would only be applied for the high-rise.

8 Those ideas are repeated a couple of times
9 through the text, and we also included 125-unit
10 per acre maximum density, which is similar to
11 the maximum density elsewhere in the Code.

12 So that's just for clarity and for trying
13 to follow-up on your suggestions from the prior
14 meetings.

15 We have replaced some of the extra height,
16 we have eliminated that from the areas in the
17 back, just to make sure that everything is
18 internally consistent with the project. Those
19 are fairly minor changes, and we made sure that
20 the low-rise intensity and every other
21 intensity had the same Code requirements.

22 So those are the changes, as far as the
23 Comp Plan request. The Comp Plan request is
24 generally the same. We've done some cleanup
25 work, based on your input and based on what you

1 told us in the prior meetings.

2 Now, when we get to the PAD site plan, I
3 think that this is probably the first item that
4 is a significant change, in terms of the prior
5 project. If you look at the March 2015 image,
6 you can see that the hotel is at the entrance
7 of Ponce de Leon. The Commission expressed a
8 desire to have retail downstairs along Ponce,
9 and thought to continue that pedestrian area,
10 so that's what's reflected on the May 2015
11 image.

12 The result of that is that the ground level
13 along Ponce de Leon is retail, a hundred
14 percent, except for the curb cuts and streets,
15 and the entrance of the hotel is internalized
16 into the block, with a drop off area, which is
17 the circle right there.

18 That has some effects on traffic. Clearly
19 the traffic pattern is a little bit different,
20 but the overall design is affected in many
21 ways. So this is a design that achieves many
22 of the goals, and it changes the traffic
23 pattern slightly, and you may have -- we will
24 have some discussion on that maybe later, but
25 that's the only issue that I think still, you

1 know, the Applicant may raise, but that's the
2 overall change in the ground level.

3 In terms of summarizing the actual changes,
4 we provided this list in the Staff Report that
5 gives point by point the changes. I believe
6 that the Applicant has addressed all of the
7 changes or practically all of the changes that
8 the Commission and the public requested through
9 the process of the past year and a half, so I
10 will just summarize them briefly.

11 Number One, the FAR has been reduced from
12 4.375 -- and keep in mind, 4.375 is the maximum
13 that you could have in the Downtown, with a
14 Historic TDR, so that's what that number
15 originally was suggested -- so it's come down
16 from 4.375 to 4.0.

17 What does that mean? Well, that means that
18 the project area has been reduced by 109,000
19 square feet. That's basically what that means,
20 in terms of the project. So the current
21 project is 1,171,176 square feet. That is the
22 proposal from the Applicant.

23 Number Two, the Cinema was removed. As you
24 remember, the cinema was on top of the back
25 parking garage, towards the neighborhood, so

1 that has been taken out, so now that area is
2 lower.

3 Number Three, the hotel drop off has moved
4 from Ponce de Leon. It's no longer there. Now
5 access is from Malaga or from Coconut Grove
6 Drive. The gym and the day care have been
7 removed.

8 I'm sorry, before that, the middle
9 residential tower has been removed, and I'll
10 show you that more clearly. One full building
11 has been taken out, so it does make a big
12 difference in terms of the transition towards
13 the neighborhood.

14 The gym and day care are no longer there,
15 so the center of the project is a little bit
16 lower, and as a result, the context of the
17 historic building is a little bit more
18 consistent with the scale of the very important
19 Arts Center Building.

20 The design in Number 6 has also improved,
21 in terms of the connection between the ground
22 level and some of the accessible parts in the
23 roof, through better stairs, larger, more open,
24 more connections towards the ballroom that
25 happens at the hotel, so there's more

1 opportunities for all kinds of activities to
2 take place, in multiple venues, large and
3 small, open, indoor, throughout the project.

4 So I think that has improved, and as a
5 result of that, Number 7, the hotel ballroom
6 also has been enlarged to about 500 people in
7 capacity, which was one of the desires of
8 the -- from public comment.

9 Number 8, Ponce de Leon frontage is
10 pedestrian oriented, and that means that the
11 buildings have retail on the ground level, and
12 retail is very open, all kinds of windows and
13 doors and so on, and the sidewalks are
14 continuous and designed as wide as possible,
15 and, I will show later, with very nice shade
16 trees all throughout.

17 Number 9, some of the parking --
18 underground parking has been removed, and the
19 Applicant may explain the reasons for that. I
20 believe they had to do with cost, but right now
21 there is one full level of parking underground,
22 and then about half a level or so, that
23 includes the delivery area and some parking for
24 the office building.

25 Now one level of parking has been added to

1 the parking garage, so that has been part of
2 the reshuffling of some of the uses and the
3 need for parking.

4 Some of the publicly accessible rooftop has
5 been resigned, so there's less of the public
6 part at the top than it was before, and that
7 had to do with removing the cinema and changing
8 some of those buildings, so the Applicant could
9 explain that, if you are interested in more
10 detail.

11 There's a liner space added in front of the
12 plaza, again trying to emphasis the importance
13 of that historic Arts Center building as a
14 destination and as the heart of the project,
15 and retail has increased slightly by 23,000
16 square feet, and that has to do mostly with the
17 changes in the ground level. So I think that a
18 lot of the footprint of the retail spaces has
19 become larger, so probably they have a more
20 likely of success, we believe.

21 Office space has increased slightly by
22 3,000 square feet, and the combined hotel and
23 multi-family residential space has been reduced
24 by 90,000. That's the largest decrease, in
25 terms of the overall massing of the project.

1 So that has to do with the removal of that
2 tower building in the back.

3 And the paseo has changed. Before, there
4 was a loop, now there's only one paseo. That
5 has to do with the change of the access from
6 the parking from the hotel.

7 So I believe it works fine. It's
8 different. It's just simply different, because
9 of the emphasis on retail versus the prior
10 emphasis on the hotel drop off.

11 In terms of the way the project looks,
12 and -- for the purposes of my discussion, I
13 will have this next to me, because I'm going to
14 be pointing to some very specific things -- the
15 March 2015 image, which is on top, as compared
16 to the current proposal, which is the May 25th,
17 2015 image, in the hotel, as you can see,
18 there's an increased setback, which provides
19 this articulation at the retail level for the
20 architecture. So it's more pedestrian
21 friendly, in terms of scale.

22 So that's a minor change, but I believe it
23 makes a big impact in terms of the overall
24 image of the City.

25 The area in the center has come down, and

1 that has to do with the removal of some of the
2 spaces, like the gym and day care, et cetera.
3 The reason this is important is that that is
4 the area around the Arts Center building, okay,
5 so that gives you a much more appropriate scale
6 around that building, and then the largest
7 change, I believe, is the removal of this
8 building right here, which is the residential
9 building, and you can see how that makes a big
10 impact, in terms of the massing of the project,
11 as it relates to the residential neighborhood
12 next to it, and then the removal of the movie
13 theater, right here, also lowers the back of
14 the project.

15 So that is the most clear diagram that we
16 have, I think, that explains every issue in one
17 image, and the Applicant can go into more
18 detail, if you want, in terms of the
19 architecture.

20 Now, what I described in the center, which
21 I find very important, that low grade of the
22 center area results in the image of May 2015,
23 which is the image in the bottom, and as you
24 can see, the Arts Building has become much more
25 prominent, by lowering the scale of all of the

1 buildings around, and also the public space
2 around that building has been enhanced
3 significantly by removing some of the drop off
4 area, the valet, away from the facade of the
5 building.

6 So those changes, I think, have really
7 enhanced the public phase of the project, which
8 I think has become much more consistent with
9 the historic fabric of the City.

10 Now, in terms of the overall image, if you
11 look at the bird's-eye view, you can see that
12 the front is very similar, except that the
13 hotel is set back slightly, and yet the back
14 area, the area of the transition towards the
15 neighborhood, is very different.

16 So that, to me, summarizes the issue fairly
17 clearly, and if you have any more questions,
18 the Applicant will be able to address them.

19 In terms of the site plan, in red you'll
20 see the areas that have come down, in black you
21 see the areas that remain fairly tall, at the
22 maximum allowed height.

23 In this image, I wanted to clarify and
24 emphasize that one of the things we have done
25 is, we have verified that we have shade trees

1 all throughout the public spaces, all
2 throughout the sidewalks, and then that there
3 are a few palm trees in front of the -- in the
4 Arts Center Building, just to allow for that
5 building to be seen, but the majority of all of
6 the public spaces are nicely shaded.

7 In addition, the buildings are designed to
8 provide shade and comfort to the pedestrians,
9 so that has been reviewed and verified by
10 Staff.

11 In addition, Staff has also spent a lot of
12 time with the bicycle facilities, which
13 basically are two types of projects, the street
14 design, which are shown in the appropriate
15 streets, in Malaga and Galiano, for the bike
16 boulevards and bike lanes that are requested at
17 University, and also the facilities -- the
18 facilities that are within the building, which
19 include showers, bathrooms, storage areas, et
20 cetera. So there has been a lot of emphasis on
21 that aspect of the project all throughout.

22 In terms of traffic, if you read the
23 traffic report, it speaks of three options,
24 and, in a nutshell, Option One was the one that
25 was there before, which was when the hotel was

1 fronting on Ponce de Leon. Option One is just
2 for comparison purposes, but is not being
3 considered today as the project has changed.

4 Option Two was the original proposal by the
5 Applicant, which included the new drop off of
6 the hotel and had all of the traffic coming
7 from Malaga -- all of the automobile traffic,
8 and I want to emphasize, the red lines are only
9 about automobile traffic. There's also
10 pedestrian traffic, there's also other modes of
11 transportation. This is only about traffic.

12 So that was the original proposal, and that
13 there was some concern from Staff that that
14 created excessive impacts on Malaga, with
15 stacking, and also excessive conflicts, in
16 terms of the traffic operations within the
17 building and accessing the parking garage.

18 So Option Three was the Staff
19 recommendation, and Option Three, what it does
20 is that it includes one lane of automobile
21 traffic through the paseo. So there's this
22 additional access to the hotel, okay, going
23 through the previously designed paseo.

24 We have our consultant, Tim Plummer, here.
25 If you have any specific questions about

1 traffic, he's ready to assist you with that.

2 So this is the Staff recommendation. It
3 includes some segregation of the traffic
4 between the hotel and the residential tower,
5 which was the concern, from a traffic
6 operations point of view. So you can see that
7 there's some bollards being proposed. I
8 believe Tim is still recommending some more
9 permanent separation between the two. That
10 could be worked out, but the concept is that
11 traffic is separated, and then that there's
12 access from Coconut Grove Drive into the hotel,
13 and from Malaga into the residential towers.
14 So that is the traffic layout.

15 And when considering traffic, please keep
16 in mind that all of this is also affected by
17 the design of the building, the retail, all
18 kinds of other issues that are balanced once
19 you're working on a project as complex as this
20 one.

21 The alley vacation, another item before
22 you, is fairly straight-forward. It has not
23 changed. There has been some communications
24 from the County on the issue of perhaps the
25 Public Works Director or perhaps Craig --

1 MR. LEEN: I'd like to say something about
2 that.

3 MR. TRIAS: Yes.

4 MR. LEEN: The County has sent us a couple
5 of e-mails, where they've taken the position
6 that they have the right to approve or
7 disapprove our alley vacation. I think they're
8 absolutely wrong. So you know, I've issued two
9 opinions to the County on behalf of the City,
10 indicating that, you know, the determination of
11 whether the City will vacate an alley is
12 completely within the City's discretion under
13 the Code.

14 We have to follow the Code requirements.
15 There's both, provisions in the City Code and
16 also in the Zoning Code, and we are following
17 those requirements here today, and if the
18 Commission makes those findings, it's my view
19 that the alley vacation has to occur. If the
20 Comission doesn't make the findings, it
21 doesn't, but it's not based on the County.

22 The County does have the right to weigh in
23 and approve the entire traffic study and
24 traffic flow related to this property, but the
25 individual determination of whether we vacate

1 an alley or not is up to the City, and,
2 honestly, I just want to say one other thing,
3 for purposes of the record, you know, there's a
4 lot of liability that comes with having an
5 alley, and if the County wants to take that
6 position, which is wrong, they should be aware
7 that they would be taking on that liability, in
8 my view, because how can they have a right to
9 veto the City's ability to vacate an alley?

10 Anyhow, that's just a point, for the
11 record. My view is, they don't have that
12 authority, and you have the ability to act
13 today, and we made that position known to them,
14 and I don't know if there's anyone here from
15 the County today, but it seems like they've at
16 least acquiesced to that.

17 MAYOR CASON: Craig, they didn't weigh in
18 on the alley on the Collection residences.

19 MR. LEEN: They've never taken this
20 position in the past.

21 MAYOR CASON: So it's inconsistent with --

22 MR. LEEN: As far as I know. I asked the
23 Public Works Director, has this position been
24 taken, and it hasn't.

25 To me, it's also -- so there's no precedent

1 for it, as far as I know, and, to me, my view,
2 my opinion as City Attorney is that you should
3 not consider that, and you should make the best
4 determination you can.

5 MAYOR CASON: Thank you.

6 Ramon.

7 MR. TRIAS: Okay. So the next request is
8 the Development Agreement. It's generally the
9 same Development Agreement. Some of the
10 language has been fine-tuned slightly, and the
11 biggest change is that there's a reduction on
12 the total contribution, due to -- the Applicant
13 is requesting that reduction, because of the
14 reduction of the size of the project from the
15 previous number, which was 31,000,000 to 28.7
16 million.

17 The way that that is addressed is with a
18 reduction on the additional Art in Public
19 Places contribution that they had proposed
20 before, and that's on Tab F on the Staff
21 report, if you want to look at it in more
22 detail.

23 COMMISSIONER KEON: Excuse me, Ramon.

24 MR. TRIAS: Yes.

25 COMMISSIONER KEON: We've gotten a number

1 of e-mails with regard to that issue on that
2 contribution. Can you state that again and
3 make it very clear that the Art in Public
4 Places contribution is one percent of
5 construction costs; is that right?

6 MR. TRIAS: Yeah.

7 COMMISSIONER KEON: And that is being
8 offered by them, it will be the one percent of
9 whatever the construction costs are. The
10 additional dollars were proffered by the
11 Applicant as additional money, above and beyond
12 the one percent that is required by the City.
13 Is that right?

14 MR. TRIAS: You are correct. You are
15 correct, Commissioner. You're correct, yes.
16 And currently --

17 COMMISSIONER KEON: Okay. I want that to
18 be very, very be clear to the public, that all
19 of the money that is going to the Art in Public
20 Places will go to Art in Public Places.
21 Additional dollars proffered by the Applicant
22 can be used for art, it can also be used for
23 public safety.

24 MR. TRIAS: Yes. And that additional
25 amount beyond --

1 COMMISSIONER KEON: It's an additional
2 amount.

3 MR. TRIAS: Yeah.

4 COMMISSIONER KEON: It's over and beyond
5 what is required under our --

6 MR. TRIAS: The additional monies is
7 currently 2.7 million, and that's in
8 addition -- in addition to what is required by
9 the program, okay.

10 COMMISSIONER KEON: So it's only the
11 additional amount that there's any
12 discretionary use on.

13 MR. TRIAS: Yes. That's correct.

14 COMMISSIONER KEON: Thank you.

15 MR. TRIAS: Okay. So the next diagram
16 shows some of the updated images that deal with
17 the neighborhood improvements. That's really
18 for your benefit and for discussion. In terms
19 of the Applicant's proposal, nothing has
20 changed. The Applicant is proposing an amount
21 of money, and the City will make it into
22 projects as time goes by. So that's the nature
23 of that.

24 We have some conceptual renderings, but I
25 think that there's a lot of design work that

1 will need to take place, and I would recommend
2 that we talk to the neighbors and have
3 significant public discussion.

4 COMMISSIONER LAGO: Ramon, let me ask you a
5 quick question in reference to that, because I
6 know that we had a discussion about this
7 yesterday. I want to ensure that the neighbors
8 feel comfortable with what is planned for the
9 future in reference to their neighborhood.

10 Do you think that the monies that have been
11 proffered by -- which are significant, by the
12 way -- by the Developer, you think that's
13 sufficient to provide what the neighbors are
14 requesting, in reference to the wall, the
15 entrance features, some of the roadwork that's
16 going to be forthcoming? What is your opinion
17 on that?

18 MR. TRIAS: My opinion is that, yes. The
19 answer is, yes, and my recommendation is that
20 we need to do projects that are very elegant
21 and understated, just like the projects that
22 were done when Merrick originally planned the
23 City.

24 So those types of projects are certainly
25 within the budget, if we're strategic about it,

1 if we find the right place, and if the
2 neighbors support it.

3 So I think we have that flexibility and I
4 think it will be -- it's probably better to
5 have flexibility now, than to dictate
6 excessively to the neighbors. I would prefer
7 to have that conversation in the next few
8 months.

9 COMMISSIONER LAGO: I have the utmost
10 confidence in the Developer. I've seen what
11 product they've put out there. So, I mean,
12 quality to me is -- I mean, obviously you're
13 talking about properties that are going to
14 surround their development, which they're going
15 to own, so it's in their benefit to obviously
16 have something which is beautiful and pays
17 tribute to their project. So, at the end of
18 the day, I'm not concerned about that.

19 What I'm more concerned about is that we
20 meet what the residents -- what they want. We
21 want to make sure that they have -- their
22 vision is included and that we listen to them
23 as much as possible, because they're the ones
24 that are going to be living with these entrance
25 features on a daily basis.

1 MR. TRIAS: That is my recommendation to
2 you, and whatever I can do to make that happen,
3 I'm happy to help.

4 COMMISSIONER LAGO: Okay. Thank you.

5 MR. TRIAS: The final application request
6 is fairly technical in nature. It's the
7 revocations of some of the prior approvals. To
8 summarize, in the prior meeting, we had a Staff
9 report that included 18 items -- 18 topics, and
10 all of them have been addressed, in Staff's
11 view.

12 Public safety, traffic, valet operations,
13 parking management, shared parking calculation,
14 parking garage design -- that one has been
15 resolved mostly through design. There are some
16 conditions of approval to finalize all of the
17 issues -- on street parking, the trolley,
18 through the contribution and also through the
19 trolley stops, has been addressed. The FAR and
20 bulk, as you can see, has significantly changed
21 in the project. Open space has improved
22 somewhat, but I think that the fact that we
23 have verified that the sidewalks and their uses
24 work very well, I think that's a plus.

25 COMMISSIONER LAGO: Can we discuss that

1 just really quick --

2 MR. TRIAS: Sure.

3 COMMISSIONER LAGO: -- or do you want to
4 maybe have a discussion later about that?

5 MR. TRIAS: Why don't we have it after the
6 Applicant so we can look at that in some
7 detail?

8 COMMISSIONER LAGO: Okay.

9 MR. TRIAS: The sustainability issues, the
10 leed certification for the buildings was one of
11 the conditions. The retail, as we said before,
12 has been enhanced significantly in the ground
13 level.

14 Now, I must say that the Applicant is still
15 proposing second level retail, so that's an
16 issue that you may want to discuss with them.

17 The hotel entrance issues have been
18 resolved. The residential, the streetscape
19 has been verified, based on the Commission's
20 direction, and the Arts Center Building
21 language has been revised with very, very clear
22 direction from the City Manager's Office, and
23 with the collaboration of our attorney.

24 The neighborhood impacts have not changed.
25 Basically we have simply refined the plan.

1 Some issues with the BID also have been
2 discussed, and the Art in Public Places
3 concerns have been addressed, as we said
4 before.

5 So the findings of fact are that the
6 requirements and the standards of Section
7 3-1506 are satisfied as it relates to the
8 Comprehensive Land Use Map and the Text
9 Amendment.

10 The Zoning Code issues are also satisfied,
11 the standards of review in the Zoning Code.
12 The PAD, the Planned Area Development, as you
13 know, this project is a PAD area development,
14 which has some specific regulations that give
15 control and predictability to the Commission,
16 those have been satisfied.

17 The alley vacation process, as the City
18 Attorney has explained, was also satisfied.
19 The Development Agreement also complies with
20 your Zoning Code and satisfies all of the
21 requirements.

22 And, finally, the last issue, which is the
23 revocation of the existing Old Spanish Village
24 PAD, has also been satisfied.

25 So Staff recommends approval, with

1 conditions. The conditions are listed. They
2 have been discussed in the past. We can have
3 futher discussion.

4 So I will end my presentation at this point
5 and ask the Applicant, with your permission, to
6 continue.

7 Thank you.

8 MAYOR CASON: Yes. Thank you very much.

9 Who will be speaking? Mario, will you be
10 speaking?

11 MR. GARCIA-SERRA: Good morning, Mr. Mayor,
12 Commissioners, Mario Garcia-Serra, with my
13 office address at 600 Brickell Avenue. I am
14 joined today by Hector Fernandez, Jose Antonio
15 Perez Helguera, and Eddy Avila of Agave Ponce,
16 LLC, as well as Dan Freed, of RTKL, our project
17 architects, as well as several other of our
18 expert consultants, which comprise our project
19 team.

20 When this Commission voted to tentatively
21 approve this project on first reading on April
22 2nd, it was with a clear mandate to resolve
23 several issues between first and second
24 reading. Those issues were summarized in the
25 City Staff memo, which was provided as Exhibit

1 E to your agenda item today, and which lists 18
2 different issues which had to be addressed.

3 It is a testament to the hard work of both,
4 your City Staff and the project team, that each
5 of those issues are now indicated today as
6 having been resolved.

7 I would just summarize how we resolved what
8 I consider to be the four bigger issues, but we
9 are prepared to discuss each and every one of
10 them, if necessary, today.

11 The first issue was the project size and
12 massing. Your clear direction was to make this
13 project smaller and less imposing on the
14 residential neighborhood to the east, and we
15 did exactly that. At one point, when this
16 project was first proposed, it had an FAR of
17 4.7. By the time that we appeared before you
18 for first reading, the FAR was reduced to
19 4.375. Today, as the project is proposed, its
20 FAR is 4.0, which is less than what can be
21 achieved in the Central Business District, and
22 translates to an overall reduction of floor
23 area of 205,000 square feet from what was
24 originally proposed. From 4.7, to the 4.0,
25 that's a reduction of 200,000 square feet. The

1 size of many projects which quite often come
2 before you and are considered significant has
3 been taken out of this project.

4 The biggest factors in achieving this
5 reduction were the elimination of a whole
6 residential tower, as well as the cinema, both
7 of which were located on the east side of the
8 property, facing the single family residential
9 neighborhood.

10 The second issue was maximization of retail
11 frontage. Your direction, again, was to have
12 retail engaging the street as much as possible,
13 and, again, we made a major design change and
14 moved the hotel driveway and drop off area from
15 Ponce de Leon Boulevard to Malaga, so as to
16 increase retail frontage, and, on Ponce, in
17 particular.

18 The third issue was to not let this project
19 become the usual regional shopping mall. If
20 Commissioner Keon said it once, she said it
21 maybe fifteen times during first reading, she
22 did not want this project to become the typical
23 enclosed shopping mall.

24 There, again, we made significant design
25 changes to address this concern. A plan which

1 previously called for repetitive looping and
2 fully enclosed walkways now has only one main
3 central paseo type retail area, which is only
4 partially enclosed, and the number of plazas
5 and open spaces have been increased.

6 The last big issue, in my estimation, was
7 traffic. You wanted to make sure that traffic
8 was managed as well as possible and that there
9 would be fallback measures in place in the
10 event that traffic estimates and studies were
11 not accurate.

12 This project has gone through the most
13 thorough review that I have seen in any of the
14 thirteen years that I've been representing
15 projects in this City. Everything, from
16 overall traffic volume, to valet service, to
17 the turning radii of drive aisles in the
18 parking garage has been analyzed and reviewed
19 to such an extent, that our traffic engineer
20 and the City's traffic engineer have probably
21 spent more time talking with each other over
22 the last two months than with their spouses.

23 In the event that any of these analyses or
24 recommendations prove to be wrong, we have a
25 system in place to catch those mistakes and

1 correct them. Traffic study updates need to
2 take place on an annual basis, each year, for
3 five years, after issuance of the first
4 Certificate of Occupancy, and corrective
5 measures implemented at our own cost for the
6 project and for the off-street improvements
7 which we are proposed in the various
8 surrounding areas, if necessary.

9 Such commitments to get this right have
10 never before been seen in the City or this
11 County for a project, which is, again,
12 completely private in nature.

13 With that said, I'm going to ask Dan to
14 sort of walk you through the latest floor plans
15 and elevations so you see exactly how the
16 project looks right now. When he's finished,
17 we'll have two sort of issues where Applicant
18 and Staff are not a hundred percent in
19 agreement and we would like to have your input.
20 They're relatively minor, but important, I
21 think, to discuss.

22 MR. LEEN: Can we swear in everyone who is
23 going to speak?

24 MR. GARCIA-SERRA: Sure.

25 MR. LEEN: Could you swear in everyone who

1 is going to speak?

2 Everyone who is going to speak today as a
3 witness or in the public hearing please stand
4 up so we can see you.

5 (Thereupon, the participants were sworn.)

6 MR. FREED: Good morning, Mr. Mayor, Vice
7 Mayor, City Manager and Commissioners. My name
8 is Dan Freed. I'm with RTKL, based here in our
9 Coral Gables office. It's a pleasure to be
10 back and to speak to you again about the
11 revisions that we've made to date since we last
12 met.

13 The book that I believe everyone received
14 is over 250 pages. I've condensed that down to
15 about 50 slides. We have the book in
16 electronic format, if we need to reference any
17 of the specific pages in our presentation.

18 Everyone is familiar with the site. It's
19 6.74 acres, directly on Ponce de Leon
20 Boulevard, very, very important site in the
21 City.

22 Our site plan is essentially the same. The
23 big major changes, as Ramon has already
24 mentioned, is this removal of our porte cochere
25 and drop off for the hotel in this position,

1 relocating that to an entrance off of Malaga
2 and an actual internal circular drop off, that
3 we have some images coming up shortly to show
4 you what that looks like today.

5 All of the standards that we've promised in
6 the past, natural materials, preserving the
7 historic Arts Center Building, the minimum
8 native planting percentages and the Art in
9 Public Places beyond the current Code is still
10 in place.

11 And these images we've been showing you
12 since the very first meeting of our 20 --
13 frankly, 19, 20 meetings that we've had with
14 public hearings, and none of those commitments
15 have changed, as well, so the level of detail
16 is as high as we could possibly see on a
17 project of this nature.

18 Just zooming in onto a number of
19 particulars, we have some views coming up that
20 are new to our presentation since the last time
21 we met. I want to focus on those initially.

22 The view that is coming up next in the
23 presentation is actually taken about here,
24 looking towards the historic building. It's
25 this view here. So you see a public plaza

1 that's in front, it's right off of Ponce de
2 Leon, focused onto the most important building
3 in the project, the historic building.

4 From day one we've always talked about this
5 being the heart of our project and it continues
6 to be, and as Ramon has mentioned, we've made
7 changes to this space, including additional
8 office liner on the lower levels of the parking
9 garage, that allow the space to be as active as
10 possible, from the standpoint of the
11 architecture that's around it, and then another
12 huge change that we've made since the last time
13 we've met is the elimination of this middle
14 residential tower. If you remember, it was
15 really here, in the view previously, that's
16 been eliminated, and we've also eliminated the
17 gym and the day care that was on the center
18 space, behind the historic structure, and we've
19 lowered the structure or the element that
20 connects to the roof in that location, as well.

21 This next view, we're on Ponce de Leon, as
22 well. We're looking back into the project, but
23 we're beyond where the former -- we're south of
24 where the former hotel drop off was, looking
25 into the project, and that's this view here.

1 So one of the connections to the hotel drop
2 off, as well as to the retail spaces and paseos
3 is through this space off of Ponce de Leon.

4 The next view is this new hotel drop off
5 that we've been talking about, and the view I'm
6 showing you is actually coming straight from
7 kind of where this car is shown in the
8 illustration, looking back at the hotel
9 entrance, which is here, and you'll see retail
10 spaces and activity occurring around this drop
11 off.

12 So vehicular drop off, entering, coming in
13 and around, valet ramps that take you down in
14 this location, to the parking below, and the
15 view of that is here.

16 We're rendering it in a different form, but
17 it's still coming straight from our
18 three-dimensional model, so absolutely
19 accurate, as accurate as we could possibly be,
20 using the actual documentation that we do to
21 produce the final construction documents.

22 So this is the hotel drop off, circular
23 vehicular porte cochere, with the major hotel
24 drop off -- or, sorry, canopy, that allows for
25 protection of hotel guests as they enter and

1 exit the hotel. That entry is here.

2 And then one last view, that's new for the
3 presentation, is looking from that office liner
4 that we created on Palermo, looking back at the
5 historic building and looking on to the retail
6 and hotel that occurs on the third level.

7 If you'll remember, our ballroom is up
8 here, and we'll actually be able to walk out
9 onto open space, cross over a bridge that's
10 here, and guests, as well as the public --
11 guests of the hotel, as well as the public,
12 will be able to access the public garden that
13 is on the top of the retail space.

14 So it's gone from a roof of a fourth level,
15 to a roof of the second level, for that public
16 park location, and this is the ceremonial
17 staircase that allows everyone to get up to
18 that upper level garden area.

19 This is just an illustrative floor plan of
20 the latest roof areas. The entire roof
21 continues to be green roof, anything over a
22 thousand square feet is a green roof, and then
23 the larger roofs, that are accessed by either
24 the public or by residents of the project or
25 guests of the hotel, are able to use the green

1 spaces that are shown in this diagram.

2 And then there was some conversation or a
3 quick point out about open spaces. This is the
4 diagram we're including in the package. It's
5 different from, I think, what we've included in
6 your package, because it combines what's on the
7 ground floor, as well as what's on the upper
8 floors, and shows you all of the green space or
9 open space that's being provided.

10 So our total open space across the site is
11 171,000 square feet, within our property. That
12 includes 117,000 square feet on the rooftop and
13 54,000 square feet on the ground -- the ground
14 area.

15 So we have 19 percent of our open spaces
16 being provided -- or 19 percent of our site
17 area is open space on the ground floor, and
18 we're over 40 percent, when you calculate and
19 include the rooftop open space that were being
20 provided, and as you know, Code allows us to do
21 that, including rooftop, as well as ground
22 floor space.

23 COMMISSIONER LAGO: Can we discuss that?

24 MR. FREED: Sure. Of course.

25 Just one more thing to note, just so you

1 understand all of these numbers that's on here,
2 please, a total open space, when we include on
3 and off-site, so when you look from curb line
4 to curb line, we're actually providing 272,000
5 square feet of open space that we're designing
6 and embellishing with features and amenities.

7 COMMISSIONER LAGO: First off, I commend
8 you and the Developer for, you know, taking the
9 task on to make sure that this project is lead.
10 You're really setting the tone for the rest of
11 the City and all of the developers that are
12 going to be forthcoming and hopefully doing
13 projects in our City, so I commend you for
14 really taking those steps, which are essential,
15 you know, to really keep what we do in the City
16 at a really high level.

17 My question to you is, and maybe this is
18 for Ramon, you put 19 percent; wasn't the
19 ground floor requirement 20 percent?

20 MR. FREED: It's not a ground floor
21 requirement. It's a total open space
22 requirement and the Code --

23 COMMISSIONER LAGO: Open air. Is it 19 or 20?

24 MR. FREED: It's 20 percent, and the Code
25 allows you to use at grade, as well as above

1 grade rooftops.

2 COMMISSIONER LAGO: Okay. My other
3 question for you was the issue of -- I remember
4 the Developer had mentioned or had proffered
5 the opportunity of potentially using an
6 adjacent lot, which is existing, for an open
7 park.

8 MR. FREED: Correct.

9 COMMISSIONER LAGO: I think it was like to
10 close -- between five to eight thousand, and I
11 think that we were going to discuss with the
12 neighbors whether the neighbors actually wanted
13 an open area park adjacent to their homes.

14 MR. FREED: What we've included in this
15 calculation, and you can see it in the
16 diagrams, are the open spaces here and here,
17 adjacent to Coconut Grove Drive, right on
18 Malaga, that are currently part of this
19 project, owned by the client and included in
20 this calculation.

21 COMMISSIONER LAGO: No, I know. Those are
22 entrance features, but there was an actual
23 parcel of land, which was an empty parcel, from
24 what I understand -- I mean --

25 COMMISSIONER KEON: Where was that parcel?

1 I'm trying to remember where it was.

2 MAYOR CASON: It's like a fountain or
3 something.

4 COMMISSIONER LAGO: No. No. No.
5 Actually, it was an empty piece of land that I
6 think -- I think what was mentioned --

7 MR. TRIAS: Are you referring to a
8 right-of-way that was requested with the plans?

9 COMMISSIONER LAGO: No, it was an empty lot
10 which existed, which was mentioned by the
11 Developer as potential. Again, it wasn't
12 guaranteed, it was a potential opportunity to
13 increase the open area for the residents.
14 Again, but it wasn't finalized, it was in
15 discussion, and we were going to find out if
16 the residents even wanted an open space.

17 MR. AVILA: If I may, that discussion was
18 at a time that we were looking at the overall
19 project. When we scaled back the project, we
20 also had not included those two existing
21 sculptures and fountains that are there in the
22 open space, which are now included. We are not
23 proposing to provide that, for many reasons,
24 including the neighbors.

25 COMMISSIONER LAGO: Okay. So we've had a

1 thorough discussion with the neighbors in
2 reference to -- because I know that there was
3 another problem. I spoke to several neighbors
4 and they told me that they had certain issues
5 with people congregating in the area and that
6 maybe that park would become more of a nuisance
7 than an actual benefit.

8 MR. AVILA: That is correct, and, also,
9 there's the potential use for the lot for a
10 single family home on it.

11 COMMISSIONER LAGO: Okay. Thank you.

12 MR. FREED: This diagram, again, is just
13 repeating our building heights and setbacks.
14 Of note, in particular, is the elimination of
15 the middle residential building that was here
16 on the corner of Palermo -- or on Palermo, and
17 then we've also eliminated the cinema, as has
18 been discussed, so our heights have gone from
19 116 feet for the height of the cinema, down to
20 91 and a half feet for the top of the mass
21 here, underneath what was the cinema.

22 The other heights have not changed. We're
23 still proposing that a little over 5,000 square
24 feet, this darker footprint, is for a two-story
25 restaurant that occurs on the top of the hotel,

1 that's that darker color here, and then the
2 other intense red colors are the other elements
3 that are at the 190.5 height limit for
4 high-rise structures in the City.

5 And then this diagram also highlights just
6 what we've changed, as well. Ramon has shown
7 this previously. This residential tower is
8 gone. We've eliminated the cinema in this area
9 of the plan, and we've also reduced, by two
10 stories, the height of the building directly
11 behind the historic structure.

12 This section is showing how the parking
13 works. It was mentioned that we have still two
14 levels below grade, but the second level below
15 grade is not a full level anymore, and we're
16 adding an additional level of parking, in order
17 to get to the required parking of -- and get
18 into account the 2,712 spaces, not counting the
19 30 spaces that are including in the townhomes.

20 This shows the 55 spaces that we're
21 providing on-street, and our valet operations
22 have been modified based on the entrance for
23 the hotel moving to Malaga. So we're providing
24 valet here, in this location, for the hotel
25 operations. They have access to a ramp

1 right -- directly adjacent to that drop off
2 that's located here, and the other two valet
3 positions are similar. We've moved the Palermo
4 valet a little bit farther east, to allow more
5 breathing room around the historic structure,
6 and the Sevilla valet station is remaining in
7 that --

8 MAYOR CASON: Can you discuss how that
9 valet is going to work? Are you going to come
10 into that circle, and if you're driving your
11 car, you're going to be directed to go
12 downstairs or is it a combination you could get
13 off there --

14 MR. FREED: There's multiple options, if
15 you come as a guest. We're guaranteeing, as
16 events over a certain size, that publications
17 will be put out that there's multiple locations
18 to drop off your car.

19 If you come without seeing that notice and
20 you simply want to drop off at the hotel, you
21 will enter from the hotel entrance, which is
22 here on Malaga, and for larger events, we'll be
23 signing folks and mitigating issues with any
24 drop off backup by telling people to
25 immediately go down for valet or for self park.

1 They can do that all by going down this ramp
2 right here.

3 We will allow the main drop off and valet
4 to be occurring 90 percent of the time at the
5 main door for the hotel. So I believe it's
6 seven spaces that are provided here, in front
7 of the hotel. You pull up to that valet, get
8 your car, and you simply walk into the hotel or
9 go to shop, as you might.

10 MAYOR CASON: Are you going to have any
11 kind of an elevator or anything, so that the
12 valet attendants can get back up quickly?

13 MR. FREED: Correct. We also provide
14 stairs immediately for valet, so those are
15 organized in the plan, that allow them to go --
16 it's the blue dot that's shown here, Mr. Mayor,
17 that allows those valet folks to go immediately
18 up and down to the configuration.

19 We're also adding something on the below
20 grade level for additional valet staff, for
21 those folks that we're saying, "Okay, we're
22 backing up a little bit, we want you to get
23 downstairs as soon as possible," there's
24 another valet option down there and I'll show
25 you that. I think it's the next level.

1 So if you do elect to kind of drive down
2 into the garage, because you don't want to pull
3 around the hotel drop off, you're able to come
4 down the ramp here, and there's a valet drop
5 off here, at the B-1 level. You would leave
6 your car here, and that takes you into hotel
7 elevators, that get you right up into the main
8 levels of the hotel.

9 VICE MAYOR QUESADA: So I have a number of
10 questions related to this. I don't know if --

11 MR. FREED: Please.

12 VICE MAYOR QUESADA: Do you want me to let
13 you finish or --

14 MR. FREED: No. No. No, please.

15 VICE MAYOR QUESADA: Because I think it
16 involves Tim Plummer and Kimley-Horn, as well,
17 and I'm actually going to grab that microphone,
18 because I want to walk up to the diagram to
19 make it a little bit easier to understand.

20 Thank you.

21 All right. So just to make sure I
22 understand this correctly -- and I know the
23 last time, at the first reading, I believe it
24 was Tim Plummer that said that we don't plan
25 for traffic in the worst case scenario

1 situation, but that's what -- we always think
2 about, that's when we get the concerns, that's
3 what we want to address.

4 So when this 500-seat ballroom is having an
5 event, obviously the main entrance for any
6 visitor that's coming to that event, any
7 guests, I'm assuming it's going to be coming
8 off of the Ponce, coming into the valet,
9 through here, and I asked Staff this when we
10 were prepping for today's meeting, I guess my
11 question is, how many cars can we stack coming
12 in? So I'm assuming the drop off is going to
13 be right up here. That's where you're going to
14 be getting off for valet for the event.

15 MR. FREED: Correct.

16 VICE MAYOR QUESADA: So if it's a 500-seat,
17 that means, if it wasn't a seating event, you
18 can have up to what, 800 people, 700 people?
19 I'm guessing. I don't know what the answer is.

20 MR. FREED: We're sitting 500, so that's
21 approximately the -- well, for seated, correct.
22 Yes, you can get up to -- for a standing event,
23 you can get to 800, approximately.

24 VICE MAYOR QUESADA: Okay. So assuming
25 that amount of cars coming into that location,

1 I guess -- let's say the event starts at six
2 o'clock, you know. Does that mean from 5:30 to
3 7:00, are we going to have cars spilling off
4 into Ponce or stacking up around the corner,
5 which is the basis for my question?

6 And you briefly went into it, but I just
7 want to be a hundred percent clear on this,
8 because, for me, this is the biggest issue. I
9 don't want stacking occurring on Ponce, so all
10 of the sudden we have traffic congestion on
11 Ponce or cars spilling off into the residential
12 neighborhood.

13 COMMISSIONER SLESNICK: Mr. Vice Mayor, if
14 I may ask you a question while you're over
15 there. Right across from the entrance from the
16 hotel -- yeah, right there -- is an alley right
17 behind Christy's Restaurant.

18 VICE MAYOR QUESADA: Yeah. It's somewhere
19 back -- yeah. Yeah, right here.

20 COMMISSIONER SLESNICK: Yeah, Christy's is
21 right there on the corner, across the street,
22 and from the looks of the diagram so far, the
23 alley is right across that, that perhaps
24 traffic will come in on the block before and
25 line up in that alley to get into the valet.

1 VICE MAYOR QUESADA: It's possible, and
2 that's a great question to add to this.

3 COMMISSIONER SLESNICK: I mean, that's an
4 intrusion for the neighbors.

5 VICE MAYOR QUESADA: My question is, that
6 stacking, the cars that are sitting waiting to
7 drop off their car or to go into the parking,
8 will the stacking occur around here or is it
9 going to go in? How will that be addressed?

10 MR. FREED: So what we've designed is --
11 well, One, I want to note that it's a 184-key
12 hotel, with a 5,000 square foot ballroom, not a
13 major hotel facility, and in my 26 years, I've
14 never designed a hotel drop off that had the
15 potential for this amount of cueing for drop
16 off at its front door, but that being the
17 case --

18 VICE MAYOR QUESADA: Hold on. Let me stop
19 you right there.

20 So what is that number? How many cars can
21 we stack or cue from this point coming out? Is
22 it five cars, is it ten, is it twenty?

23 MR. FREED: I would approximate it's about
24 twenty-five cars, because it's actually two
25 lanes that we can do from -- well, we could

1 continue to stack right up to here, the whole
2 way around the circle, and possibly the whole
3 way to Malaga, but I just want to reiterate
4 that even if we get to that point, we have the
5 immediate ability to cut off that access to the
6 hotel and ask everyone to either go up or down
7 into this parking facility.

8 VICE MAYOR QUESADA: Which I'm assuming the
9 stacking is endless once you're going into the
10 parking. Is that a correct assumption?

11 MR. FREED: Say that -- I'm sorry?

12 VICE MAYOR QUESADA: I said, if you are
13 diverting cars into the parking garage, let's
14 say, because they're anticipating a lot of
15 vehicles coming into the event and the
16 management of the building or the hotel diverts
17 all of the valet cars and all of the residents
18 or anyone who is a hotel guest, diverting into
19 the parking garage --

20 MR. FREED: Correct.

21 VICE MAYOR QUESADA: -- am I correct to
22 assume that there's an endless amount of
23 stacking, so we will not have a traffic
24 congestion event on Ponce or the residential
25 neighborhoods; is that correct?

1 MR. FREED: That's correct. So you could
2 imagine that because we've added this valet
3 station below, at the B-1 level, you could
4 stack the whole along this area and the whole
5 way up the ramp.

6 VICE MAYOR QUESADA: Okay. Wait. Go back
7 one. Okay. Go to the next one you just had.

8 So you would come down, I'm assuming the
9 ingress --

10 MR. FREED: Right here is the ramp.
11 Right here is the ramp down from above.

12 VICE MAYOR QUESADA: So I'm assuming I'm on
13 the ground floor level. So as soon as I come
14 in here -- go to the next slide -- I'm coming
15 out here and we're stacking internally?

16 MR. FREED: It actually aligns right here.

17 VICE MAYOR QUESADA: Right here, okay.

18 So then the stacking occurs -- okay.

19 This parking lot, in that garage, it's
20 going to be obviously for valet parking, as
21 well as hotel guests, as well as residential;
22 is that correct?

23 MR. FREED: Primarily we see commercial use
24 and hotel.

25 VICE MAYOR QUESADA: Commercial and the hotel.

1 MR. FREED: The residential will be
2 upstairs and we only have 60 spaces downstairs
3 in this B-1 level that have to be used for
4 valet. The rest are available for self park.

5 VICE MAYOR QUESADA: Thank you.

6 MAYOR CASON: During a big event, would you
7 be able to anticipate more cars coming in and
8 take more of the parking away from the
9 commercial and block it off for the event?

10 MR. FREED: So part of our shared parking
11 analysis is that we wouldn't be isolating hotel
12 self parkers from retail self parkers. So they
13 mingle and that's the whole beauty of the
14 shared parking.

15 COMMISSIONER LAGO: It's just the ability
16 to maximize the available spaces, that's my
17 understanding, correct?

18 MR. FREED: Correct, exactly.

19 COMMISSIONER LAGO: Which is something
20 which doesn't happen currently with the, you
21 know, parking plan that we have.

22 Let me just ask you a quick question. From
23 what I remember, we had discussed that the
24 Developer was going to have a minimum
25 requirement in reference to available valet

1 staff. Is that in the Development Agreement or
2 did we discuss that? I mean, just refresh my
3 memory again, and I think that was probably
4 like three meetings ago.

5 COMMISSIONER KEON: It is in the
6 Development Agreement, yeah.

7 MR. GARCIA-SERRA: We're required to
8 provide a valet operations plan, which is going
9 to be part of the Development Agreement, and it
10 requires a certain amount of staffing that
11 their traffic engineer feels comfortable is
12 going to be sufficient.

13 COMMISSIONER LAGO: Which, as we mentioned
14 before, which the Vice Mayor so eloquently
15 stated, you know, this is something where it's
16 going to be influx, it's not static. We're
17 going to be judging this every year over the
18 next five years to make sure that we provide
19 the necessary -- you know, reduce stacking, if
20 there is stacking, if we need more valet, we
21 can add more valet.

22 COMMISSIONER KEON: Well, yeah, the
23 Development Agreement --

24 MR. GARCIA-SERRA: Before we get the
25 building permit, we have to establish that, and

1 even after, you know, we get our CO -- excuse
2 me, after we get our CO, we still have to
3 establish that it's sufficient valet services
4 to address that.

5 COMMISSIONER LAGO: Along with the
6 management of traffic, also, besides that.

7 COMMISSIONER KEON: Right, but it's
8 addressed in the Development Agreement as to
9 how often and when they have to re-assess all
10 of those things, anyway.

11 MR. GARCIA-SERRA: And the Parking Director
12 has to approve it himself.

13 COMMISSIONER LAGO: On a yearly basis, over
14 five years.

15 COMMISSIONER KEON: Yeah.

16 COMMISSIONER LAGO: Okay.

17 MR. GARCIA-SERRA: If you can, then let's
18 go back to the site plan, just to sum up what
19 we're doing with the valet. You know,
20 sometimes --

21 COMMISSIONER LAGO: Can I ask you just one
22 last question? I'm sorry, Mario, I apologize.

23 MR. GARCIA-SERRA: Sure.

24 COMMISSIONER LAGO: When you talk about the
25 ramp for valet, the designated ramp, I just

1 want to make sure, that's only for valet use,
2 correct?

3 MR FREED: Completely isolated here and
4 only usable by the valet staff, ever, a hundred
5 percent of the time.

6 COMMISSIONER LAGO: No, because that's
7 essential.

8 MAYOR CASON: That's great.

9 MR. FREED: And that's a new addition. We
10 didn't have that in the original.

11 COMMISSIONER LAGO: Have you seen any other
12 buildings provide that type of just designated
13 valet ramp?

14 MR. FREED: It's not unusual for a hotel, a
15 larger scale hotel than this one, but it's not
16 unusual for a large hotel to have dedicated
17 valet ramps.

18 COMMISSIONER KEON: Yeah.

19 COMMISSIONER LAGO: Okay.

20 COMMISSIONER KEON: It seems to me, from
21 what we've read in the presentation and the
22 discussion we had with Staff prior to the
23 meeting, that the only big difference I see
24 between what you have submitted and what Staff
25 has recommended deals with the traffic related

1 to the hotel and the residential building. Is
2 that right? Is that the only difference?

3 MR. FREED: Correct. The Staff recommends --

4 COMMISSIONER KEON: And everything that's
5 been presented is just that one particular
6 item; is that right?

7 MR. GARCIA-SERRA: Correct. Remember when
8 I mentioned that there were a couple of issues
9 that we didn't agree a hundred percent on,
10 that's one.

11 COMMISSIONER KEON: Okay. What is the other?

12 MR. TRIAS: Let me address the
13 Commissioner's --

14 MR. GARCIA-SERRA: The other one was the
15 discussion on the height.

16 COMMISSIONER LAGO: Ramon.

17 MR. TRIAS: Yeah, that is correct. That is
18 correct.

19 COMMISSIONER KEON: Okay. I just wanted to
20 know if there was anything else besides that.
21 Was there any other issue, besides this, where
22 there is a difference between the
23 recommendation from the Staff and what the
24 Applicant has proposed?

25 MR. GARCIA-SERRA: This is really the only

1 one.

2 COMMISSIONER KEON: This is really the only
3 one?

4 Okay. So will we wait and listen to the --
5 I have some pretty strong feelings on this,
6 also. So I don't know if -- would you prefer
7 to wait, Mayor, until everybody does all of the
8 traffic related things --

9 MAYOR CASON: Yeah, I would prefer to
10 finish your presentation.

11 COMMISSIONER KEON: -- and then we'll talk
12 about that and maybe we can deal with all of
13 the other issues and then we'll come back to
14 that one?

15 MAYOR CASON: That's good.

16 MR. GARCIA-SERRA: Right.

17 COMMISSIONER KEON: Okay. Thank you.

18 MR. GARCIA-SERRA: Let me just point out
19 one thing, to make it crystal clear on how the
20 valet is going to be handled.

21 Let's say it's a doomsday scenario,
22 fourteen years from now, my daughter is having
23 her sweet fifteen or sweet sixteen's party and
24 everybody in town is invited, how are we going
25 to handle the valet?

1 So the valet drop off for the hotel is
2 right here. As was mentioned, about 25 car
3 spaces worth of stacking here. Once that
4 starts filling up, if we need to, we start
5 going down into the parking garage, where there
6 is almost a limitless amount of stacking that
7 we could do there with cars, utilizing, at that
8 point in time, as Commissioner Lago mentioned,
9 the dedicated ramp for valet.

10 This ramp right here is only for valet, to
11 operate on those very busy occasions when they
12 need to get up and out of the parking garage
13 quickly.

14 Let' say, even in that scenario, it's
15 backing up there; there's, again, another drop
16 off point that could be right here for valet,
17 where you could be directing cars so that they
18 drop off cars there, take it into one of the
19 other entrances of the parking garage, and then
20 people walk over to the entrance of the hotel,
21 which then concerns what's happening here,
22 Commissioner Keon, which we will leave for
23 after we wrap everything up.

24 COMMISSIONER KEON: We can have that
25 discussion.

1 Can you show me where, if the people in the
2 residential tower decide that they're not going
3 to valet, they would prefer to self park and
4 take whatever elevator upstairs, how do they
5 access the garage?

6 MR. FREED: So there's two residential
7 buildings.

8 COMMISSIONER KEON: Right.

9 MR. FREED: I'm assuming you're speaking to
10 not just the townhomes, and so they have
11 access -- the south tower has access off of
12 Malaga, here, and they would enter -- they
13 could take a right immediately and go up the
14 ramp that's located right here, that gets them
15 into the higher levels of parking immediately
16 adjacent to the residential building.

17 COMMISSIONER KEON: Okay. So if you wanted
18 to park yourself, you would enter on Malaga
19 there and immediately turn to the right?

20 MR. FREED: If I was living in the south
21 building, I would enter there.

22 COMMISSIONER KEON: Right.

23 MR. FREED: If I was living in the north
24 building, there's access here off of Sevilla,
25 as well as here, off of Palermo.

1 COMMISSIONER KEON: Right. Okay. It was
2 more the -- you know, this residential -- the
3 south residential area and its proximity to the
4 hotel. That was something I asked about.

5 MR. FREED: Correct, if you choose to self
6 park. You would still have the option to
7 valet.

8 COMMISSIONER KEON: Okay. I just didn't
9 see how you self parked on there.

10 Okay. Fine. Thank you.

11 MR. FREED: So below grade, we've mentioned
12 the valet operation that's been added since the
13 last time we spoke.

14 Public benefits are still encompassing the
15 same areas that we spoke about the last time.
16 This is a breakdown of those public benefits,
17 by each individual area, and still a dramatic
18 public benefit of 27 million dollars being
19 provided by our Developer.

20 On the trolley enhancements, which
21 including 16 million dollars worth of
22 enhancements, the idea there or the proposal is
23 that we would add an additional loop. So
24 there's a red line, which everyone is familiar
25 with, shown here in the graphic, that runs from

1 the Douglas station up to Flagler, and we're
2 adding this blue loop, which accesses our site
3 here, in this location, and goes around Coral
4 Gables, and the loop shown.

5 In the end, it's up to the City and the
6 departments and you all to determine how that
7 money is used and whether or not it's a second
8 loop or it's additional trolleys or as it may
9 be.

10 MAYOR CASON: I have a question. When
11 would the trolleys -- when would you purchase
12 the four trolleys? Is this after the
13 construction is finished? Would we have the
14 benefit of the trolleys early on to help with
15 streetscape and some of the traffic issues
16 there?

17 MR. GARCIA-SERRA: Prior to issuance of the
18 first permit for the project construction, we
19 have to do the up-front contribution, which is
20 about 1.4 million, if I remember correctly,
21 which is for the acquisition of those
22 additional trolley cars.

23 Then, after that, it's 600 and some
24 thousand dollars every year, for the next 25
25 years, to finance continued expansion and

1 maintenance of the trolley service.

2 MAYOR CASON: Thank you.

3 MS. SWANSON-RIVENBARK: Excuse me, Mr.
4 Mayor. It may be helpful for clarification on
5 the Art of Public Places if you could give an
6 estimate of what the construction costs would
7 be and, therefore, what the one percent would
8 be, which is a requirement of the building
9 process. The 2.7, 2.6 was in addition to that.

10 COMMISSIONER KEON: Is an addition.

11 MR. GARCIA-SERRA: We're estimating
12 construction costs at around 500 million. One
13 percent of that would be five million, which
14 this project is committed to do for Art in
15 Public Places.

16 COMMISSIONER KEON: Can I ask? Can you
17 clarify that for me with the Art in Public
18 Places? The contribution is a dollar
19 contribution; is that right?

20 MR. GARCIA-SERRA: Well, it's factored out
21 as a dollar contribution. The amount is five
22 million. It can be, pursuant to the City's Art
23 in Public Places Ordinance, either a cash
24 contribution or an incorporation of art, which
25 you approve, into the project, or a combination

1 of those two.

2 COMMISSIONER KEON: Well, that's what I
3 want to know. Are the fountains that you have
4 planned that are there to enhance the quality
5 of your project and those types of amenities,
6 are they considered part of the contribution to
7 the Art in Public Places? Will the value of
8 those fountains and other amenities be
9 subtracted from that five million?

10 MR. GARCIA-SERRA: No. For this project,
11 no. This project, whatever you're seeing on
12 the site plan today is going to be part of the
13 project, part of that initial construction
14 cost.

15 COMMISSIONER KEON: That is part of the
16 project and it's not part of the contribution
17 for the Art in Public Places?

18 MR. GARCIA-SERRA: Correct.

19 MS. SWANSON-RIVENBARK: The Art in Public
20 Places Ordinance is very specific about what
21 can qualify for legitimate art. That's an
22 amenity to the project, but it's not art.
23 Cindy Birdsill can answer questions, if you
24 have them.

25 COMMISSIONER KEON: No. I think what has

1 come up before and people have asked about is,
2 you know, in a lot of instances, they've used
3 other decorative elements on the buildings
4 themselves, that are really there to enhance
5 the building and the quality of the building
6 and to support probably the price point that
7 they're looking at, particularly in residential
8 buildings, and that is considered their
9 contribution to the Art in Public Places.

10 So it's always, you know, a question for
11 us, and I think often for the public, when we
12 talk about Art in Public Places is, is that
13 really just a design element in the project or
14 is it really something that's given over and
15 above what is designed into the project, to
16 make the project a very attractive project,
17 that achieves the price point that the
18 Developer is looking to achieve and probably
19 would have been there anyway.

20 So it isn't that it's providing additional
21 dollars for maybe sculptures or other amenities
22 that we may see placed in public areas or along
23 our streets or just the way things are treated
24 in the public realm, as opposed to the building
25 itself, because it's my understanding that the

1 purpose of the Art in Public Places Ordinances
2 were really to provide a fund to provide public
3 art.

4 MS. BIRDSILL: Yes, Commissioner, that's
5 correct. That is correct. The distinguishing
6 factor, if you're going to have an integrated
7 art piece, which is something that maybe you
8 take an architectural element and enhance it,
9 the difference is, it has to be a recognized
10 artist, who does that, who is not on the
11 architectural team. It has to be somebody that
12 comes in with their own vision that they bring
13 to it as an art piece.

14 COMMISSIONER KEON: All right. I mean, I
15 have seen buildings where -- you know, and it's
16 not part -- in other places and in other
17 cities, where developers may be a patron of a
18 particular artist and may bring that artist to
19 enhance the development, because of the beauty
20 and elegance or whatever it may achieve with
21 that building, and it's really because it then
22 helps the developer get to the price point that
23 they want for the units that they are selling.

24 So, you know, I understand that, and I
25 think it is appropriate in some instances to

1 have them integrated, but I also don't want to
2 see the amount that is available for art, maybe
3 in our public plazas and those types of things,
4 diminished because of that.

5 So it spells it out very clearly. I still
6 think we need to be very careful.

7 MS. SWANSON-RIVENBARK: The Ordinance is
8 very clear. There is an Arts Advisory Panel.
9 The recommendations will come back to you. We
10 used an example before of a Chihuly ceiling in
11 the lobby, where all could access it.

12 COMMISSIONER KEON: Right.

13 MS. SWANSON-RIVENBARK: It is not for --
14 the patron artist example that you used would
15 have to be acceptable to the Arts Advisory
16 Panel, would have to be acceptable to our
17 review and then also ultimately acceptable to
18 you.

19 COMMISSIONER KEON: Okay. What I'm asking
20 you is, does a Developer place the Chihuly
21 ceiling in his building, because it is an
22 amenity that differentiates his building or her
23 building from someone else's building and then,
24 you know, really it enhances the marketability
25 and the price point for their units, as opposed

1 to, you know, would they have done it anyway,
2 and I think that's the issue, would they have
3 done it anyway?

4 I mean, I've seen enough buildings and
5 enough condos I know through a lot of major
6 cities, in Chicago, in New York -- I mean,
7 there is a building down in the Meat Packing
8 District in New York -- I can't remember the
9 name of it, but Tom Patti, who is a very, very
10 famous glass artist, the -- you know, there's a
11 number of glass pieces built into the outside
12 of the building, and in the lobby and whatever,
13 there are huge numbers of his glass that are
14 absolutely beautiful. He happens to be a
15 patron and it's a building that sells at a very
16 high price point.

17 So I don't think that it's a matter of, the
18 City of New York is not asking him to do that,
19 to enhance those things, but it's done just,
20 you know, for the Developer.

21 I really want to make sure we don't dilute
22 the amount of money available for public art.
23 That's all I'm asking you.

24 MS. BIRDSILL: Another point, Commissioner,
25 is that, yes, art can be a distinguishing

1 factor for a project and give it an identity,
2 which we think is great, but the art that's in
3 our program has to impact the public realm. It
4 has to be available 24/7, and it has to enhance
5 the experience for the public. It can't just
6 be solely for the people who are living in the
7 building.

8 COMMISSIONER KEON: Okay. Thank you.

9 MR. LEEN: Commissioner, one point I wanted
10 to make is, they are making an additional
11 contribution, and it's been lowered a little
12 bit, and I think that you can consider the fact
13 that, you know, these amenities that exist, you
14 can consider that in determining that the 2.7
15 million is sufficient.

16 COMMISSIONER KEON: Well, but, you know,
17 the 2.7 million is an additional gift. That's
18 a gift, and we're very grateful for the gift.

19 MR. LEEN: We don't view it as a gift.

20 COMMISSIONER KEON: Whatever -- or it's
21 been negotiated and it's proffered by the
22 Developer. That's a gift.

23 The requirement is the one percent.

24 MR. LEEN: Yes.

25 COMMISSIONER KEON: All I'm concerned about

1 or addressing at this moment is that one
2 percent, and how that one percent is used, but
3 you have said that -- I mean, I can see, there
4 appears to be a fountain in front of your
5 entrance to your drop off to your hotel, and
6 those are the sorts of things. Those are just
7 design elements that are already included and
8 not part of the Art in Public Places. That's
9 all I asked. That's okay.

10 MR. FREED: Correct. As Cindy mentioned,
11 it's only if an artist was doing something with
12 that fountain, adding a piece of sculpture to
13 it, adding a tile mosaic to it, that that
14 portion -- portion --

15 COMMISSIONER KEON: That it may at that
16 point change. Okay. No, that's all. Thank
17 you.

18 MR. FREED: Okay. So the next diagram is
19 just reminding everyone of all of the
20 neighborhood and streetscape enhancements that
21 we're proffering today. It includes both sides
22 of Ponce de Leon, from Sevilla to Coral Way,
23 Miracle Mile, and it also includes the east
24 neighborhood, the south neighborhood, as well
25 as the west neighborhood.

1 MAYOR CASON: I have a question. Is there
2 an established neighborhood group with which
3 you can have these discussions or are there
4 individuals who -- I mean, have they formed an
5 association that you can get some kind of a
6 definitive response to the future improvements?

7 MR. FREED: I don't want to speak for those
8 neighbors, but to my knowledge the tightest
9 neighborhood is the neighborhood to the east,
10 as far as the people that we've been able to
11 meet with on a regular basis. There are
12 certain individuals on the west, as well as the
13 south, that we have been able to speak to.

14 I think it's our job probably to reach out
15 to all of them as we move forward and if
16 they're coalesced, to try to coalesce them in a
17 group that we're able to get a majority ruling
18 from.

19 MR. GARCIA-SERRA: Quick answer, Coconut
20 Drive is organized. They do have a committee
21 that we've been in contact with. The other
22 neighborhoods, which let's characterize as the
23 east, other than Coconut Grove Drive; Santander
24 and San Sebastian to the south and the west
25 neighborhood over there between -- yeah,

1 Catalonia and Malaga, between Salcedo and Le
2 Jeune, while they don't have organized
3 neighborhood associations, they do have certain
4 lead contact persons, who have been the persons
5 that, you know, we talk to, we tell them, "Hey,
6 we need to get the neighbors together," we get
7 the neighbors together and we talk.

8 So there is a pretty good level of
9 organization, sufficient for us to be able to
10 engage with them and be able to organize
11 meetings and so forth, and then Ponce generally
12 has been --

13 COMMISSIONER LAGO: Mario, like I mentioned
14 before, you know, I've had several meetings
15 with the neighbors. As a matter of fact, I had
16 one a few moments ago when I stepped out, and
17 the neighbors, their main concern is that they
18 want to be a part of everything that happens,
19 step by step.

20 They have full faith in the Developer and
21 in the City, but they want to make sure that
22 they don't wait for the actual features, the
23 design features, until the end of the project,
24 three or four years from now.

25 They understand, and I made it very clear

1 to them, I go, "Listen, if we make the repairs
2 to the streets now, they probably won't last
3 due to the construction," but maybe we need to
4 take into account that if there's any entrance
5 features, like the rock wall that we had
6 discussed, that those things can be done now,
7 because these neighbors -- and, again, at no
8 fault to the Developer, these neighbors have
9 waited close to ten years, and it gets to the
10 point where the property has been abandoned and
11 they've been dealing with a lot, and, you know,
12 these are just minor things that could really
13 help the cause.

14 MR. TRIAS: Commissioner, the
15 recommendation from Staff is that that is a
16 City-driven process, the improvements in the
17 neighborhoods, and that it includes extensive
18 public input. So that is what we're
19 recommending.

20 COMMISSIONER LAGO: So it's a contribution
21 from the Developer.

22 MR. TRIAS: Yes. Yes.

23 COMMISSIONER LAGO: The City will move
24 forward with the design --

25 MR. TRIAS: Yes.

1 COMMISSIONER LAGO: -- with the input of
2 the neighbors, and then the City will do an RFP
3 for -- excuse me, for a contractor to come in
4 and implement the design features.

5 MR. TRIAS: Whatever the Commission wants
6 to do, that's what needs to happen. It's
7 completely under the control of the City.

8 COMMISSIONER LAGO: Even the actual street
9 improvements itself, the paving, the
10 cobblestone, whatever is going to be
11 implemented?

12 MR. TRIAS: Yes. That is a recommendation.

13 MAYOR CASON: You contribute the money and
14 we handle it.

15 MR. GARCIA-SERRA: Well, let me spell out
16 what's provided for right now. We can talk
17 further about it. Prior to issuance of the
18 Certificate of Occupancy, everything has to be
19 in place. So all of those improvements have
20 been in place.

21 I think one point that Commissioner Lago
22 brings up, which is reasonable, if we can do
23 something even further ahead of time, that's
24 not going to be complicated by construction,
25 who knows, some sort of entry feature or

1 something like --

2 COMMISSIONER LAGO: Listen, I don't want to
3 hinder -- the last thing I want -- I'm in this
4 business, we build some sort of, you know,
5 cobblestone feature and the trucks are going
6 over it, it's construction, it's going to
7 happen. This is a major project. So we have
8 to be amicable to what the Developer is doing,
9 along with whatever contract that they choose.
10 We need to be realistic, maybe is the correct
11 word, not amicable, realistic, to what's going
12 to happen in that area, but there are certain
13 things that are not going to be affected, where
14 you're not going to have trucks driving over
15 sidewalks, where you're not going to have
16 trucks -- you know, there's a supposed -- I had
17 gone over with Mr. Adams a design in reference
18 to an actual coral wall that was supposed to be
19 installed. I think it's about a knee wall --

20 MR. GARCIA-SERRA: Correct.

21 COMMISSIONER LAGO: -- which is more of a
22 -- it's not really a security issue, it's more
23 of a design feature; also some potential
24 entrance features on Malaga, Coconut Grove
25 Drive and Palermo.

1 So I think those features can be installed
2 now, along with that coral walk wall. Maybe we
3 can wait until the end of the project, when
4 everything has been completed, to really do the
5 cobblestone streets or the asphaltting, but I
6 think that we can move forward and at least
7 help some of the residents, who have been
8 waiting for such a long time.

9 That's my understanding of what the
10 residents are requesting. I haven't gone
11 through the entire Development Agreement, so I
12 don't know when the monies will be provided.

13 MR. GARCIA-SERRA: Correct. You know,
14 basically what you've spelled out is fine with
15 us. Assuming that the project is approved
16 today, we start the collaborative effort with
17 the City, helping provide guidance and
18 organization as to working with the neighbors
19 and deciding what the design is going to be.

20 Once we have that design agreed upon with
21 the neighbors and with the City and with
22 everyone else, it's then when we would start
23 the process, of course, of scoping out the work
24 and getting bids for it and so forth.

25 Right now we are the ones with the

1 responsibility of actually doing the work,
2 which I think, in a way, is better, as far as
3 getting it done and getting it done fast, you
4 know. Not meaning to be offensive here or
5 anything like that, but you're familiar with
6 the City's procurement process.

7 COMMISSIONER LAGO: Mario, I would prefer
8 that you design it hand in hand with the
9 residents, along with the City, obviously, and
10 Ramon will be there for a design perspective,
11 and Mr. Adams, who I think is a consultant --
12 who lives in the neighborhood and also is a
13 consultant for the Developer, you know, we have
14 all parties together, everybody comes to
15 consensus in regards to what the City wants and
16 what the residents want and we build it.

17 MR. GARCIA-SERRA: Correct.

18 COMMISSIONER LAGO: I want to get started
19 on this immediately. I mean, the residents
20 have been waiting ten years for this. I mean,
21 this is a big, you know, overture on behalf of
22 the Developer, where we can really take a step
23 forward, because once you start cleaning up
24 that site, it's going to be very important for the
25 entire CBD, Downtown and the City as a whole.

1 MR. GARCIA-SERRA: Right. And then once we
2 have that plan approved, we do what we can
3 ahead of time, without it having to interfere
4 with the construction. Stuff that would be
5 damaged by potential construction activity, we
6 leave towards the end.

7 COMMISSIONER KEON: But once, you know, you
8 have a staging plan for development and how
9 you're going to bring trucks in and where
10 you're going to store things and how you're
11 going to manage traffic around the site, you
12 can then look at, you know, what streets are
13 maybe not as affected and maybe begin some work
14 at that end, but you need a staging plan and
15 everything before you can really do that.

16 COMMISSIONER SLESNICK: Ramon, while we're
17 talking about streets, I really think it
18 behooves the whole project -- I'm really glad
19 that you have the west, from Le Jeune Road
20 over, because Malaga will probably now become
21 the most frequently traveled street from Le
22 Jeune, with taxis and so forth coming in from
23 the airport for the hotel and the hotel
24 entrances over there, it's a very open,
25 non-landscaped street coming in from Le Jeune

1 Road, versus the four and five hundred blocks
2 of Malaga, which are really beautiful, because
3 of the trees.

4 That should really be a focal point, when
5 you're coming in as a direct route from Le
6 Jeune Road, and start on that project -- Ramon,
7 if we're starting to do that, because that's
8 very open, all concrete sidewalks, very few
9 trees, and it's just a very open, plain,
10 nondescript street, which will greatly enhance
11 the property values of those owners that live
12 over there, despite the additional traffic.

13 MR. TRIAS: Let me clarify a distinction in
14 terms of the off-site improvements. There are
15 few off-site improvements that are design,
16 which are the ones on Malaga, that deal with
17 the traffic flows. They're very small. Those,
18 I think, we can have a very clear time line in
19 terms of implementation.

20 Then we have the more general improvements
21 in the west neighborhoods and the east
22 neighborhoods. Those are the ones that require
23 a City process. So I think we may want to
24 clarify -- we may want to have language that
25 makes that very clear in the Development

1 Agreement.

2 I think right now it's a little bit
3 ambiguous, because there's a few things that
4 you need to do -- a few things you need to do,
5 because of the traffic impacts.

6 In addition to that, there's the
7 contribution to the enhancement of the
8 appearance of the neighborhoods and so on,
9 which needs to be discussed with the neighbors.

10 MS. SWANSON-RIVENBARK: And that's listed
11 in this Exhibit H. There is a very elegant
12 plan for improvements to the surrounding
13 neighborhoods and we would have a public
14 meeting and neighborhood meeting to share that
15 with the community and get that feedback, but
16 the trees on Malaga -- I mean, if you look at,
17 on the Development Agreement, and I know it's
18 an extensive agreement, Pages 40 to -- the
19 entire Exhibit H outlines the different
20 neighborhood enhancements, separate from this
21 project, the Commission -- the concept was that
22 they would provide the dollars and the City
23 would be responsible for making those
24 improvements after public conversation.

25 MR. TRIAS: Right.

1 COMMISSIONER LAGO: Let me ask you a quick
2 question. You want to have the monies on our
3 side -- is that the issue -- potentially to see
4 how far we can stretch the money and maybe we
5 can do other projects? I'm just concerned
6 about the actual time frame for commencement of
7 these improvements, and, I mean, that's a
8 serious concern for me.

9 MS. SWANSON-RIVENBARK: I understand. I
10 think the real driver is a strong commitment to
11 working with the neighborhood as to what those
12 improvements are, which ones are acceptable to
13 them, and how do we implement them, at what
14 time in the construction and the staging
15 process.

16 So it wasn't a matter of us not, you know,
17 trusting the Developer.

18 COMMISSIONER LAGO: No. No. Not even --

19 MS. SWANSON-RIVENBARK: These are for the
20 neighborhood around it, and we want to make
21 sure that we're truly meeting what the
22 neighborhood's expectations are.

23 It's been costed out. We know it's a
24 significant amount of money, that will greatly
25 benefit, but we want the feedback and the

1 involvement of the neighborhood.

2 COMMISSIONER LAGO: Another item I just
3 want you to take into consideration, and then I
4 won't speak any further in regards to this, is
5 the issue of construction costs are going up.
6 They go up every year. The longer we wait,
7 we've priced these costs out today -- usually,
8 in contracts, when it comes to construction
9 design, they put a ceiling -- Frank can tell
10 you -- six months is usually the cap in
11 reference to when someone will honor a price.
12 Sometimes it's even on a month to month basis,
13 due to the cost of raw materials.

14 So what I'm afraid of -- again, this has
15 nothing to do with the Developer, this has to
16 do with us, it has to do with the time frame
17 for delivering this to the residents. I'm just
18 very concerned that if it takes us, let's say,
19 a year and a half or a year to design this, run
20 this through the City, you know, have public
21 input, everybody build consensus, and then we
22 have an issue where, well, you know, we're ten
23 percent short, we're five percent short, we're
24 not going to go back to the Developer and say,
25 "Listen, give us ten percent." You know, that

1 was our issue.

2 MS. SWANSON-RIVENBARK: Correct.

3 COMMISSIONER LAGO: Or we could move a
4 little -- as Mario had mentioned before, at no
5 fault to the City, but the private sector has
6 been known to move a little quicker than the
7 public sector. So I just want to make sure
8 that we keep that in the back of our minds,
9 that costs are escalating and I want to make
10 sure we can deliver that as soon as possible.

11 MAYOR CASON: Go ahead. Continue. Thank you.

12 MR. FREED: The last portion of our
13 presentation today are the project renderings.
14 They're repeats of what you've seen previously,
15 and what we've added to them are duplications
16 of the pre-existing renderings, with all of the
17 new enhancements or revisions that we've made.

18 So we always start out with what you saw at
19 the first reading, and that's this view from
20 the circle, Ponce de Leon Drive in front of us,
21 looking down Coconut Grove Drive, and then the
22 changes.

23 So the changes are quite dramatic, lowering
24 the tower and the height of the structure
25 behind the historic structure to that position,

1 and also setting back the hotel slightly on
2 Ponce de Leon to give some outdoor space at the
3 second level, the lobby level of the hotel.
4 That shows it set back. You see how more of
5 the residential building is now in view, when
6 you do that, as well.

7 The next view is closer up on the part of
8 the project at the Arts Center Building, and so
9 this is what we showed you last time, and the
10 revisions are even more dramatic, with the
11 elimination of this building, the residential
12 building on Palermo, as well as the height that
13 I talked about directly behind the historic
14 structure.

15 The next view is further up on Ponce de
16 Leon, looking back at the circle on the right,
17 hotel, office building and residential. The
18 revisions here are less dramatic. It's
19 primarily the set back of this building, of the
20 hotel building, above the two levels of retail.

21 COMMISSIONER LAGO: Could I ask you a quick
22 reference, in reference to the building that
23 was removed? I think that building abuts to
24 Galiano, correct?

25 MR. AVILA: Yes.

1 MR. FREED: It's directly on Palermo, and
2 the alley that we're creating, which runs
3 parallel to Galiano.

4 COMMISSIONER LAGO: Okay. With the removal
5 of that building -- so that will remove any
6 potential shading on the neighborhood, correct?

7 MR. FREED: Correct. Correct.

8 COMMISSIONER LAGO: I just want to make
9 sure, because that was one of the main points.

10 MR. FREED: That, as well as the
11 elimination of the cinema.

12 COMMISSIONER LAGO: Yeah, and the stepping
13 down, obviously.

14 COMMISSIONER KEON: It's stepped back.

15 MR. FREED: Well, the cinema has been
16 removed since the last time we met, as well.

17 COMMISSIONER LAGO: I want to make sure we
18 put that on the record, because that was a big
19 concession by the Developer and it was a big
20 issue for the neighbors.

21 MR. FREED: It was 190 feet, which has been
22 reduced down to 91 feet.

23 COMMISSIONER LAGO: Perfect. Thank you.

24 MR. FREED: So here, looking back, this is
25 Galiano here, with the townhomes in the

1 foreground, and this is what you saw the last
2 time, the revisions. So there you see the
3 elimination of the cinema, as well as the
4 elimination of the Palermo residential
5 building.

6 This is on Galiano and Malaga. We're
7 looking towards -- actually, this is on Malaga.
8 So as it turns on Malaga, it goes towards
9 Coconut Grove Drive -- this is what you saw the
10 last time, and these are revisions, and the
11 height reduction with the cinema being taken
12 out.

13 Similar view, but looking in the other
14 direction on Malaga, looking back at Coconut
15 Grove Drive and the new heights.

16 So then this is kind of coming up
17 University Drive, less dramatic, primarily the
18 set back of the hotel building.

19 On Ponce de Leon -- so this is a view that
20 we changed for this presentation. This is what
21 you saw the last time, and this is the new
22 view. We just wanted to highlight kind of the
23 view into the paseo and how that is different,
24 and the way that the building used to be, it
25 used to go straight up from the property line,

1 for the hotel tower, and now has been set back
2 at this point, with an open terrace at that
3 level.

4 And then our aerial views, this is what you
5 saw the last time, residential building,
6 cinema; and then the elimination of that
7 residential building is the largest thing you
8 can see from this vantage point.

9 And then looking at it hovering over
10 Coconut Grove Drive, from the southeast, what
11 you saw previously, with this residential
12 building here eliminated -- so this is probably
13 the most dramatic on the impact or improvement
14 of the project and how it relates to the east
15 neighborhood.

16 That concludes our presentation.

17 MR. GARCIA-SERRA: It doesn't conclude it
18 completely. There was just one or two other
19 issues which I wanted to discuss. You
20 remember, we kept on talking about the one
21 issue where we're not in a hundred percent
22 agreement with City Staff, and it has to do
23 with the hotel drop off issue and pedestrian
24 issues.

25 If I might, I will approach the screen.

1 MR. TRIAS: We have some language that
2 deals with the discussion of the public
3 improvements, that Susan has drafted, and we
4 could deal with that, if you don't mind.
5 That's a very simple discussion before we get
6 into --

7 MR. GARCIA-SERRA: Okay.

8 MR. TRIAS: -- some minor amendment, okay.

9 MAYOR CASON: Susan?

10 COMMISSIONER SLESNICK: Mario, while we're
11 waiting, is that the only other issue that
12 differs from Staff?

13 MR. GARCIA-SERRA: The difference between
14 us and Staff, I also wanted to discuss
15 something where there is some disagreement,
16 based on first reading, among the Commission,
17 also.

18 MR. TRIAS: Susan, I think she went to the
19 rest room. So whenever she comes back --

20 MR. GARCIA-SERRA: If you don't mind, then
21 we'll carry on with this then.

22 Okay. I'll approach the screen over here
23 to better explain what the issue is. This is
24 the original proposal, which you'll remember,
25 had the hotel drop off here, off of Ponce.

1 If you were talking to both, our traffic
2 engineer and your traffic engineer, they would
3 say, from a traffic point of view, this is the
4 best solution, as far as flow of traffic.
5 However, at first reading, it was clear that we
6 wanted Ponce to be active, we wanted as much
7 retail frontage as possible, so the solution,
8 then, was to move that drop off from Ponce --
9 let me see here -- is that it? Is there a site
10 plan -- there we go.

11 Okay. To move the drop off of the hotel
12 from Ponce, off of Malaga here, which is the
13 current design that you have right now.

14 COMMISSIONER KEON: That's the Staff. Are
15 we going to get into this before we do --

16 MS. SWANSON-RIVENBARK: Is there a slide
17 that the public can participate in the viewing?

18 MR. GARCIA-SERRA: So then this is what the
19 Applicant has proposed and what we're still in
20 support of. The hotel drop off here, and this
21 being a sort of pedestrian area.

22 VICE MAYOR QUESADA: Mario, I apologize.
23 If you could speak a little louder.

24 MR. GARCIA-SERRA: Sure.

25 This is the version that the Applicant is

1 still in support of, which is the hotel drop
2 off of Malaga, keeping this as a pedestrian,
3 this sort of paseo that you see cutting through
4 the block.

5 When Staff reviewed this, their issue
6 continued to be traffic and sort of -- the
7 traffic generation, especially considering the
8 increased size of the ballroom, they came to
9 the conclusion that this paseo, which
10 previously, under our proposal, is all
11 pedestrian, should now be permitted for
12 vehicular traffic.

13 In other words, aside from having drop off
14 points here and here, you could potentially
15 also take the car down Coconut Grove Drive and
16 drop off here and exit out onto Ponce.

17 From a traffic view point, that's what at
18 least your traffic engineer says is important
19 in order to control traffic flow. What we
20 would submit is that we have to prioritize what
21 we're trying to achieve with this project.

22 Just like we're saying that we didn't want
23 a drop off here, we wanted retail, we have to
24 consider the pedestrian experience also, and I
25 would submit that having this as an open space

1 pedestrian area is more appropriate, more in
2 keeping, I think, with what the overall goals
3 of the project are, than incorporating traffic
4 flow along this line here, which, again, I
5 think even your traffic engineer would say
6 would only be there for the worst case
7 scenario.

8 COMMISSIONER KEON: Well, I think what we
9 should keep in mind, as we look at this issue,
10 is that traffic engineers design for cars.
11 They design for traffic. They have a green
12 book -- is it a green book, is that what it's
13 referred to, their green book -- that has
14 standards and numbers and flows and whatever,
15 and it is for traffic.

16 Our job is to look at this project in its
17 entirety and how do we want to serve our
18 community with regard to whatever proposals
19 come before us.

20 I think that the Applicant has done an
21 admirable job of activating Ponce. They have
22 done everything we have asked to bring the
23 retail out to Ponce and to make Ponce a great
24 pedestrian street. I think to cut that curb on
25 Ponce to allow for anything related to the drop

1 off of that hotel is a tremendous injustice to
2 the pedestrian experience and the urban nature
3 of this particular -- of this project.

4 I would hope that we would never cut that
5 curb on Ponce. There are other ways to deal
6 with this issue, if we want to, and it's
7 probably not until we hear from both sets of
8 traffic engineers that we can have that
9 discussion, but I do think we need to keep in
10 mind that traffic engineers design for cars.

11 We have too long designed for just cars and
12 for traffic and we have taken pedestrians and
13 people and liveability and walkability out of
14 the equation and we need to put it back in.

15 So I guess we'll have this discussion after
16 each presents, is that right, or how do you
17 want to handle it, Mr. Mayor?

18 MAYOR CASON: We have two sets of traffic
19 engineers? Let's hear from them.

20 MR. TRIAS: We have both sets here, yes.

21 COMMISSIONER KEON: Okay. So we'll hear
22 from both and then we will have the
23 conversation?

24 MAYOR CASON: We can continue the
25 discussion on that.

1 COMMISSIONER KEON: Okay. Can I ask if
2 there is -- can I just go back to the issue of
3 the hotel and the height of the hotel? I know
4 that that was -- for some for us, that was not
5 an issue; for others, it was an issue. Where
6 are we now in this plan with the hotel?

7 MR. GARCIA-SERRA: Correct.

8 You know, we just talked about the issue
9 where there's disagreement between us and
10 Staff. Now we're sort of going to talk about
11 the issue, where, based on first reading, there
12 was a split vote on the City Commission, and
13 that is the height.

14 VICE MAYOR QUESADA: Can I stop you for a
15 second?

16 MR. GARCIA-SERRA: Sure.

17 VICE MAYOR QUESADA: Commissioner Keon, I
18 think it just flows better if we just -- let's
19 finish the conversation on traffic --

20 COMMISSIONER KEON: On traffic and then go
21 back to the other?

22 VICE MAYOR QUESADA: And then we'll go to
23 whatever other issue it is --

24 COMMISSIONER KEON: Whatever works with you
25 is fine with me.

1 VICE MAYOR QUESADA: -- since we've been
2 focused on it, so let's just have it.

3 COMMISSIONER KEON: Okay. I mean, that, to
4 me, was the other issue. So we'll take up the
5 other issue after we finish the traffic issue?

6 VICE MAYOR QUESADA: I think it's just
7 cleaner. Let's have the discussion of traffic
8 and then we move to the next issue.

9 COMMISSIONER KEON: Okay. That's fine.
10 Fine with me.

11 MR. GARCIA-SERRA: Do you want to hear from
12 Tim perhaps now or --

13 COMMISSIONER KEON: Could we take a break
14 for like just five minutes?

15 VICE MAYOR QUESADA: I'm okay with that.
16 Mr. Mayor?

17 MAYOR CASON: If it's five minutes.

18 COMMISSIONER KEON: Five minutes.

19 MAYOR CASON: Five-minute recess, and then
20 we'll have both traffic engineers -- we'll
21 conclude the discussion on that and move on.

22 MS. SWANSON-RIVENBARK: Okay. We'll be
23 back at eleven o'clock.

24 (Short recess taken.)

25 MAYOR CASON: Could everybody please have a

1 seat?

2 MS. TREVARATHEN: We need our quorum.

3 MAYOR CASON: We have a quorum.

4 MS. TREVARATHEN: Oh, yes, we do. Okay.

5 Susan Trevarathen, for the record, Weiss,
6 Serota, representing the City of Coral Gables.

7 Section 213 of the Development Agreement
8 addresses the off-site improvements, and in the
9 prior discussion, there were some new concepts
10 that emerged that we want to make sure are
11 captured and are clear in the Development
12 Agreement.

13 At the moment, the Development Agreement
14 calls for the Applicant to provide and build
15 everything in a certain time frame. So we
16 wanted to revisit that, make you aware of that.
17 We have some alternative language. We have
18 some input from the Applicant, to make sure
19 that we're clear what the City's preference is
20 and how we handle the off-site improvements.

21 The first concept is, as Ramon said,
22 separating those things that are called for by
23 the traffic study, which include those three
24 roundabouts that are along the perimeter of the
25 property, those things that are essential to

1 the project flow, those would remain as
2 contemplated in Section 213, and it would be
3 done by the Applicant by the time of the CO.

4 MR. TRIAS: And those are defined in the
5 PAD site plan, so that's like a very clear
6 document. So that's one issue.

7 MS. TREVARATHEN: What's shown in Exhibit H
8 is more the neighborhood improvement,
9 neighborhood enhancement types of off-site
10 improvements, and what was discussed here was,
11 rather than making that just a Developer
12 obligation, that the money would actually be
13 contributed to the City, and the City would run
14 that process and construct.

15 So I think we would like to get a little
16 more discussion from the Commission, if I'm
17 correct, Madam Manager, to make sure that that
18 is indeed your preference or perhaps a hybrid,
19 where the Applicant can remain the one
20 responsible to construct, but we are more clear
21 about the subject of the process that's
22 governed by both -- the timing and the content
23 of that process of public involvement is more
24 clearly governed by the City.

25 COMMISSIONER KEON: What page are you on,

1 Susan?

2 MS. TREVARATHEN: I'm on Page 7 of the
3 Development Agreement, which is Section 2.13,
4 that governs the off-site improvements, and at
5 the same time you're going to want to look at
6 Page 33, because that's Exhibit B, and that
7 sets the deadline to keep the off-site
8 improvements.

9 So those are the two sections we're talking
10 about, where they would like to see changes.

11 MAYOR CASON: City Manager, do you have a
12 position on this?

13 MS. SWANSON-RIVENBARK: I note Commissioner
14 Lago's comments that the private sector may do
15 them faster --

16 COMMISSIONER LAGO: May. May. May.

17 MS. SWANSON-RIVENBARK: May. May. As long
18 as the public embraces the improvements that
19 are being proposed, I'm sure we can work out
20 the timing, whether the Developer does the work
21 or the City causes the work to be done.

22 COMMISSIONER LAGO: I just want to leave
23 this here, and, again, I just want to make sure
24 we just memorialize the fact that elected
25 officials come and go, Staff comes and goes, so

1 sometimes when you leave things for the future,
2 it may not happen, and there's no ill will,
3 it's just may be forgotten, priorities may
4 change, so that's why I think that we need to
5 make sure that we focus on this.

6 MR. TRIAS: Yeah. The main topic, there's
7 a distinction between traffic requirements in
8 the site plan, and those are off site, because
9 they happen to be in right-of-ways. What's not
10 so clear, in terms of the project, is the
11 neighborhood improvements, because we need the
12 discussion from the public. So that's where we
13 are.

14 COMMISSIONER LAGO: Of course. I
15 understand where we are, but I want to make
16 sure that we put together a profound schedule
17 to get to the end goal. So if I could have
18 Staff put together a schedule, Madam City
19 Manager, which will --

20 MS. SWANSON-RIVENBARK: I understand, and
21 I've been given feedback from Agave that they
22 want to work with the neighborhood and make
23 sure that the neighborhood is happy with --

24 COMMISSIONER LAGO: No. No. That's not
25 even in question.

1 MS. SWANSON-RIVENBARK: They're not the
2 ones that are involved in this discussion.
3 They've been very supportive.

4 COMMISSIONER LAGO: And we also need to
5 make sure that the individuals from the
6 community, that we're not dealing with thirty,
7 forty different voices. We need to make sure
8 that we deal with the designated
9 representatives so that we can get to the end
10 goal quickly.

11 MS. TREVARATHEN: May I suggest, Mr. Mayor,
12 with this arising at the time that it has in
13 the process, that it would be best not to try
14 to actually write a schedule in this hearing,
15 but, rather, to assign that discretion to the
16 Manager, the Public Works Director, and we can
17 have some statements of principle about working
18 together to make that happen.

19 COMMISSIONER LAGO: That's exactly what I
20 want.

21 MS. TREVARATHEN: Got it.

22 COMMISSIONER LAGO: I don't want anything
23 to derail the process today at all. What I
24 want to do is just make sure -- like I
25 mentioned, we memorialize the fact that I am

1 requesting a schedule, so that we can get to an
2 end goal in the near future.

3 MAYOR CASON: Yeah, I think you got from
4 the Commission that we certainly want early and
5 complete discussions with legitimate
6 representatives of the community. It's not one
7 or two people that they say they speak for the
8 community, but get as much community
9 involvement in it, and we know the dollar
10 amounts, they're fixed, so whatever we need to
11 do early, so with inflation and other things
12 that could happen, we don't end up eroding the
13 value of the money, but I think you got the
14 guidance from us.

15 COMMISSIONER LAGO: Yes.

16 MR. LEEN: Mr. Mayor, one other point, the
17 City has always taken the position that the
18 City Manager and the City Attorney can always
19 approve modifications to accomplish the
20 Commission's will as to the language, because
21 sometimes the language just doesn't match with
22 what you've approved, in essence, and we always
23 have that ability to do that, and, really, it's
24 an issue of, are we making a material change,
25 and generally that's left to our judgment, but

1 we always are considering the Commission's
2 will.

3 COMMISSIONER LAGO: Thank you, Craig.

4 MAYOR CASON: Okay. Let's start with the
5 City traffic consultant and then the Developer,
6 and then we'll take a look at the options.

7 MR. PLUMMER: Good morning. Tim Plummer,
8 1750 Ponce de Leon Boulevard, here representing
9 the City of Coral Gables.

10 I think we can make this discussion fairly
11 brief, but let me just give you the general
12 terms of what my recommendations have been, in
13 consultation with Staff and the Police
14 Department.

15 Generally speaking, for a project of this
16 magnitude, more access is better than less
17 access. So as the project has evolved, and
18 retails on Ponce, and the hotel pick up, drop
19 off from Ponce went away, the Applicant made a
20 presentation, a proposal, for what they thought
21 would be the best way to make the hotel work,
22 from an access at Malaga.

23 Initially my concerns were, there's a lot
24 going on at that driveway now with the traffic,
25 without putting hotel traffic there, especially

1 traffic during special events at the hotel;
2 close spacing to the signal at Ponce; very
3 short storage from once you get off Malaga and
4 enter the garage, those kinds of issues.

5 So we came up with another alternative that
6 looks at potentially increasing the number of
7 access points, again, by bringing traffic down
8 Coconut Grove Drive for the hotel, and they
9 would exit onto Ponce.

10 And we understand, Commissioner Keon, our
11 industry has evolved a lot in the last ten
12 years, especially with new urbanism, about
13 balancing all of the different modes of
14 transportation.

15 So in our discussions with Staff, we
16 understood that there's going to be some
17 balancing that has to go on, that you all are
18 going to have to make some decisions on.

19 So in consultation with the Police
20 Department, really the biggest concern about
21 the hotel is during special events, and getting
22 people in and out during those events, while
23 there's still two to three hundred cars coming
24 in and out, for a total of five hundred or six
25 hundred during the p.m. peak hour at that

1 Malaga driveway.

2 So when you have a special event, you bring
3 all of that additional traffic in, it makes it
4 that much more challenging and there's
5 potentially a lot of impacts to Ponce and
6 Malaga.

7 So one thing to potentially consider is a
8 bit of a hybrid of what we've proposed, which
9 is trying to keep with the understanding of
10 Ponce being more pedestrian friendly and that
11 paseo being for pedestrians, is maybe to come
12 up with a hybrid situation, to where that
13 road -- that access point onto Ponce is
14 temporary and just for special events, where
15 bollards can go up so cars can't go in and same
16 thing from the access on Coconut Grove Drive,
17 bollards are up at that access point, that
18 they're not to be used as a pedestrian only
19 facility when there's major special events, and
20 the Police Department has to get involved with
21 ingress and egress for those special events,
22 that would be the time that the bollards go
23 down, as needed, and there would be police
24 officers on either end, so pedestrians aren't
25 necessarily mixing in or, depending on the

1 design of the roadway or that paseo, it could
2 be wide enough where pedestrians still could
3 use it while traffic is coming in and out.

4 So I think that's something that could be
5 considered as a compromise for the issue of
6 hotel special events.

7 MAYOR CASON: Mario, right now, do you have
8 any design elements there that would impede
9 that being a hybrid, like a fountain or
10 anything? Would that work, from your
11 perspective?

12 MR. GARCIA-SERRA: Dan?

13 I don't think so.

14 Are there any fountains or anything else in
15 that pedestrian plaza area that would
16 interfere?

17 MR. FREED: Yes. There's substantial
18 landscaping and fountains that do exist in that
19 paseo. We can certainly revise and re-design
20 the paseo based on providing a permanent
21 location for cars to be able to drive down the
22 paseo, if required.

23 MR. GARCIA-SERRA: You know, if I could
24 summarize what our position would be on this
25 most recent recommendation, it's better than

1 the recommendation that just came before, that
2 we were talking about it, we still feel
3 strongly, though, that it should be a
4 pedestrian area, as it is right now.

5 Remember, this is not completely edged in
6 stone right now. We have to do all of these
7 traffic studies after the fact, also, to see if
8 it works. Perhaps this hybrid that Tim has
9 proposed right now could be the potential
10 fallback, if indeed there is an issue, but,
11 again, we're talking about mass on Easter
12 Sunday.

13 We have all of these other potential valet
14 drop off points, including one on Coconut Grove
15 Drive, and the difference would be, instead of
16 them dropping off the car immediately, right in
17 front of the front door of the hotel, they have
18 to walk down a little bit, from Coconut Grove
19 Drive down the internal paseo.

20 So we would still prefer to stay with our
21 proposal, which is to have it as a pedestrian
22 only area right now, and admit or acknowledge
23 that there's a possibility that the fallback
24 might have to be, incorporating this hybrid
25 proposal, putting in the bollards and using it

1 for cars and traffic flow, when necessary, but,
2 again, if there's a difference between having a
3 street -- something that could potentially be a
4 street there and something that is a pedestrian
5 plaza sort of walkway --

6 VICE MAYOR QUESADA: Or you also have the
7 option of requiring every car that comes on to
8 the property to go directly into the parking
9 garage, rather than going around the roundabout
10 in front of the hotel and having the valet
11 actually pick up the cars on the underground --
12 that first underground floor, so that any kind
13 of stacking or any kind of build up would be
14 interior, it wouldn't be exterior, and then you
15 can just put signage to control that or adjust
16 the manpower accordingly, if it's going to be
17 something that's not working.

18 MR. GARCIA-SERRA: Right.

19 MR. PLUMMER: And the issue becomes the
20 other traffic, Commissioner Quesada, that are
21 using that garage, as well. So you would
22 almost, in the special events plan, have to
23 exclude anyone else from using that Malaga
24 driveway, because you don't want to mix it in,
25 because what you have to do is, you have to

1 control it right at the driveway, and then you
2 start to cue on Malaga, and there's a very
3 short distance to the signal on Ponce.

4 VICE MAYOR QUESADA: Yeah, but not
5 necessarily, because if you've ever been in
6 the -- if you've ever gone to the Capital
7 Grille on Brickell and you go into that parking
8 garage -- and that's probably a bad example,
9 because it's a very old building -- but when
10 you go in, anyone who is using -- who works in
11 the building or is there for another location
12 that's not the Capital Grille, you can go and
13 you can park and that is divided up internally,
14 yet, if you're going to do valet, there's a
15 certain location that you follow and you can
16 take the valet from there.

17 So, really, the splitting could occur, to
18 the individuals who are guests of the hotel and
19 not going to the event, can be determined
20 once you're inside the parking garage.

21 Do you think that's an inaccurate statement?

22 MR. PLUMMER: Well, the issue is, you have
23 to get them segregated just as they're coming
24 on to the property, to know who is going to
25 valet down or who is going up.

1 COMMISSIONER KEON: Well, they don't. At
2 the Capital Grille, they don't. Once you're
3 inside -- you're inside --

4 VICE MAYOR QUESADA: They get segregated
5 once you're inside. So I would disagree with
6 your thought there.

7 MR. PLUMMER: Well, then the valet is going
8 to go down, correct?

9 VICE MAYOR QUESADA: Correct.

10 MR. PLUMMER: And residents and others --

11 MAYOR CASON: Go up.

12 MR. PLUMMER: Because these garages are
13 interconnected. They've got traffic shown
14 here, that these driveways for retail uses, the
15 office uses, because they're interconnecting
16 garages. So anybody can use that driveway. So
17 you're going to have to segregate those folks.

18 MR. FREED: I think it's important to
19 clarify that I don't believe it's true that we
20 have to segregate as soon as you come in the
21 property. We're asking everybody to go
22 downstairs or upstairs, to take the right and
23 go towards the ramps. They can either choose
24 to go upstairs, they can choose to go
25 downstairs, and once they go downstairs, they

1 can choose to self park or they can choose to
2 valet.

3 VICE MAYOR QUESADA: Well, this is an
4 exaggerated example. I forget the exact
5 address, but also on Brickell, across the
6 street from where the Truluck's is, there's an
7 office building there. When you drive
8 underneath, it gets segregated a whole bunch of
9 different ways and there's also a lot signage
10 to let you know where you're going. I don't
11 know if you've ever been in that parking
12 garage.

13 MR. PLUMMER: If it's a very large driveway.

14 VICE MAYOR QUESADA: It's a very large
15 driveway. It is.

16 MR. PLUMMER: That's the thing. We've got
17 two lanes coming in.

18 VICE MAYOR QUESADA: Is that the difference
19 that you're -- okay.

20 MR. PLUMMER: That's the difference, and
21 the ramps come in at one car length, you've got
22 to make a decision, once you come on the
23 property. So I disagree with Dan, that you do
24 have to get that segregated, because you have a
25 lot of self parkers using that driveway.

1 VICE MAYOR QUESADA: You've got to get
2 segregated before you come into the --

3 MR. FREED: But there's no decision --

4 VICE MAYOR QUESADA: Let him finish.

5 MR. PLUMMER: As you're coming onto the
6 property, you need to know if you're going to
7 go down the ramp or up the ramp, if you're a
8 hotel special event person or if you're a self
9 parker. You need to know -- and someone's
10 going to have to be there to direct that or
11 traffic --

12 VICE MAYOR QUESADA: You don't think the
13 signage would be sufficient?

14 COMMISSIONER KEON: Is that the office --

15 MAYOR CASON: Electronic --

16 MR. PLUMMER: I mean, you're talking about
17 people who could be their first time visiting
18 the hotel, first time visiting the site. They
19 don't know where they're going. They're going
20 to be confused. Signage isn't enough. You
21 need a special events planner or someone
22 directing the traffic.

23 VICE MAYOR QUESADA: Do you think it does
24 not work at 121 Alhambra, the Allen Morris
25 Project? There are -- you can park -- well, I

1 guess, no, they don't have valet, but there are
2 certain locations where you can enter the
3 garage and there are signage, where to get in
4 and where to get out, and I'm assuming -- I
5 mean, I know you've been doing a lot of traffic
6 consulting work for us for many, many years,
7 and I know I'm just pulling this example out of
8 thin air, but does that project have a problem,
9 because I know there's a lot of signage or
10 where you need to go for parking to come in
11 there? Has that ever come up?

12 MR. PLUMMER: You know, I haven't observed
13 that one particularly, and I don't know how
14 they have special events like this, because
15 this is really what we're focusing in on,
16 special events. It goes back to the first
17 thing I said, it's a project of this magnitude,
18 more access is better than less access.

19 VICE MAYOR QUESADA: Of course. I don't
20 disagree with that.

21 MR. PLUMMER: So the original proposal of
22 segregating the hotel worked very well. Again,
23 just from a traffic engineering standpoint,
24 because we have more access points, people know
25 exactly where to go for the hotel. So that's

1 how it works.

2 VICE MAYOR QUESADA: Yeah. I got you.

3 MAYOR CASON: Glen, do you have something
4 you want to say?

5 MR. KEPHART: Thank you, Mayor,
6 Commissioners.

7 I would just like to follow-up on what Tim
8 proposed as a hybrid option, and I think the
9 Developer's traffic engineer agreed that it was
10 a reasonable proposal, what we're talking about
11 is, this space can be designed as a pedestrian
12 space, that also can accommodate cars when we
13 need them.

14 You can compare this in many ways to what
15 we're doing in Giralda, and I think we've shown
16 on that project you can design a really awesome
17 pedestrian space, that can also accomodate
18 cars, and in this case, the accommodation for
19 cars would be when we need it and only when we
20 need it, and that's probably not a lot of
21 times, but when those times happen, they're
22 important.

23 I'd liken it to perhaps designing a house
24 without a back door. You may not need that
25 back door very often, but when you need it, you

1 need it, and I think we have the opportunity to
2 work with the Developer to create a really
3 awesome pedestrian space, and 95 percent of the
4 time is going to be that.

5 MAYOR CASON: So it would be one car exit
6 only during the special events?

7 MR. KEPHART: Yes. That's the way it's
8 shown now on the City's proposal.

9 MAYOR CASON: Mario, do you have any kind
10 of a photo showing just the paseo?

11 MR. GARCIA-SERRA: How it looks right now,
12 just the paseo?

13 MAYOR CASON: Yeah, what it would look
14 like, what we would be giving up.

15 MR. GARCIA-SERRA: That's one of the slides
16 we can -- showing the area off of Ponce.

17 COMMISSIONER KEON: I think that we also
18 need to consider in our discussion, we asked
19 the Applicant to move the entrance internally
20 in this project to preserve Ponce, and we also
21 gave him the option, at that time, that they
22 could develop a very pretty and a very
23 attractive pedestrian entrance along Ponce, so
24 that from their own marketability they have --
25 it's like signage on Ponce. You can see it,

1 you can view it, you can see, you know, how
2 attractive it is or whatever and you know right
3 away that there is a hotel there and you don't
4 have to go to Malaga to do it.

5 To me, that pedestrian entrance along
6 Ponce, that you're trying to turn into a
7 street, that's their entrance, that's their
8 pedestrian entrance, that allows them -- it's
9 like a marquee along Ponce for visibility, and
10 it is, in turn, a very pretty and can be a
11 very, very pretty public space.

12 So, you know, we asked them to -- they
13 accommodated us by moving it interiorly. I
14 think we really have to think very hard about
15 now taking away that from them, which is their
16 entrance.

17 MAYOR CASON: I certainly wouldn't want a
18 solution that was just for cars. I think I
19 agree with Commissioner Keon that the paseo is
20 one of the beautiful parts of this. You've
21 taken away some other paseos, if I'm not
22 mistaken, in all of this, and that's what I
23 really liked in the beginning about the
24 project, were all of the paseos going through,
25 so that you don't have to go all of the way

1 around if you're walking -- if you're dropped
2 off by a taxi, for example, along Ponce, you
3 could walk in.

4 The question is whether you could do both
5 in a way that would be tasteful.

6 MR. GARCIA-SERRA: You know, on that issue,
7 here's a rendering of how that pedestrian plaza
8 and entryway on Ponce would look right now, and
9 as you could tell, you know, there is
10 significant landscaping sort of in the middle
11 of it, and that's just one example.

12 If we say, okay, let's go with the hybrid
13 solution first, and let's do it so that 95
14 percent of the time it's pedestrians, but five
15 percent of the time it's cars, that's where --
16 our landscaping would not be able to be here.

17 MR. TRIAS: Mayor, let me propose a
18 recommendation to deal with this. I think that
19 that whole area can be designed as a curbless
20 design, that is a very nice pedestrian space,
21 most of the time, and allows for cars with a
22 special event planned. In other words, if we
23 had a special event plan, that language, into
24 the Development Agreement, we'll deal with the
25 cars and yet the design is designed for

1 pedestrians.

2 And I have consulted with the Public Works
3 Director and with Tim on this issue, and it's
4 consistent with what Glenn said, the interest
5 of the IBS that have been discussed for Giralda
6 and some other places, so I think it's
7 achievable.

8 COMMISSIONER KEON: But when we spoke,
9 Ramon, and we talked about what -- from a
10 planning perspective and from as an
11 urban element, you agreed that not having a
12 vehicular entrance on Ponce was preferable. Do
13 you still feel that way?

14 MR. TRIAS: Yeah, that's the superior
15 design for pedestrians.

16 COMMISSIONER KEON: It is the superior
17 design, and I think that we should maintain a
18 superior design.

19 I also want some clarification on what you
20 regard as an event. What is the massive event
21 that is going to occur at a 184-room hotel or a
22 ballroom that seats 500 people? I mean, any
23 one of us have been to galas --

24 VICE MAYOR QUESADA: Your birthday party.

25 COMMISSIONER KEON: Well, you know what,

1 for my birthday party --

2 COMMISSIONER LAGO: An event would
3 constitute Mario's daughter's fifteens.

4 MR. GARCIA-SERRA: I have a greater limit
5 to how many people I'll invite, okay.

6 COMMISSIONER LAGO: I don't have a crystal
7 ball, but with a 500-person facility like
8 they're expecting to build, which we requested
9 it, located in the City of Coral Gables, I
10 expect there to be events every weekend. So
11 you're going to be requesting a special events
12 permit, both on Friday and Saturday, because
13 this type of facility doesn't exist anywhere in
14 the City and people want to be in the City of
15 Coral Gables.

16 COMMISSIONER KEON: But an event at a hotel
17 is generally --

18 COMMISSIONER LAGO: And I'm in agreeance
19 with you in reference to walkability,
20 pedestrian friendly, I'm with you, but I think
21 we're backing ourselves into a corner where --
22 are there any other real options? Is there a
23 viable option here?

24 MR. TRIAS: We have requested Tim, in the
25 past, to prepare special events plans for

1 certain projects, and I think that he may
2 describe what that entails and maybe some of
3 that language, if included in the Development
4 Agreement, would take care of some of your
5 concerns.

6 COMMISSIONER KEON: But, Ramon, what's a
7 special event?

8 MR. TRIAS: I think Tim can explain,
9 because we're talking about a special event
10 from a traffic point of view. That's the only
11 issue.

12 COMMISSIONER KEON: Okay. Tell me what
13 a -- it's not the Fourth of July fireworks.

14 VICE MAYOR QUESADA: No, a special event
15 that we're discussing is a wedding, it's a
16 conference.

17 COMMISSIONER LAGO: Mario's daughter's
18 fifteens.

19 VICE MAYOR QUESADA: It's an event that's
20 going to require 500 individuals to be seated
21 at this event, having dinner and coming in
22 potentially 500 different vehicles.

23 COMMISSIONER KEON: Actually, 500 people is
24 not a huge event. I mean, when you look at the
25 number of galas that take place all of the

1 time -- I mean, how many Red Cross Balls have
2 you been to --

3 COMMISSIONER SLESNICK: With a thousand
4 people.

5 COMMISSIONER KEON: -- hundreds, with a
6 thousand people, and, you know, you all -- or a
7 lot of us have been to all of those different,
8 whether it's YPO, the number of organizations
9 in the community that have, you know, galas,
10 you know, that way exceed 500 people, I have
11 never seen, at a hotel -- I've never seen huge
12 problems. They are able to move those cars in
13 and out.

14 This is not like the Jungle Gardens -- what
15 is it?

16 COMMISSIONER LAGO: Jungle Island.

17 COMMISSIONER KEON: Jungle Island, where
18 they have thousands of people.

19 VICE MAYOR QUESADA: No, but you know what
20 I think of, and Commissioner Keon the thoughts
21 that you've expressed related to this item, I'm
22 in agreement with you on this, however, but I
23 still think of the EPIC. I still think of the
24 EPIC on a Friday night and a Saturday night in
25 Downtown Miami that is horrible, and it's got a

1 similar sort of configuration.

2 COMMISSIONER KEON: That's terrible.

3 VICE MAYOR QUESADA: Now, there are
4 obviously difference with this one, and,
5 actually, if I can address a point -- I'm
6 looking at the June 10, 2015 Applicant
7 submittal, Exhibit A.1, Page -- Exhibit A.1,
8 Page 123. I don't know if you can pull that
9 up.

10 Your Applicant submittal for today's
11 meeting, Exhibit A.1, Page 123. Here you go.
12 If I can ask Tim Plummer -- and Commissioner
13 Keon, I ask this question, because I think it
14 goes to the point of the event -- and can I
15 also ask that the Kimley-Horn representative, I
16 saw him -- oh, there we go.

17 I apologize. I forgot your name from the
18 first reading.

19 MR. MCWILLIAMS: John McWilliams.

20 VICE MAYOR QUESADA: John, thank you.

21 Tim, this is something I brought up earlier
22 -- if we can zoom in on that so the audience
23 can see a little bit better. If you hit the
24 tools icon on the right, it will be a little
25 bit bigger.

1 COMMISSIONER KEON: Just click on the page
2 and it should open it up more, right? Doesn't
3 it get rid of that tools thing, that column?
4 Yeah.

5 VICE MAYOR QUESADA: There we go.

6 So if I understand correctly, I'm looking
7 at the bottom of this diagram, now you have the
8 area -- you have the red arrow that's
9 pointing -- the largest red arrow pointing
10 horizontally, left to right. I'm assuming
11 that's where -- so we're looking at the
12 basement level of the parking, the first level
13 of underground parking?

14 MR. MCWILLIAMS: Yes.

15 VICE MAYOR QUESADA: Okay. That red arrow
16 that's pointing in both directions, the largest
17 one on the bottom, that's where the cars come
18 down from, correct?

19 MR. MCWILLIAMS: Correct. That's the helix
20 coming around.

21 VICE MAYOR QUESADA: Just north of that,
22 you have an arrow that -- a street that's sort
23 of coming out of nowhere. Is that where the
24 valet comes down?

25 MR. MCWILLIAMS: Yes.

1 VICE MAYOR QUESADA: Tim, I agree with you,
2 the more access we have, obviously, from a
3 traffic perspective, the better it's going to
4 be, because of the more options that there are,
5 but you said that we would have to split up the
6 vehicles as they come onto the property.

7 I guess, is it possible that as the cars
8 are entering the event on the ground floor, and
9 if we diverted all of the traffic, both, hotel
10 guests, residential, going to shopping, and we
11 distinguish it from the valet parkers that are
12 coming in for, you know, a special event, a
13 wedding, a party, what have you, that you can
14 actually segregate it as they're coming in at
15 the top level, this way, or do you still see
16 this being a problem or -- I guess, what's your
17 general opinion?

18 I think I know what it's going to be, it's
19 still better to have more access than less.

20 MR. PLUMMER: Well, where you need to
21 segregate them is not at this level, it's the
22 ground level.

23 VICE MAYOR QUESADA: But on the ground
24 level -- those two points of ingress that I've
25 pointed out are segregated on the ground level,

1 are they not?

2 MR. PLUMMER: Very closely spaced, about
3 one car length from the driveway as you enter
4 the property. So you're going to need to know
5 if you're going to make the first right to go
6 up to Level 3 parking or if you're going to go
7 past the first right in, past the exit, down to
8 the next right in, to go down, and so people
9 that are not familiar with this project,
10 someone is going to need to be standing there,
11 letting them know, hotel, retail, you know,
12 where are you going.

13 MAYOR CASON: Could you have something
14 electronic and maybe bollards, so as you come
15 in off Malaga, it says "valet only" or -- is
16 that possible?

17 COMMISSIONER KEON: But you could have
18 people that are there during an event at the
19 hotel that are directing the hotel guests to
20 the hotel.

21 MR. PLUMMER: Right, and that's what Ramon
22 alluded to about a special events plan.

23 COMMISSIONER KEON: Right, but the people
24 that are living in the residential portion,
25 they're already familiar with that, they know

1 where they're going. So the only people that
2 you're going to question how familiar they may
3 be with this are the people that are attending
4 whatever the event is that's at the hotel.

5 MR. PLUMMER: And also the retail people,
6 that are generally going to be unfamiliar with
7 the property.

8 COMMISSIONER KEON: Well, the people coming
9 and going during retail hours, do you see them
10 interfacing with the people that are coming for
11 an event?

12 MR. PLUMMER: Sure. Sure. Yeah.

13 VICE MAYOR QUESADA: It could happen, sure.
14 People coming to a restaurant at night or maybe
15 the event is during the day.

16 COMMISSIONER KEON: Right, but that's not
17 huge numbers of people. I mean, the larger
18 number of people are the people coming for the
19 event.

20 MR. PLUMMER: Just so you know,
21 Commissioner Keon, in the p.m. peak hour, what
22 they're showing is 225 trips coming in and
23 almost 300 coming out. That has nothing to do
24 with the special event.

25 COMMISSIONER KEON: Right.

1 MR. PLUMMER: That's a lot of traffic at a
2 driveway we have one car length to make a
3 decision on which ramp area we're going to go
4 to and the spacing to the signal on Malaga.

5 COMMISSIONER KEON: Okay. Are you done
6 with this picture?

7 VICE MAYOR QUESADA: I am.

8 COMMISSIONER KEON: Okay. Can you go back
9 to the ground floor then please?

10 MS. SWANSON-RIVENBARK: And as they do
11 that, Commissioner, I'm going to throw another
12 kink into this. There is a provision that says
13 that if the traffic counts or issues exceed the
14 ten percent level, that the Developer has
15 already agreed to make corrections, to do a
16 traffic study and implement corrections.

17 It's quite possible that if you keep the
18 pedestrian space open now, and over the near
19 time it proves to be an issue, that we come
20 back to the Developer and we exercise this
21 provision of correction and mitigation, and we
22 establish a vehicle path which currently does
23 not exist.

24 COMMISSIONER KEON: You know, I have a
25 feeling that all of these wise people can find

1 a solution on the interior of this project and
2 not cutting that curb on Ponce.

3 MS. SWANSON-RIVENBARK: Got it.

4 COMMISSIONER KEON: I have all of the faith
5 in the world in you that you can do that.

6 Now, if you come in on Malaga, right now
7 the connection to Coconut Grove Drive, on the
8 Applicant's proposal, is a paseo, is a
9 pedestrian only walk. What you have proposed
10 is that that also become a vehicular access
11 into and out of or -- out of -- into the
12 circle.

13 MR. PLUMMER: One way into, yeah.

14 COMMISSIONER KEON: I mean, you know, this
15 is now just land. There's no existing streets
16 other than Coconut Grove Drive and Malaga and
17 Galiano. So what's interior to this project,
18 you know, you can kind of create. What if you
19 created -- if that driveway coming in on Malaga
20 and that paseo became vehicular, that became --
21 you know, and it actually, instead of just --
22 you know, instead of it coming in straight, you
23 know, from both sides, this way, what if we
24 curved around and went out that way? What if
25 you came in on Malaga and you went around and

1 came out on -- and then hooked into Coconut
2 Grove Drive? I don't know why Coconut Grove
3 Drive, you have it here as one way.

4 You know, this is kind of confusing to me.
5 You have it one way. Is this still the way it
6 is, it's one way going east, until you get to
7 that circle, and it's one way going west from
8 -- it's one way going east from Galiano and
9 it's one way coming east off of Palermo? Is
10 that the way it is now?

11 MR. PLUMMER: It runs one way eastbound.

12 COMMISSIONER KEON: Do you think it
13 functions well as one way or should there be a
14 lane in each direction?

15 MR. PLUMMER: Why shouldn't it be?

16 COMMISSIONER KEON: Yeah. I don't know.
17 I'm asking.

18 MR. PLUMMER: You have to ask the Applicant
19 that, why they came up with that plan.

20 COMMISSIONER KEON: Okay. I mean, if you
21 allowed for more access through Coconut Grove
22 Drive, which is an existing City street today
23 and you came in -- you know, you can make that
24 connection between Malaga, go through there and
25 go out -- does that work?

1 Even for the Applicant, you know, having
2 limited traffic along that one paseo there
3 that's going into where the entrance of the
4 hotel is, actually gives you more people along
5 that street that will view your retail and
6 experience and see your retail.

7 I would much prefer to have that dealt
8 with, you know, interiorly, as opposed to along
9 Ponce. I mean, I wouldn't expect you to design
10 on the fly here today, but what I would ask
11 you, is that possible?

12 MR. AVILA: Anything is possible, but could
13 I say a non-engineer or show you what our
14 thoughts are on this, because I think it's
15 important to understand that we're looking at
16 sacrificing a lot for very little, if I may.

17 COMMISSIONER KEON: Sure.

18 MR. AVILA: What we have been asked to do
19 is to open this to cars. What we're proposing,
20 in addition to everything that's already been
21 talked about, going underneath and the valet
22 here, is that these people that would come in
23 here, they can come here, have a drop off
24 there, and we're talking about these people
25 walking a few steps.

1 Now, it's going to be -- if you bring the
2 cars in here, you're still going to have the
3 congestion. If you drop off the car here, they
4 can take it and valet park it and then this
5 becomes the guest coming -- they can just walk.
6 I mean, we're talking about walking a few feet.

7 Why bring the cars just for a few feet and
8 create more congestion, because now you have
9 cars coming through there, through there?
10 Bring the cars here, and bring the cars down
11 Coconut Grove Drive.

12 COMMISSIONER KEON: Yes. I would rather
13 see some solution worked out along Coconut
14 Grove Drive, although I'll tell you, people
15 going to an event -- women in high heels, they
16 don't even want to walk a few feet, but I would
17 really rather see you attempt to work out a
18 solution that goes from Coconut Grove Drive,
19 you know, and through Malaga, that somehow
20 connects that circulation, that meets, you
21 know, some of the traffic needs or whatever,
22 rather than go back onto Ponce.

23 MR. MCWILLIAMS: Just to be clear,
24 Commissioner, you want this to remain a paseo
25 for pedestrians only, but you would like us to

1 look at what we would do between these two
2 points?

3 COMMISSIONER KEON: Absolutely. Well, if
4 you feel that there is a need for, and if this
5 Commission feels that there is a need for
6 additional -- you know, I mean, I read
7 Kimley-Horn's, I thought it worked, but I'm not
8 a traffic engineer. I mean, I thought yours
9 worked, I was comfortable with yours, but if,
10 you know, you feel and if my, you know,
11 colleagues here believe that there has to be
12 additional exits, entrances or whatever, I'd
13 rather see you work it that way than come back
14 out to Ponce.

15 MR. PLUMMER: Can I go back to what the
16 City Manager suggested, because I think that's
17 a very good suggestion? They're going to go
18 back and do after studies. So we're going to
19 be able to observe this. The plan that they
20 want with the valet drop off at Coconut Grove
21 Drive could potentially be a viable
22 alternative, as long as we can get traffic to
23 pick up there and out that way, so they're not
24 intermingling with the Malaga traffic, that's
25 the key issue here, but if not another solution

1 is needed.

2 So my only request would be to make sure
3 that that paseo is master planned in case, in
4 the after studies, we might need it on a very
5 temporary basis for special events, that that's
6 an option.

7 COMMISSIONER KEON: Well, you know what, I
8 want it master planned so that that paseo on
9 Ponce remains a paseo forever. So I don't want
10 it as an option. I don't want it as an option.
11 I want it as a paseo, and I think in speaking
12 with Ramon and speaking to other planners and
13 urban planners that we have spoken to, all have
14 said that that should be a paseo and it should
15 remain -- it creates a pedestrian experience
16 that we are looking to create in our whole
17 downtown.

18 We're putting \$30,000,000 into four blocks
19 on Miracle Mile to improve the pedestrian
20 experience, and as an economic incentive, to
21 improve the retail within our City. This is
22 the same thing. Thankfully somebody else is
23 investing that amount of money and we don't
24 have to, but, you know, they're working with us
25 to do that. So I don't (sic) want it master

1 planned that that's not an option. That's not
2 an option.

3 MAYOR CASON: Hector, what's your --

4 MR. FERNANDEZ: Yes. I agree, absolutely,
5 with Commissioner Keon, and also you know that
6 we have done a lot of changes to accomodate all
7 of this, I think there is no other building in
8 the City of Coral Gables that is providing all
9 of the facilities and all of the infrastructure
10 to accommodate parking and to be the best way
11 to have -- parking for big events, we are
12 providing all of that.

13 I think what Kimley-Horn is proposing, we
14 strongly -- I mean, no, Tim Plummer, we're
15 opposed to that proposal, because what we did
16 here is our pedestrian entrance. We changed a
17 lot. I think they are only proposing to give
18 extra parking, a small percentage of all of the
19 efforts we already done, and is going to take
20 out the pedestrian main entrance for this
21 project.

22 I humbly ask the Commission to see our
23 proposal as the best one. Thank you very much.

24 MAYOR CASON: I agree with Commissioner
25 Keon. I think we should keep that as a paseo.

1 COMMISSIONER LAGO: So do I.

2 MAYOR CASON: We've eliminated other ones.
3 I think the arguments are very persuasive for
4 that and I think the traffic people can figure
5 out, with the rest of the project, how you can
6 manage these --

7 MR. TRIAS: Mr. Mayor, if I could help on
8 this discussion. The good news about the many
9 options is that the buildings don't need to
10 change, okay. So the buildings are the same,
11 whether you do more traffic or less traffic, so
12 that's good.

13 Then what the City Manager has explained is
14 that there's a process already in place to
15 verify and review and change traffic, if need
16 be. So the buildings don't need to change.
17 There's a process in place to review traffic.
18 It's really clearly up to you, at this point,
19 it's a policy choice, on what is the best
20 solution.

21 I think that the solution is some kind of
22 design that is curbless and is designed mostly
23 for pedestrians that can be implemented
24 immediately. If need be, later on, that could
25 be opened up for special events. Those are all

1 possible options that are up to you and you can
2 make that choice.

3 COMMISSIONER KEON: But you can also do
4 that internally. You don't have to sacrifice
5 that paseo for any reason, at any time.

6 MR. TRIAS: That's right. Absolutely.

7 COMMISSIONER KEON: It can all be dealt
8 with internally, along where it comes in on
9 Malaga and exits along Coconut Grove Drive.
10 You can have that discussion and you can change
11 it from there, but you hold that paseo wholly.

12 COMMISSIONER LAGO: I agree with what
13 Commissioner Keon has stated, and I think that
14 the controls are in place in regards to the
15 Development Agreement, and like the Mayor was
16 mentioning before, maybe we should memorialize
17 it to make sure that that's held in place.

18 COMMISSIONER KEON: That's also their
19 pedestrian entrance.

20 MAYOR CASON: Commissioner Slesnick has
21 a --

22 COMMISSIONER SLESNICK: Commissioner Keon,
23 I'd like them to point out there which entrance
24 you're talking about on there, if you could,
25 Ramon.

1 COMMISSIONER LAGO: The one right there.

2 COMMISSIONER SLESNICK: Okay. Now, the
3 entrance up -- there's another entrance for
4 traffic on the left, on the other side of the
5 hotel, okay.

6 COMMISSIONER KEON: Yeah, that's Coconut
7 Grove Drive.

8 COMMISSIONER SLESNICK: Coconut Grove Drive.

9 COMMISSIONER KEON: Right. Right.

10 MR. TRIAS: Right.

11 COMMISSIONER SLESNICK: So what we're
12 talking about, for the public, is the one in
13 the middle, that's a paseo right now, and
14 Commissioner Keon would like to keep that as a
15 paseo?

16 MR. TRIAS: Right. That's the only issue.
17 That's the only issue.

18 MAYOR CASON: All right. Why don't we --
19 does anybody want to make a motion on this?

20 COMMISSIONER LAGO: Are you in agreeance?
21 I want to make sure --

22 VICE MAYOR QUESADA: I want to make a
23 motion that that location that Commissioner
24 Slesnick just pointed out remains a pedestrian
25 paseo.

1 MAYOR CASON: Okay. Is there a second?

2 COMMISSIONER LAGO: I'll second the motion.

3 MAYOR CASON: City Clerk.

4 CITY CLERK: Commissioner Keon?

5 COMMISSIONER KEON: Yes.

6 CITY CLERK: Commissioner Lago?

7 COMMISSIONER LAGO: Yes.

8 CITY CLERK: Vice Mayor Quesada?

9 VICE MAYOR QUESADA: Yes.

10 CITY CLERK: Commissioner Slesnick?

11 COMMISSIONER SLESNICK: Yes.

12 CITY CLERK: Mayor Cason?

13 MAYOR CASON: Yes.

14 COMMISSIONER KEON: Okay. And the intent
15 of that is that it remains a pedestrian paseo
16 and will not be a shared paseo. Thank you. I
17 want to clarify it.

18 VICE MAYOR QUESADA: Correct.

19 MAYOR CASON: That's right. With that in
20 place, you work out the solution for the
21 special events when we have 500 people --

22 COMMISSIONER KEON: And you can look at
23 interiorly -- you can continue to work on this
24 to see if, you know, through Malaga and as you
25 go out to Coconut Grove Drive, if there is, you

1 know, a way to work that out, and if you really
2 feel that it's needed, you know, you can do
3 that and come back to Staff or whatever.

4 MR. TRIAS: There's some language with Tim
5 to deal with special events and that may be
6 incorporated into the Development Agreement and
7 then the design will have to be done consistent
8 with what the Commission has voted on.

9 MR. LEEN: And that vote is an intermediate
10 vote. Obviously it's incorporated into the
11 final votes that will be made later, and the
12 Commission still reserves the right to vote up
13 or down, obviously.

14 MAYOR CASON: Yeah.

15 Mario, you had some other points you wanted
16 to make?

17 MR. GARCIA-SERRA: Sure. Now that sort of
18 was the only issue that there was a
19 disagreement between us and City Staff on their
20 recommendation. There were other issues.
21 There's one other issue that was a split vote
22 when this item came to first reading before the
23 City Commission and that is the additional
24 height of the hotel.

25 Right now the maximum height that can be

1 achieved on the property is 190 and a half feet
2 for the hotel structure. The hotel that we
3 have proposed goes up to a habitable floor
4 height, to I believe it is 214, I think is the
5 exact maximum height that it goes up to.

6 The reason that additional height is still
7 here is because even though it was a close
8 vote, it was still a majority vote in favor of
9 the height, limiting that habitable space to
10 pretty much a sort of public accessible use,
11 either a dining or entertainment establishment,
12 and it's still there.

13 It's something that the Commission might
14 very well still want to discuss. Our position
15 from the beginning has always been, it's a nice
16 feature. We think it's good to have it up
17 there. If the will of the City, expressed by
18 the majority of this Commission, is to remove
19 it, we could remove it, but as last expressed
20 at first reading the majority was actually to
21 keep it, so that's why it is still there.

22 MAYOR CASON: I like it, because I think
23 there's no other place in the City where you
24 can really look down and see the whole City at
25 night. I mean, you can do it from the Regents

1 building, maybe, if you have some events over
2 at Allen Morris, but, I mean, most modern
3 cities have some place with a restaurant on top
4 that people can gather and admire what we hope
5 will be even a more beautiful city and I think
6 taking that away -- you've given up your spa,
7 you've given up your gymnasium, you've given
8 up, you know, your cinema. I'm in favor --

9 COMMISSIONER KEON: The only one that
10 wasn't here -- well, I know that Commissioner
11 Lago was opposed to it.

12 COMMISSIONER LAGO: I was opposed to it.

13 COMMISSIONER KEON: And I'd like to hear
14 from him and Commissioner Slesnick, who wasn't
15 here at the time, and I'd like to hear from
16 her, also, because I think her input is
17 particularly important to the decision.

18 COMMISSIONER LAGO: I'm just going to give
19 you a quick idea. I mean, I think I spoke
20 about this issue at length at the previous
21 reading.

22 My opinion hasn't changed, but there was an
23 issue that I had in reference to the way that
24 the Ordinance was written before, which I have
25 requested from Staff, after sitting with -- I

1 met with Hector, we had a nice lunch, and we
2 discussed what the plan was for the future, and
3 I met with City Staff and we discussed the same
4 issue, and I said, "I'm in favor of the project
5 on many facets, but I want to make sure that my
6 vote, which was cast as a no, was due to one
7 simple reason, which was the fifteen or twenty
8 topics that we've already ironed out today and
9 have been included in the project, and one of
10 the main issues was in reference to the height
11 over 190.6, which is the maximum habitable
12 area.

13 I requested that Staff carve that portion
14 out and make it its own separate Ordinance, and
15 it's my understanding that that has been done
16 today.

17 So I'm ready to move forward in regards to
18 that issue. My own opinion has not changed.
19 I'd like to hear from Commissioner Slesnick.

20 MR. LEEN: Commissioner, could you say
21 again? What did you think was put into a
22 separate Ordinance?

23 COMMISSIONER LAGO: I had requested from
24 Staff that they basically have the issue of
25 habitable square footage over 190.6 be its own

1 separate Ordinance.

2 MR. LEEN: It's going to be a separate
3 vote.

4 COMMISSIONER LAGO: Excuse me, separate
5 vote. I apologize.

6 MR. LEEN: There will be a vote just on
7 that matter, which will then be incorporated
8 into the final vote, however you decide.

9 COMMISSIONER LAGO: Yeah, but the issue
10 that we had before was that that vote was
11 incorporated in, I think, five out of the seven
12 previous ordinances, and I basically was forced
13 to vote, no.

14 MR. LEEN: I understand.

15 COMMISSIONER LAGO: And I want to avoid
16 that, because, again, like I mentioned before,
17 I'm in favor of many facets of the project and
18 the issues that I wasn't in favor of had been
19 dealt with. For example, the leed, open floor
20 -- open area, the height --

21 MR. LEEN: There was going to be a vote to
22 approve the project. There was an intermediate
23 vote, and it's not the final vote. There's
24 going to be an intermediate vote whether to
25 approve the project with the height that's

1 lower. Then there's going to be a vote on the
2 height. However that's determined, the final
3 vote will include those two votes, when you go
4 one by one.

5 COMMISSIONER LAGO: I just want it to be
6 clear. I wanted to be clear.

7 COMMISSIONER KEON: Can we look at -- on
8 Page 264 of this book, this is the clearest
9 rendering that I've seen in here -- I could be
10 wrong -- but I think that's the one I've seen
11 that shows the hotel. Is that right?

12 MR. FREED: If -- I mean, can I just speak
13 to this rendering, because we modified this
14 rendering to show what it would be like without
15 the habitable restaurant on top of it?

16 This is showing the current
17 recommendation --

18 VICE MAYOR QUESADA: Could you speak into
19 the microphone, please?

20 MR. FREED: I'm sorry.

21 So, as presented, this is an occupied
22 restaurant on the top two levels of the
23 hotel -- sorry -- and it's shown right here.
24 Our proposal, if the height is not preferred,
25 that we're willing to open up that same volume

1 and make it an outdoor open air space that
2 would be covered.

3 COMMISSIONER KEON: A viewing space.

4 MR. FREED: So a closer view of that same
5 element, so it becomes an event space up on the
6 roof. It is not conditioned, it's not -- it
7 would simply be for special events when someone
8 chose to --

9 MAYOR CASON: Would the cupola still be
10 there? Would the cupola still be there?

11 MR. FREED: Correct. All of the
12 architecture remains.

13 VICE MAYOR QUESADA: So the actual height
14 remains the same, just not the habitable part?

15 COMMISSIONER KEON: It would be the
16 habitable part of it. That's why on Page 264,
17 though, it shows the two terraces on either
18 side a little more clearly.

19 VICE MAYOR QUESADA: Oh, yeah.

20 COMMISSIONER KEON: I think it's 264. Yeah.

21 Do you see where you have the decorative
22 element on the very top and then right below
23 the decorative element I'm assuming is where
24 the restaurant is, and then there's two
25 terraces on either side, right?

1 My concern is, if you had to -- so whatever
2 you're proposing, you're not removing it,
3 you're just changing its use, because it would
4 make it -- the design of the building would not
5 be as attractive as it is without that
6 pedestal, it's you really need that pedestal
7 and it differentiates you a little from the
8 building next door to create a skyline. Okay.

9 MR. FREED: Exactly. As we showed in the
10 last images, this area is the restaurant. It's
11 enclosed today as our suggestion. If you would
12 not like that occupied space above the 190.5,
13 our recommendation would be to simply open it
14 up, so that this structure remains, the glass
15 is taken away, and you're able to use that area
16 as a covered rooftop event space, but
17 unconditioned and open area.

18 So the cupola stays, all of the structure
19 above that stays, as well.

20 MAYOR CASON: Mario --

21 COMMISSIONER KEON: Yeah. I think the
22 design is beautiful. I really do. I think
23 it's beautiful and it creates a very pretty
24 skyline. I'm very happy to see the design, and
25 it's really up to -- you know, I would really,

1 out of respect for, you know, the other people
2 on the Commission, how they want to do that --

3 MAYOR CASON: How important is the
4 restaurant to the viability of your project?

5 MR. GARCIA-SERRA: You know, I would have
6 Eddy or Hector speak to that. I would say,
7 it's not critical. I think that's a good
8 representation of it.

9 COMMISSIONER LAGO: Like I mentioned to
10 Hector, you know, before we began today's
11 meeting, this is a democracy at the end of the
12 day. You know, we're going to vote on this
13 issue, and if it's three-two, if it's four-one,
14 it's not a big deal, we move forward.

15 MR. GARCIA-SERRA: Right.

16 COMMISSIONER LAGO: My biggest concern is,
17 if we do have a restaurant up there, which I
18 think, by the way, is a spectacular feature, in
19 reference to the City, how are we going to deal
20 with the issues of noise in the evening,
21 because not only for the residents who probably
22 won't even hear it, because it's such a long
23 distance and in front of it you have the
24 Regions Bank building, so it's not the issue of
25 noise for the residential across the street

1 from Ponce, it's more the issue of people who
2 are staying at the hotel or people who are
3 staying adjacent to it, who have purchased or
4 who are renting in the adjacent residential
5 condo building?

6 MAYOR CASON: Isn't that going to be
7 enclosed at all? I mean, wouldn't it be louder
8 with the --

9 COMMISSIONER LAGO: Because you have two
10 terraces. Don't forget you have terraces on
11 both sides, as Commissioner Keon had mentioned,
12 which, by the way, are beautiful features.

13 VICE MAYOR QUESADA: But hold on a second.
14 I want to hold my comments to hear from
15 Commissioner Slesnick.

16 COMMISSIONER KEON: I just want to know how
17 you feel about it. I would, too. I'd like
18 Commissioner Slesnick to be able to address the
19 issue.

20 MAYOR CASON: Let's ask Commissioner
21 Slesnick. What's your view?

22 COMMISSIONER SLESNICK: I ran for public
23 office on the issue of controlled development
24 and smart growth, and I feel strongly that the
25 citizens of Coral Gables elected me because I

1 did run on that platform.

2 I love outdoor restaurants, I like rooftop
3 restaurants, and if you want a rooftop
4 restaurant, I think it should be on the 16th
5 floor. My issue is not with the restaurant,
6 and I love the design of the building, this a
7 quality development. I'm thrilled that this
8 Developer has come to take over this space and
9 to utilize this to the betterment of the City,
10 and I'm thankful that it's been cut back. It
11 was approved for 900,000 square feet basically
12 and now it's one million one hundred square
13 feet, which is the size -- I mean, two hundred
14 thousand is the size of the Bacardi Building,
15 so it's good to have -- I mean, people are
16 concerned about traffic in Coral Gables and
17 development, period.

18 I mean, I think sixty or seventy percent of
19 the people don't want any new development. We
20 need it. People want to come to Coral Gables.
21 They want to move off of Brickell. I have lots
22 of law firms that I've talked to -- I don't get
23 into commercial -- I want to say it's not a
24 conflict of interest -- but they want to come
25 to Coral Gables, because it's a desirable area

1 and to have the quality of this building, like
2 the 396 Alhambra, which I think is a choice
3 building, and, again, I'm very proud of 396
4 Alhambra, with its outdoor terrace on the
5 fourth floor.

6 However, it's not about the restaurant and
7 it's not about the design of the building, it's
8 going from having 16 floors, which is under our
9 current Master Code and breaking the tradition
10 and the precedent for having another two
11 floors, and other Developers in our community
12 are lining up to wait until this passes -- and
13 I've been told this. I talked to two other
14 attorneys this morning about Historic
15 Preservation and the school, but I've talked to
16 two other attorneys this morning, along with
17 our City Attorney, who told me that once this
18 precedent is set, that other Developers can
19 wait and come in and ask for seventeen or
20 eighteen or nineteen stories.

21 Now, granted, you have said this is a
22 planned development and they may not be able to
23 do that if they don't have as much land, but I
24 ran for office on this plan, and last January,
25 when I was President of the Gables Good

1 Government Organization, we put together this
2 magazine of all of the developments that are
3 proposed in Coral Gables. We did not really
4 have a lot of public access until January to
5 our different departments in the City of Coral
6 Gables, and I put this magazine together, and
7 we have eighteen high-rise developments coming
8 to Coral Gables or suggested or proposed or in
9 the pipeline, that would like to come here in
10 order to build, and if one builder or one
11 Developer gets seventeen or eighteen or
12 nineteen stories, other Developers are going to
13 ask for that same thing, and, again, I've
14 talked to our City Attorney about this and
15 setting precedent, and in 90 years -- we're
16 celebrating our 90th birthday here in Coral
17 Gables -- what a shame it would be to have this
18 on a birthday year, to pass something that
19 breaks the Zoning height regulations for the
20 City of Coral Gables.

21 I'm not in favor of this, I'm not going to
22 vote for it, and if everybody else votes for
23 this, I want you to know, I want a lot of extra
24 parking for that restaurant, but I am hoping
25 that we do not set a precedent here. I like

1 the building design. If we want to keep it
2 open, I'm fine with that, and I understand,
3 from talking to some other attorneys this
4 morning, that told me that the Agave Group was
5 not really interested so much in the restaurant
6 and they were willing to give it back, and I
7 heard that in the other meetings that I read
8 and that I watched on the video, that they were
9 willing to bypass this.

10 They want to be good public citizens. They
11 want to build other things in Gables, I'm sure,
12 once we get through all of this. They like
13 Coral Gables, and they want to build their
14 homes here and they want to live here, and I'm
15 very proud of this project. Let me just say,
16 I'm very proud of the Agave Construction
17 Company of this project, and I don't think they
18 want to build Code.

19 I don't know why these other attorneys, who
20 represent other projects coming online, sort of
21 teased me about our people are just waiting for
22 this to be passed in order to get the eighteen
23 and nineteen stories.

24 The Publix developers over in the new
25 Publix -- it's not online yet, but I've been

1 told from other people that they want to have
2 the eighteen stories and maybe 33 Alhambra
3 would like eighteen stories. A lot of other
4 developers are just waiting for this
5 opportunity.

6 We have a very liberal Planning & Zoning
7 Board, and it has been for the last three or
8 four years, and maybe they are pushing to have
9 this height go up and breaking tradition.

10 MAYOR CASON: Craig, do you want to --

11 MR. LEEN: Yes, I'd like to say something.

12 COMMISSIONER SLESNICK: But I want to tell
13 you right now, I'm not in favor of this, and I
14 would really be sad for our City if this is
15 passed. So I would like to have the Developer
16 withdraw this from their plan.

17 Eddy, Hector, if you would -- I'd like to
18 have this withdrawn, that we don't even have to
19 vote on it, so that it doesn't set a pattern
20 here.

21 COMMISSIONER KEON: Commissioner Slesnick,
22 thank you so much. I wanted to hear on the
23 record how you felt about this. So thank you
24 very much.

25 I think the issue is, and I want to make

1 sure I understand what you're saying to us --

2 COMMISSIONER SLESNICK: Air conditioned space.

3 COMMISSIONER KEON: Wait. Your issue is
4 habitable space, okay, and so that's the issue,
5 but what they have proffered or what they have
6 said is that if there isn't an approval for
7 habitable space, the design will remain the
8 same, so the building will be higher --

9 COMMISSIONER SLESNICK: I'm fine with the
10 design.

11 COMMISSIONER KEON: The building, it will
12 be higher -- it will go -- you know, it's a
13 higher building.

14 COMMISSIONER SLESNICK: It's as high as
15 the Biltmore.

16 COMMISSIONER KEON: But the habitable space
17 will stay at the 190 feet. So what they will
18 do is open up that rooftop area and allow it to
19 be more public space or just a public space of
20 some sort of whatever else.

21 I mean, you know, I wouldn't want to tell
22 them their business plan, that's their
23 business, how they use their business plan, but
24 I'll tell you, walking along a street, seeing
25 those kinds of beautiful big windows into a

1 restaurant from like on the second or third
2 floor, that you can see, and you think you're
3 going to someplace real special, it has a much
4 bigger draw, I think, to the public than
5 something on the very top, but, you know,
6 that's your business plan. I would never tell
7 you that, but I know, as an individual, I would
8 feel like Cinderella going to the ball in your
9 second or third story restaurant.

10 COMMISSIONER SLESNICK: You can have the
11 restaurant on the 16th floor.

12 COMMISSIONER KEON: I'm very comfortable
13 with what you said.

14 COMMISSIONER LAGO: By the way --

15 COMMISSIONER SLESNICK: They can have
16 cocktails on the 17th floor. I do not want --

17 MR. LEEN: I should say something.

18 MAYOR CASON: Let me ask --

19 COMMISSIONER KEON: Your concern is the
20 use, not the height.

21 COMMISSIONER SLESNICK: It's not the
22 height. It's the use.

23 Now, I've called the Biltmore and their top
24 floor is the 15th floor, but they have a lot of
25 towers.

1 COMMISSIONER KEON: No, I just want to make
2 that clear. Yes -- no, thank you, and I know
3 you feel strongly about it and I'm willing to
4 support you. Fine.

5 VICE MAYOR QUESADA: Well, hold a second.
6 So I agree and I disagree. I like the amenity
7 up there. I think it's a very unique amenity.
8 If you've ever stood at the top on the pool
9 deck level of the David William, you have that
10 view overlooking the Biltmore and you see the
11 trees.

12 I think it's a very unique perspective. I
13 think it's beautiful. I think a lot of world
14 class cities have it in one shape or another,
15 that type of unique view overlooking the City.

16 I think the intent of putting it up there
17 was to be able to have that view above the
18 other buildings, so that you're not blocked off
19 by the Regions Bank building or the other
20 neighboring buildings.

21 I think considering the fact that it would
22 still -- the structure would still remain the
23 same -- if we don't vote on allowing having the
24 restaurant there, the aesthetics impact is
25 identical.

1 From the precedential impact that you
2 brought up, Commissioner Slesnick, and,
3 actually, you alluded to it, you mentioned it
4 briefly, our City Attorney has said that it
5 wouldn't have precedential effect.

6 You know, some of the comments that you may
7 have heard from other Developers could be
8 because, you know, maybe they don't want that
9 competition of having that in that area. Who
10 knows? I mean, I know that's the hearsay
11 aspect of it, which who knows what their
12 rational is behind saying that is.

13 COMMISSIONER SLESNICK: Well, these were
14 attorneys that I was talking to.

15 MR. LEEN: I would like to say my view.

16 MAYOR CASON: Let me ask, Craig, your view
17 on the question of precedence.

18 MR. LEEN: Yes. Okay. I would like just
19 to make sure you know my view on this matter.
20 The matter of precedent, this does not set a
21 legal precedent for any other developer, in the
22 sense that they cannot come to you and say that
23 they're entitled to go above the ceiling that
24 currently exists in the City. It's only
25 allowing it for this property. It's under the

1 theory that this is a PAD, it's a very large
2 area of the City, and that it would be
3 appropriate in this one location, although
4 reasonable minds could disagree about that and
5 ultimately the Commission will decide whether
6 to allow the greater height here.

7 And what I was telling Commissioner
8 Slesnick, which is true, is that right now --
9 and I've said this previously in response to a
10 question by the Vice Mayor at the prior
11 meeting, and at prior meetings, it does set a
12 precedent of a different sort.

13 I mean, anytime the Commission acts, it
14 can't act arbitrarily. You always have to be
15 able to explain what you've done and
16 differentiate and distinguish between the prior
17 precedent you've set, in my view. At least
18 there should be a reason for what you're doing,
19 why you're treating one person differently than
20 another.

21 What I was talking about with Commissioner
22 Slesnick was that if another developer comes to
23 you and wants to have a higher height, they
24 will cite this as precedent and they will
25 argue -- they will try to make themselves seem

1 similar to this site and will argue that you
2 should adopt it, whereas before, you could
3 always say, well, we've never allowed habitable
4 height --

5 VICE MAYOR QUESADA: But it also depends on
6 how the motion is phrased and what we actually
7 vote on.

8 MR. LEEN: Of course. You know, they will
9 be able to do that and you can no longer say,
10 "Well, we haven't allowed this anywhere in the
11 City." Now you will have to say, "Yes, we
12 allowed it in one place, and this is why we're
13 not going to allow it here," and that's the
14 point I was making to you, Commissioner
15 Slesnick, that now you can no longer say that
16 it's completely barred, but I do believe,
17 ultimately, as a legal matter, you could deny
18 the successive Applicant the ability to have
19 the habitable height at that height, but you're
20 going to have to consider it and you're going
21 to have to discuss it. That was the point I
22 was making.

23 COMMISSIONER SLESNICK: We would more
24 likely be sued -- I mean, once you
25 have raised --

1 MR. LEEN: It gives you another ground to
2 attempt to challenge, although I would feel
3 comfortable -- as long as the Commission was
4 acting and there was substantial competent
5 evidence in the record -- well, honestly, it's
6 not even that standard, because you would have
7 to change the law to allow it in another place.
8 It's a fairly debatable standard. So you would
9 just have to not act arbitrarily.

10 COMMISSIONER SLESNICK: I'm of the opinion
11 that if we want -- we should have citizen
12 input. If we're going to change the Zoning
13 Code, in general, which we're talking about in
14 the north Ponce area, if we're going to be
15 changing the Zoning Code, then we should do it
16 with a lot of public input, as the Zoning Code
17 was changed in the 1990s and the early 2000s,
18 let's have a lot of public input before we go
19 ahead and say, we're going to jump from sixteen
20 stories or 190 feet to 218.

21 COMMISSIONER LAGO: Could I just say just
22 one thing in reference to that, Commissioner?
23 I mean, again, I'm also --

24 COMMISSIONER SLESNICK: And I love all of
25 you and I love your opinions, too.

1 COMMISSIONER LAGO: Listen, I'm also of the
2 same belief in regards to the height, I agree
3 with you, but in reference to public opinion, I
4 have to disagree.

5 There's been 20 meetings. This hasn't
6 changed from yesterday. I voted, no, on this
7 the last time. There's been 20 meetings where
8 this has been discussed and I see a lot of
9 individuals, who are from the community, who
10 are adjacent neighbors to this property, so
11 everyone has been substantially aware and has
12 had the opportunity to voice their opinion.

13 With that being said, I just have one last
14 question, Susan, so I'll ask you to bear with
15 me.

16 This wouldn't be considered spot zoning
17 under any circumstances, correct?

18 MR. LEEN: We looked at that question. I
19 don't believe it's spot zoning. I know that
20 Special Counsel doesn't either, because it's a
21 large enough site that it wouldn't be.

22 COMMISSIONER LAGO: Okay.

23 MR. LEEN: One other thing, the other point
24 I wanted to make was that the law in Coral
25 Gables will still remain the same, though,

1 other than in this spot, which is not spot
2 zoning. I shouldn't use that word.

3 VICE MAYOR QUESADA: Bad choice of word.

4 MR. LEEN: It's a very large area. It is a
5 large area. Other than this very large area,
6 it will not be legal to have it over this
7 height. You would have to change the law, but
8 someone could apply -- our Code allows for
9 someone to apply and ask for that, and you also
10 have to change the Comp Plan in that area.

11 MAYOR CASON: Susan.

12 COMMISSIONER SLESNICK: Commissioner Lago,
13 one more point.

14 MAYOR CASON: Let me ask Susan first. She
15 has something she wants to put in.

16 MS. TREVARATHEN: As your outside counsel,
17 I just wanted to officially, on the record,
18 concur with what your City Attorney has said,
19 that there is not a legally binding precedent
20 that's set by this change. Moreover, anyone
21 who tried to make the more persuasive type of
22 argument of precedent, which is what Craig is
23 saying, would have to show that they are also
24 almost a seven-acre parcel, with only two
25 percent of their site area devoted to habitable

1 area over the height, and that is a very
2 different kind of scenario than you see from
3 other properties.

4 So just to be complete, I wanted to make
5 that point, that they couldn't claim
6 comparability unless they were comparable in
7 all of those ways.

8 MR. LEEN: Yes. Can I follow up --

9 COMMISSIONER LAGO: I just want to say, I'm
10 not holding you to it, but do we have an idea
11 in reference to the site area for the Publix
12 site?

13 MR. GARCIA-SERRA: How large it is?

14 COMMISSIONER LAGO: Yes. Are you
15 representing them, Mario?

16 MR GARCIA-SERRA: No, I'm not, but I would
17 say -- yeah, I can't tell you for sure. That's
18 probably around the two -- between two and
19 three.

20 MR. LEEN: But the point I wanted to make
21 is, it includes many different lots. So this
22 could be --

23 MS. TREVARATHEN: And blocks. It's
24 multiple city blocks.

25 MR. LEEN: Yes, many blocks, many lots. So

1 this could be actually a law -- I mean, one way
2 you can look at it, let's say this didn't come
3 before you in the way it is and you were
4 passing a law related to this area, it would be
5 a large area, affecting many properties. So
6 It's not just semantics, whether it's called
7 the spot or an area. We actually looked at
8 this issue, and we believe it's a large enough
9 area that it is not spot zoning. That was our
10 legal opinion.

11 MS. TREVARATHEN: I agree.

12 MAYOR CASON: I just think that if we're
13 looking at the height, and we don't have a
14 problem with the height, but it's a question of
15 the restaurant, I would rather have a
16 restaurant there, which is enclosed, air
17 conditioned, which would bring people to the
18 City, than to have it open, which you're going
19 to have a lot more noise, you're going to have
20 a lot more opportunities for confusion and
21 people dropping this down on the street.

22 COMMISSIONER LAGO: Now that you bring up
23 the issue of the noise, I poised a question in
24 reference to what is going to be the answer for
25 the noise. Does the City have something --

1 VICE MAYOR QUESADA: Well, I'm planning on
2 making a motion and I'm going to incorporate it
3 into the motion.

4 COMMISSIONER KEON: Can I ask a question
5 before you do that? I read the Development
6 Agreement, I thought, pretty thoroughly, is
7 that space addressed in the Development
8 Agreement, that it can only and solely be used
9 for that purpose and it can never be converted
10 into either hotel rooms or a condominium or
11 some sort of place? Is that addressed in the
12 Development Agreement, that that will solely
13 and only ever be used for, you know,
14 entertainment, restaurant type space?

15 MS. TREVARATHEN: Through the Mayor, if I
16 can respond?

17 MAYOR CASON: Yes.

18 MS. TREVARATHEN: It's actually more
19 impactfully and permanently resolved, because
20 it's part of what your Comprehensive Plan will
21 say. So it's not just the Development
22 Agreement, that might, you know, go away if the
23 whole project fails, it's written in the text
24 of your Comp Plan Amendment, that this
25 additional height is only for the listed

1 purposes, which are not hotel rooms and some of
2 the other things that you suggested. We can
3 maybe pull that up on the screen. I don't
4 remember the exact words.

5 COMMISSIONER KEON: I remember from the
6 Comp Plan.

7 VICE MAYOR QUESADA: I'm pulling it up
8 right now.

9 MS. TREVARATHEN: But there's a very
10 careful listing of only these purposes that
11 talk about an entertainment use and --

12 COMMISSIONER KEON: I'm going to ask the
13 Attorney, then, should it be in the Development
14 Agreement or being in the Comp Plan is --

15 MR. LEEN: Should such which be in the
16 Development Agreement?

17 COMMISSIONER KEON: The use of this
18 additional space, the top floor, which they're
19 proposing as a restaurant.

20 MR. LEEN: As a restaurant.

21 COMMISSIONER KEON: Should be it be
22 included in the Development Agreement that it
23 will only and forever only be used for the
24 purpose?

25 VICE MAYOR QUESADA: Commissioner Keon, I'm

1 sorry, it's kind of tough to hear you.

2 COMMISSIONER KEON: Oh, I'm sorry. I'm
3 asking if having it involved -- having it
4 included in the Comp Plan is adequate to ensure
5 that it will never be used for a purpose other
6 than that or should it also be in the
7 Development Agreement.

8 MR. LEEN: You can't act contrary to the
9 Comp Plan.

10 VICE MAYOR QUESADA: I think the first
11 question is whether this Commission wants to do
12 it or not, but I think the way we would address
13 that is the same way we've addressed the level
14 of what we're expecting from the hotel, which
15 is in the Development Agreement. I think
16 that's the appropriate way, but I think I would
17 leave that to our outside counsel and our
18 in-house counsel.

19 MR. LEEN: First, in answer to your
20 question, we have to follow our Comp Plan, so I
21 do think it will be sufficient, but Mario
22 indicated that they would be willing to include
23 that in the Development Agreement.

24 MR. GARCIA-SERRA: Sure. It's already the
25 law. If we want to incorporate it into the

1 Development Agreement, it's perfectly fine.

2 MR. LEEN: But they will do so, and we
3 could enforce that as a contractual matter.

4 VICE MAYOR QUESADA: And it's actually in
5 the Development Agreement at Exhibit F, I want
6 say, is what I'm looking at.

7 MR. LEEN: And we'll include language now
8 in the operative terms, too.

9 Mario --

10 COMMISSIONER KEON: But in the Development
11 Agreement, it's a more --

12 MR. LEEN: -- are you okay with including
13 it in the operative terms of the --

14 MR. GARCIA-SERRA: Sure.

15 COMMISSIONER SLESNICK: You mentioned
16 Publix.

17 MR. LEEN: Thank you, Commissioner, and
18 thank you, Vice Mayor.

19 COMMISSIONER SLESNICK: You mentioned
20 Publix and it has a little over three acres,
21 but they only are asking for one tower, okay,
22 but for three acres, compared to the Agave,
23 which is 6.7, but with four towers, okay. If I
24 were the Developer here, I would come and ask
25 for eighteen or nineteen stories.

1 COMMISSIONER KEON: Well, you can ask for
2 whatever you want.

3 MAYOR CASON: You can ask for whatever you
4 want. It doesn't mean we have to make it a
5 precedent.

6 COMMISSIONER SLESNICK: You can ask, but
7 this is one story on three acres.

8 MR. LEEN: It's true. They can ask. I
9 want to be very clear, they can and they might
10 cite this as precedent, but it doesn't mean we
11 have to allow it. That's the point I want to
12 make.

13 COMMISSIONER SLESNICK: We don't have to
14 allow it. I'm just saying, why are we doing
15 this, when in 90 years we have lived with a
16 good Planning and Zoning Code for 16 stories?
17 That's -- we're just passing this right now and
18 breaking it and starting something new, when we
19 should be going back -- and you say we've had
20 public input, and I believe this, that we have
21 had a lot of hearings, but until -- all last
22 year, when everybody was campaigning for the
23 election all last year, crime was the number
24 one issue on everybody's lips.

25 It wasn't until the Gables Good Government

1 put together this about the eighteen
2 developments coming into Coral Gables, that
3 anybody started picking up on what an impact
4 all of this construction is going to have
5 coming on in Coral Gables. There's almost
6 three million square feet of new construction,
7 of which the Agave project is 1.1, 1.2, almost.
8 There's almost three million square feet of new
9 construction proposed, and no one was even
10 talking about it until the last couple of --
11 the last month of the campaign.

12 I ran, because I was concerned that the
13 City was allowing this to come in. So that's
14 how very strong about this -- just for the
15 height.

16 COMMISSIONER KEON: I understand. I also
17 think we have to recognize, of that proposed
18 development, the very vast majority of it is by
19 right, it's by right. Under the current Code,
20 they are entitled to build the vast majority of
21 what is on the drawing boards and what is
22 proposed, and what has been submitted to the
23 City is by right and they are perfectly
24 entitled to do it. There's only a very few --

25 COMMISSIONER SLESNICK: 900,000 is by right.

1 COMMISSIONER LAGO: No. That's what I had
2 put on the record before. No, no, it's one
3 million thirty-seven thousand square feet is
4 the exact number referenced as per right. It's
5 at one million thirty-seven thousand square
6 feet as of right, and it would be all retail --
7 it could be all commercial.

8 MAYOR CASON: All commercial.

9 COMMISSIONER LAGO: All commercial, excuse me.

10 MAYOR CASON: Walmart.

11 COMMISSIONER LAGO: So the common
12 misconception was -- that people were throwing
13 around, and I wanted to make sure -- I think
14 what was written in the Herald was that the
15 number was around 800,000. That's not correct.
16 Let's get the numbers correct.

17 COMMISSIONER SLESNICK: It was what was
18 approved last time, 900,000.

19 MR. LEEN: One thing, I can think that the
20 Commission -- and the Vice Mayor had mentioned
21 motions and things like that -- we should have
22 the public hearing, before we get more into the
23 discussion, and I would just like to make that
24 point.

25 VICE MAYOR QUESADA: That's a very good

1 point.

2 MS. TREVARATHEN: And, Mr. Mayor, for the
3 record, Staff asked me to just note that the
4 height limit is 190.5 feet. It does translate
5 into a certain number of stories, but we
6 regulate by feet, not stories.

7 MAYOR CASON: And this building is actually
8 shorter than the Allen Morris building, not as
9 tall, or the Biltmore.

10 MR. GARCIA-SERRA: Correct.

11 VICE MAYOR QUESADA: Just one last comment
12 on this for me. You know, you mentioned the
13 Zoning Code. You know, there have been a
14 number of changes to the Zoning Code in the
15 last 90 years, and obviously next week we'll be
16 discussing one potentially for the North Ponce
17 area. You know, when the height really
18 changed, it was in the '70s and I forget the
19 name of the Commissioner, he was an architect
20 at the time, and talked about the Mediterranean
21 bonus to get up to sixteen stories, so they saw
22 an opportunity to improve the aesthetics of the
23 City by granting certain development bonuses, I
24 guess is the proper way to say it.

25 COMMISSIONER SLESNICK: It was in the '80s.

1 VICE MAYOR QUESADA: I thought it was '77,
2 but it could be in the '80s. So they saw an
3 opportunity to make the aesthetics look better,
4 if it's a special type of project, and
5 obviously the Board of Architects helped make
6 that determination, and we have the design that
7 we have throughout the City, what we consider
8 the Mediterranean bonus.

9 You know, the way I see it with this
10 project, you know, I think this can be a
11 spectacular project. We've seen what this
12 Developer has done at 396 Alhambra, you know,
13 the kind of money and the effort and the
14 materials that they put into the project, which
15 is something that, you know, I think we
16 embrace, as a City, you know, that good design,
17 really focusing, really listening to the
18 community and moving from there.

19 If you look at Exhibit F to the Development
20 Agreement, you know, it says that the
21 restaurant on the top floor, they want examples
22 of fine dining, that they're looking for, that
23 they're proposing, and I guess they'll be tied
24 to in the Development Agreement, they put
25 examples, like Capital Grille, Cantina La

1 Veinte, Cipriani, Zuma, and Il Gabbiano. You
2 know, I think at one point or another we've
3 either heard of those restaurants, seen
4 pictures or visited one of those restaurants,
5 and thus we have an idea of what they're
6 looking for. That's why I don't think that
7 we'll have noise issues, Commissioner Lago,
8 affecting the neighborhood, because those types
9 of restaurants, it's a fine dining atmosphere,
10 you know, it's not a happening bar or they're
11 not going to have a nightclub kind of feel,
12 everything that we don't want.

13 COMMISSIONER LAGO: That's a very good
14 point that you brought out.

15 VICE MAYOR QUESADA: So, I think, from the
16 noise aspect that you brought up in that regard
17 -- and then, you know, Commissioner Slesnick,
18 my thoughts on what you're saying is, I think
19 we have an opportunity to do something -- it's
20 special here, it's a special amenity that I
21 think is really something that translates well,
22 that everyone can enjoy and it really will be
23 an attraction for residents. You know,
24 residents who live in the area, if they want to
25 go to a fine dining experience -- you know, as

1 it is, you know, people love -- those types of
2 restaurants do very well in the City. I think
3 the closest examples that we have are right
4 there on the corner, Christy's.

5 Christy's does very well, because they
6 provide that amenity and people love going to
7 it -- I love going with my family -- or you
8 look at Palme d'Or in the Biltmore. It does
9 very well, as well, that kind of experience.

10 So that's why I'm in support of this
11 restaurant, because I see it as being one of
12 those amenities like the Palme d'Or, like
13 Christy's, like Pascal's, like Francesco's in
14 our City that I think do very well, that our
15 residents really appreciate.

16 So you fully understand my perspective on
17 it, what I envision it being -- and I like the
18 fact that Exhibit F in the Development
19 Agreement ties the Developer into that kind of
20 experience, that we know that product, what
21 works well in the City and residents really
22 enjoy it.

23 MAYOR CASON: Let me ask Mario to continue
24 on. There's a couple of other points that you
25 were going to discuss. We won't vote on this

1 now, but we'll have public input and they'll
2 further discuss that element.

3 MR. GARCIA-SERRA: Correct. One
4 observation that I'll make on the issue of
5 height before we leave it, because I think this
6 discussion has been very helpful -- it really
7 has laid out sort of how everybody feels about
8 it -- and what my take-away is, is that the
9 overall design and height of that tower, I
10 believe that height is acceptable to you from
11 an aesthetics perspective, meaning the tower
12 and the cupola reaching the height that they
13 do.

14 The question becomes, the top two stories
15 above 190 and a half feet, should that be
16 usable or not, based on what precedent there
17 may be or the value of it and everything else.
18 So then the discussion really is not really
19 over what the overall height is, reaching the
20 very top of the building, but should those top
21 two floors be usable or enclosed or unenclosed,
22 and from our perspective, enclosed is obviously
23 more functional.

24 You know, unenclosed might be a great space
25 during the winter and so forth, but during the

1 summer, it probably wouldn't have much use. An
2 enclosed space could definitely be more
3 useable, more functional, perhaps of more
4 benefit, and also addresses some of the issues
5 there might be, as far as noise and other
6 disturbances to the surrounding neighborhoods.

7 The last observation I have on that one,
8 again, we're not bringing this issue up to put
9 you guys in a difficult position. At the end
10 of the day, it's what the City wants, expressed
11 by a majority of this Commission, and we will
12 live with it, whether it's a restaurant,
13 whether it's an event space or whether it's no
14 space at all, whether you just say,
15 architecturally it's fine as a feature, but we
16 don't want it actually to be usable in any way.
17 We will go with that. Like I said before, it
18 is not make or break for us, but we want to try
19 to get the best project and the project that is
20 wanted by the City.

21 Now, the remaining two issues I wanted to
22 talk about just briefly, infrastructure, there
23 has been a tremendous amount of work that has
24 gone into both, our project team and City Staff
25 analyzing what are going to be the needs for

1 this project, as far as sewer, water, those
2 sort of requirements.

3 We have our civil engineer here. If you'd
4 like to, you can hear from him as far as the
5 sewer operations that are going to take place
6 and so forth, but it is an issue that has been
7 very much vetted, you should have confidence on
8 that, and vetted also to the extent that,
9 remember, we do have one neighbor who is going
10 to continue to reside in very close proximity,
11 in the middle of the project area, and we have
12 also figured out how to be able to maintain his
13 access, maintain his quality of living on that
14 property while all of this work is going on,
15 including significant utility work.

16 The other point is the Art Center Building,
17 very important building in the history of the
18 City, of course. It's part of the City's
19 patrimony. We acknowledge that. We have
20 agreed in the Development Agreement that any
21 future use of that building has to be by mutual
22 agreement by both, the City and the Developer,
23 and have suggested certain uses similar to what
24 we did with the rooftop restaurant, as to
25 perhaps what might be appropriate there, and

1 leaving open the possibility for there just to
2 be an exceptional use, either proposed by the
3 City or the Developer, but something that is
4 mutually agreeable, so that we maintain it as
5 the heart of the project and where there is a
6 lot of activity and people moving in and out of
7 the building, and a space that is going to
8 benefit the public.

9 So with that, I'll just do some quick
10 closing remarks.

11 Mayor and Commissioners, we are at the end
12 of a long and arduous process, but at the
13 beginning of a project hopefully with great
14 promise.

15 Let's take a look at this from a historical
16 perspective. When this project was first
17 proposed, many said that our neighbors would
18 never support it. As it's clear, after the
19 initial public hearing, and what I believe will
20 be the result of this next public hearing,
21 also, the vast majority of the neighbors,
22 especially those closest to the site, are
23 supportive.

24 It was then said that the business
25 community would never support it, because of

1 its potential effects on Miracle Mile. Well,
2 again, that opinion was proven to be wrong, by
3 a majority of the business community supporting
4 this project, especially in light of the many
5 efforts that we're doing to be compatible with
6 and connected to Miracle Mile, including two
7 million dollars worth of streetscape
8 improvements on both sides of Ponce.

9 Lastly, it was said that a project of this
10 size would never survive the City review
11 process. Well, again, after more than a year,
12 twenty public meetings and eighteen major
13 issues which had to be resolved in two months,
14 all comments have been addressed and out of all
15 of the boards that have reviewed this project
16 and made recommendations to you, there's not
17 even been one vote, on any one of those boards,
18 against this project. They have all been
19 unanimous recommendations for approval.

20 Mayor and Commissioners, in my opinion, it
21 is time that we declare mission accomplished
22 with regards to the review of this project and
23 now dedicate ourselves to actually converting
24 this almost seven acres vacant and
25 underutilized scar in the heart of the City

1 into the centerpiece of urban re-development
2 which it promises to be.

3 With that, I conclude our presentation.
4 I'll reserve time for any rebuttal that might
5 be necessary.

6 Thank you.

7 MAYOR CASON: Thank you, Mario.

8 COMMISSIONER KEON: Thank you.

9 MAYOR CASON: Since this is a public
10 hearing, do we have any speaker cards?

11 CITY CLERK: Yes, Mr. Mayor.

12 VICE MAYOR QUESADA: Mr. Mayor, a
13 procedural issue real quick. We took a vote on
14 the traffic paseo, I'll call it, and I actually
15 would like to revoke that vote until after the
16 public input, because I think we took that vote
17 prematurely without hearing the public input.

18 MR. LEEN: Mr. Mayor, it was an
19 intermediate vote, so you can do the vote again
20 right after hearing --

21 VICE MAYOR QUESADA: If I can just clarify
22 that that vote was, I guess, just an informal
23 pole of us.

24 COMMISSIONER LAGO: Amongst us.

25 VICE MAYOR QUESADA: No, it's important,

1 because there could be comments from the public
2 that change our perspective on it.

3 MR. LEEN: Is there a unanimous -- the
4 Commission agrees?

5 MAYOR CASON: Yes.

6 COMMISSIONER KEON: Yes.

7 COMMISSIONER LAGO: Yes.

8 COMMISSIONER KEON: Can I ask another
9 question? At what point will we discuss the
10 Development Agreement, after the public
11 hearing?

12 MAYOR CASON: After we hear the public
13 comments, we can discuss anything else we want
14 on this.

15 COMMISSIONER KEON: After the public
16 hearing, we'll talk about the Development
17 Agreement at that time?

18 VICE MAYOR QUESADA: I think it's more
19 appropriate, so that if anyone has input on
20 that Agreement.

21 COMMISSIONER KEON: Okay.

22 MAYOR CASON: All right. Let's start off
23 with Orlando Capote.

24 MR. LEEN: Mr. Mayor, Orlando Capote, who
25 is about to speak, he is the individual who

1 lives in the house that is most directly
2 affected by the project, the one that we talked
3 about. He's coming up.

4 I know that the Mayor has indicated that
5 everyone has three minutes to speak.
6 Mr. Capote, though, is going to be given
7 additional time so he can present his
8 presentation. I know he has a couple of
9 exhibits, too. I also have a couple of
10 exhibits to present.

11 It is not meant to be a back and forth with
12 the resident. Obviously we are very respectful
13 of him, but I do need to put in the record a
14 couple of items related to some of the matters
15 that he's about to raise, and I'm going to give
16 him a copy of them now, so he has them, but I
17 will wait until after he's spoken.

18 Mr. Capote, you have to be sworn in.

19 MR. CAPOTE: Oh, I'm sorry. Yes, I was
20 already.

21 MR. LEEN: You were sworn in? Sorry, sir.

22 MR. CAPOTE: So, Mr. Mayor, Vice Mayor,
23 Commissioners, City Clerk, City Manager --

24 VICE MAYOR QUESADA: Mr. Capote, if you
25 don't mind, speak up.

1 MAYOR CASON: The mike.

2 MR. CAPOTE: Speak up, yes.

3 VICE MAYOR QUESADA: It's kind of hard for
4 us to hear it.

5 MR. CAPOTE: This is a seventeen-page
6 document. I'm only going to cover the first
7 two pages. The other ones is backup
8 information for you to consider later on, if I
9 can ask you to please be included in the
10 record.

11 MR. LEEN: Yes. Thank you.

12 MR. CAPOTE: Again, Mr. Mayor, Vice Mayor,
13 Commissioners, my name is Orlando Capote.
14 Lucia Capote, my mother, and I are property
15 owners and have resided at 2915 Coconut Grove
16 Drive since 1989.

17 Following are our comments regarding the
18 project, that I respectfully ask you include in
19 the project record -- public record.

20 The existing Code allows residential use
21 only and structures less than 36 feet way to be
22 around and across a property. We object to any
23 Code changes that will take away the single
24 family residential character of our
25 neighborhood and the way of life we currently

1 enjoy.

2 The previous project did not finish the
3 alleys and the streets. The City must require
4 a performance bond, so that any work on alleys,
5 streets or any public right of ways -- that way
6 the bond can be used in case the project is not
7 finished.

8 The proposed plan places secant walls all
9 around our property. That will block
10 underground water flow and the natural
11 irrigation to the trees on our property. Those
12 secant walls are going down two stories.
13 That's the depth of the underground parking
14 lot.

15 Also our property may be subject to
16 flooding during the wet season, because the
17 secant walls will prevent water to flow out of
18 the property. Normally water will percolate
19 down and then follow the current. I am told
20 that the current goes from the northwest to the
21 southeast of our property. It will also impact
22 our neighbors, as well.

23 Also, there is an issue of access water
24 pressure. If you do have an extensive wet
25 season, you can have water pressuring up.

1 There's going to be a seven-acre parking lot.
2 Only two places where water pressure can come
3 up, under a property, under the historic
4 building. I have been told by project managers
5 who are now building 50-story towers on
6 Brickell that that water pressure is sufficient
7 to lift up our home and affect the foundations.
8 It can even lift up a three-story building such
9 as the historic building.

10 For those reasons, we ask that the secant
11 walls that enclose our property and block the
12 water flow be denied.

13 The existing plat, and I have included the
14 plat as part of the backup documentation, there
15 is the Tract E adjacent to the northwest side
16 of our property. The plat designates that as
17 not a building site, but dedicated for public
18 ingress and egress. Key, not a building site.
19 The parking lot is being shown built under
20 that.

21 Since we're adjacent to this tract, we have
22 the right to the center line of the tract,
23 along the length of our property. We also have
24 the rights to the center line of the street in
25 front of our property. For this reason,

1 placement of the secant walls along the
2 northwest side of our property and in front of
3 our property, on Coconut Grove Drive, is
4 prohibited without our permission.

5 The alley adjoining and adjacent to the
6 back of our property has provided us with safe,
7 convenient access to Galiano Street since 1989,
8 and those are key words, safe, convenient
9 access. Those words appear over, and over and
10 over on the current Codes. Most of my trips
11 from work every day take me from Southwest 87th
12 Avenue, coming from the southeast to the
13 Malaga-Coconut Grove traffic circle. From
14 there, I go half a block north, then make a
15 left into the alley, and I'm right there at the
16 garage at the back of my property.

17 That takes about that much to describe,
18 okay, half an inch.

19 If you take my alley away -- actually, it's
20 a public alley. If you take that public alley
21 away, what I have to do takes about two inches
22 of paragraph to explain, and I will explain it
23 to you. Please bear with me.

24 If the 2900 Block of Coconut Grove Drive is
25 converted from a two-way traffic street into a

1 one way street and no turns to Malaga are
2 allowed from the circle, then vehicular traffic
3 approaching from the southeast on Coconut Grove
4 Drive would be forced to turn right on Malaga,
5 going north onto Galiano.

6 If the alley is vacated, then starting from
7 the circle, I will have to go north on Galiano.
8 The traffic flow plan show traffic calming
9 restrictions. They would not allow me to make
10 a left turn on Palermo. So I would have to
11 continue, cross Palermo, go on to Sevilla. At
12 Sevilla, I would have to make a left turn,
13 going west, less than a hundred feet from the
14 existing intersection, and that is a key
15 number, because you're supposed to have a
16 hundred feet between intersections and streets.

17 So I'll have to go about sixty feet, wait
18 for the traffic on Sevilla to clear, cross
19 Sevilla, and enter -- go down into one of the
20 project internal roads. I would have to go one
21 block south, to Palermo; stop at Palermo, wait
22 for the two-way traffic to clear, cross
23 Palermo, and enter the internal project road in
24 the block where I live, go down half a block,
25 then turn right, going to my garage.

1 Please take that into account, because it
2 goes back to the safe and convenient access.

3 The alley vacation, the resulting
4 unreasonable access route we would have to take
5 to reach our property, the placement of access
6 easements and the internal project roads
7 located less than a hundred feet from street
8 intersections, including the one on Coconut
9 Grove Drive, I believe that none of these
10 components comply with Chapter 28 of the
11 Miami-Dade County Code.

12 I have included the sections of Chapter 28
13 of the Code with my submittal, the pertinent
14 items have been highlighted in yellow.

15 In addition, I believe that they're not in
16 compliance with Code of Ordinance Chapter 2,
17 Article 13, Section 295-1, which places traffic
18 engineering under the exclusive jurisdiction of
19 Miami-Dade County. As per County Ordinances,
20 both Chapter 28 and Section 295-1 shall apply
21 and are enforceable on incorporated and
22 unincorporated areas of the County.

23 The alley vacation also affects the
24 ownership and right of convenient access to our
25 property, and, therefore, it's not in

1 compliance with Florida Statutes Title 12,
2 Municipalities, Chapter 177, Land Boundaries,
3 Section 101(3). I've also included that with
4 the submittal and highlighted it.

5 As reflected in the State Attorney General
6 Opinion AGO 78125, which is also included in my
7 submittal, the light, air and access provided
8 by the alley and the street are considered part
9 of a property's rights. These rights are
10 subject to Constitutional protection and cannot
11 be taken away without due process of law and
12 just compensation. If the alley is used by the
13 public, such as garbage trucks, and is used by
14 garbage trucks, Water Department, power, cable,
15 telephone utilities, the alley should not be
16 closed, as it will be injurious or violate
17 individual property rights. And, again, I've
18 taken this out from the AGO 78125.

19 State Constitutional Law protects property
20 rights, which include ingress, egress, light,
21 air provided by the alley. Property rights are
22 outside the municipal home rule powers and
23 outside the jurisdiction of the City. An
24 attempt by a municipality to sort property
25 rights or property interest is outside the

1 scope of the municipal home rule powers. It is
2 beyond the power of the City to run or convey a
3 private person or a corporation the ground
4 embraced by a vacated alley or street.

5 Any changes on construction that would
6 restrict access to the front of our property or
7 encroach into our property, either underground
8 or in the air space, or take away air, light,
9 sight or air space, would be in violation of
10 our property rights, and, again, this is from
11 the AGO 78125.

12 The application for the alley closure has
13 not demonstrated good reasons for vacating the
14 alley, and that it would be in the best
15 interest of the public.

16 The development consists of 6.8 acres, just
17 about. Does the Developer really need this
18 tiny .39 acres of alley and violate our
19 property rights? There is no public benefit
20 for the taking of the alley, and that is a key
21 statement. To take public property, it has to
22 be a public purpose.

23 The subject alley is presently used by
24 public service vehicles. It is part of an
25 alley design that was not completed by the Old

1 Spanish Village project. That demonstrates
2 that keeping the subject alley as it is, owned
3 and maintained by the City, is the only way to
4 ensure we will have access to the garage at the
5 back of our property, regardless of what may
6 happen to the proposed project.

7 The taking of this alley would also
8 eliminate the approval of the Old Spanish
9 Village design for aligned alleys. I've heard
10 mentioned before, Malaga, Coconut Grove Drive,
11 Galiano. There was an alley network that
12 connected all three.

13 The aligned alleys would provide an
14 alternate route for police and rescue vehicles
15 to reach the community during emergencies and
16 street closures. This is also a traffic
17 engineering matter that is under the exclusive
18 jurisdiction of the County.

19 For the reasons above, I respectfully
20 request that the application to vacate the
21 alley be denied.

22 Thank you.

23 MAYOR CASON: Thank you.

24 Craig, do you want to say anything at this
25 point?

1 MR. LEEN: Yes. I would.

2 First I'd like to say to Mr. Capote that
3 we're having a copy of what he's presented put
4 in the record and a copy provided to each of
5 you and to the Applicant.

6 I also have some documents I'd like to
7 provide, just to put in the record. I'll
8 present them afterwards.

9 The point I wanted to make here is that
10 this issue, we've discuss with the County
11 already, and I provided to them opinions
12 pursuant to 2-702 of the Zoning Code, and also
13 pursuant to our City Code, as early as March --
14 actually, as early as March 25th, and according
15 to our Zoning Code, the County could have tried
16 to challenge that, they could have appealed it,
17 pursuant to the Rules of Appellate procedures,
18 that's what our Zoning Code says. They haven't
19 done so. We made it very clear our view, that
20 the City has the primary jurisdiction here over
21 whether to vacate the alley or not.

22 If you look at the different provisions
23 that you have to consider in whether to vacate
24 the alley, and take a look at Exhibit M in your
25 book, and you'll see the findings that you're

1 being asked to make today, you're looking at
2 this issue already at this level, whether there
3 is -- this is to the benefit to the City,
4 whether this serves the health, safety and
5 welfare and convenience of the citizens,
6 whether there's been appropriate mitigation,
7 whether there's sufficient access.

8 These are all issues that you're
9 considering and we're treating as a
10 quasi-judicial proceeding. So there's a number
11 of reasons why you have the ultimate decision
12 here, not the County.

13 These are discussed in the opinions I've
14 given, but it would also be based on Article 6
15 of the County Charter, which gives the City the
16 ability to have a higher standard of zoning,
17 and to make these determinations. It also
18 would be based on the Temple Terrace decision,
19 and that sort of framework. Any sort of
20 determination here is done by the local
21 government, sitting in its quasi-judicial
22 capacity, not by the County or a State agency.

23 You're still looking at the issue, but it's
24 being done here as part of a quasi-judicial
25 proceeding.

1 So, in my view, you have full authority to
2 act. You should consider what Mr. Capote has
3 said and what the traffic consultants have
4 said. The County obviously has the ability to
5 weigh in on the traffic study and on traffic
6 flow, in general, but they're not allowed to
7 veto, and nor have they asserted that right in
8 the past, to veto the ability of the City to
9 vacate an alleyway where the City's laws
10 indicate that it needs to be vacated, and
11 that's what you're determining.

12 So if you determine if needs to be vacated,
13 they don't have a right to veto that, and
14 they're not here today asserting that right,
15 nor have they come and spoken, and I have given
16 these opinions to them and they've had them.

17 So with that, I'm going to put these in the
18 record, with the Mayor's permission.

19 MAYOR CASON: Thank you.

20 MR. LEEN: Thank you.

21 MAYOR CASON: Thank you very much.

22 VICE MAYOR QUESADA: I have a question for
23 you, the document that you've provided, is that
24 something we've seen before or is that a new
25 version?

1 MR. CAPOTE: It contains Chapter 28. I
2 have in the past e-mailed that information to
3 you.

4 VICE MAYOR QUESADA: Okay. So we've seen
5 it before? I just want to make sure there
6 isn't -- I mean, I heard what you said today,
7 and I know we've had conversations about it. I
8 know you threw out information, but if there
9 was anything new in there, I would like to see
10 it before we vote.

11 And, also, Mr. City Attorney, we've talked
12 about this in the past, if you're giving to us
13 something that we're going to vote on today, if
14 we can get it ahead of time, because now we've
15 got to read this as we're conducting this
16 hearing. It just makes it a little bit harder
17 for us to get through everything.

18 MR. LEEN: Of course. This particular
19 opinion, I had given at the last meeting, and
20 I'm giving it again. There has been a
21 subsequent one, and I'm sorry I didn't forward
22 it to you in advance.

23 VICE MAYOR QUESADA: Please, just in the
24 future, because we have a lot to go through.

25 COMMISSIONER SLESNICK: Mr. City Attorney,

1 before you leave your microphone, are we voting
2 on each of these individually? Like would we
3 vote -- I'm new at this, will we vote on the
4 vacation of the alley?

5 VICE MAYOR QUESADA: Yeah, it will be
6 individually.

7 MAYOR CASON: Seven individual votes.

8 VICE MAYOR QUESADA: But the thing is, this
9 is a unique issue.

10 COMMISSIONER KEON: Mr. Capote, if the
11 alley is vacated, do you still have access to
12 your garage from Coconut Grove Drive?

13 MR. CAPOTE: What they're proposing is not
14 safe or convenient, and that's the key.

15 COMMISSIONER KEON: Okay. You know what it
16 is, I don't want to see you be denied access to
17 your garage, but you can still access your
18 garage from Coconut Grove Drive; is that right?

19 MR. CAPOTE: If Coconut Grove Drive is
20 turned into a one way street, no. I would have
21 to now take another --

22 COMMISSIONER KEON: You might have to take
23 a longer route, but you still have access? I
24 want to make sure that the only access to your
25 garage is not from that alley.

1 MR. CAPOTE: At this time, it is.

2 COMMISSIONER KEON: At this time, it is?

3 MR. CAPOTE: Yes.

4 COMMISSIONER KEON: Why don't you have
5 access to your garage from Coconut Grove Drive?

6 MR. CAPOTE: That was never the case.

7 COMMISSIONER KEON: Do you have access to
8 your garage from Coconut Grove Drive?

9 MR. CAPOTE: No. No.

10 COMMISSIONER KEON: You have no access to
11 your garage from Coconut Grove Drive?

12 MR. CAPOTE: Not at this time. The
13 original City plat, 1926 plat, had an alley
14 going in a semi-circular fashion from Galiano
15 to Palermo and that is the alley that served
16 that entire block.

17 COMMISSIONER KEON: Okay. So the way that
18 your home is situated on your lot, you cannot
19 access your garage from Coconut Grove Drive?

20 MR. CAPOTE: No, not at this time. Now,
21 they're proposing an alternate route, and as
22 I've described, if Coconut Grove Drive becomes
23 a one way street southeast, I will not be able
24 to do that. I would then have to take the
25 route north --

1 COMMISSIONER KEON: Okay. It's not that
2 you may have take a different route to get
3 there, but you're not denied access to a
4 portion of your home, which is your garage,
5 what you would put your car in, if this alley
6 is vacated?

7 MR. CAPOTE: I would be denied. Yes.
8 The way it is being shown now -- can you
9 hear me?

10 What is being presented here is only a
11 portion. What is not made clear is that this
12 is being proposed to become a one way street.

13 COMMISSIONER KEON: Right.

14 MR. CAPOTE: So if I'm at this location, I
15 cannot go there and do this, because this is
16 close to the intersection. It's not a safe
17 distance. I would have to go -- you know,
18 normally what I do now, what I described is, I
19 take this route -- this is good.

20 MR. GARCIA-SERRA: He's trying to bring up
21 the site plan. The site plan is going to help
22 describe the situation a little bit better.

23 MR. CAPOTE: What I described -- this is my
24 normal route, okay.

25 Now, this becomes a one way street, I

1 cannot go in there, and this is too close to an
2 existing intersection anyway. I would have to
3 do this. I cannot turn left here. I would now
4 have to go all of the way to Sevilla, turn
5 here -- again, this is too close to an
6 intersection -- come on down, stop, wait for
7 traffic to clear, come on down again, to get
8 into my property. That is what I described.

9 COMMISSIONER KEON: That's the same way
10 that everyone that lives in a townhouse would
11 have to access it, too. You can't access the
12 alley right there to go in?

13 MR. CAPOTE: Here.

14 COMMISSIONER KEON: There.

15 MR. CAPOTE: No. They're looking at making
16 this a one way. Two points --

17 COMMISSIONER KEON: Oh, it's a one way
18 street. So does anyone that lives -- referring
19 to the Developer, does anyone that's going to
20 live in the townhouses, will they have to
21 access that alley through Palermo? They would
22 have to do the same thing, also?

23 MR. GARCIA-SERRA: It depends on which
24 direction you're coming from. If you're
25 going --

1 COMMISSIONER KEON: If they're coming in
2 from Douglas, I think.

3 MR. GARCIA-SERRA: So if you're coming in
4 from Douglas -- Dan will point it out there --
5 anyone that's, let's say, going down one of
6 these side streets from Douglas towards the
7 development, whether you're a townhome resident
8 or whether you're Mr. Capote, will not be able
9 to go west on Coconut Grove Drive. So they
10 will need to go up Galiano and make the first
11 left possible, which is Sevilla, and then come
12 back down the internal drive to either the
13 townhome or to Mr. Capote's home.

14 If you want, I'll go up there and I'll
15 point it out for you.

16 MR. TRIAS: Mayor, the only point I wanted
17 to raise is the difficulties with the route
18 have to do with the traffic improvements that
19 are required to protect the neighborhood from
20 through traffic. So that is the reason why the
21 way into the houses are a little bit more
22 difficult, it's because of those improvements.

23 COMMISSIONER KEON: Okay.

24 MR. GARCIA-SERRA: Say you're coming in
25 this direction, you would have to make a right,

1 go up here, and then go back here to either
2 access the townhomes or Mr. Capote's home.

3 COMMISSIONER KEON: Is there an access -- I
4 mean, can you get to your garage from Coconut
5 Grove Drive or you have to come through that?

6 MR. GARCIA-SERRA: No, if he's coming down
7 Coconut Grove Drive, he would have to go like
8 this.

9 MS. SWANSON-RIVENBARK: Excuse me, sir, we
10 need the microphone.

11 MR. LEEN: Wait. Wait. Wait. Mr. Capote,
12 we want to hear you.

13 MR. CAPOTE: Yes. What would happen is, I
14 would have to -- since this is a one way
15 street, okay, I would have to do this, go to
16 the Palm Circle, turn around, to get to the
17 front of the property.

18 COMMISSIONER KEON: Right. Well, okay, but
19 you still have access. Your access is a little
20 -- it takes you a little longer, but you still
21 have access.

22 MR. CAPOTE: Keep in mind what the Code,
23 Chapter 28, and traffic engineering codes,
24 safe, convenient access. I would not call this
25 safe or convenient, or, that, safe or

1 convenient.

2 COMMISSIONER KEON: Okay. But I'm assuming
3 -- maybe, Ramon, could you come up to the
4 microphone?

5 I'm assuming that those traffic
6 modifications have been done in order to
7 make -- so that Coconut Grove Drive does not
8 become a principal entry into this area? As a
9 residential community to the east of this
10 project, you're attempting to keep those
11 streets available for residential traffic and
12 not as an arterial or whatever coming into
13 this? Is that why --

14 MR. TRIAS: Right. That's one of the
15 aspects of that, and then the other
16 intersection design issues, those are the
17 recommended intersection designs to keep
18 through traffic going into the neighborhood.

19 COMMISSIONER KEON: Going on to Ponce and
20 away from those streets.

21 MR. TRIAS: Yeah. Yeah. The consequence
22 of that is the situation that Mr. Capote has
23 described.

24 COMMISSIONER KEON: That he will have to
25 take a longer -- so the public good is the

1 protection of that residential community to the
2 east of the project.

3 MR. TRIAS: Yeah, but the other consequence
4 of that, also, is that now he does have access
5 from Coconut Grove Drive, which currently
6 that's not the case. So it's a balancing act.

7 COMMISSIONER KEON: Okay. I understand.

8 MR. CAPOTE: It would be convenient access.
9 I pointed out, I will have to go all of the
10 way -- go down to Ponce Circle and come on
11 down.

12 COMMISSIONER KEON: I understand. Thank
13 you.

14 MAYOR CASON: Thank you very much.

15 COMMISSIONER LAGO: Thank you.

16 MAYOR CASON: Joseph Kirk.

17 MR. KIRK: Good afternoon, Mayor Cason,
18 City Commission. My name is Joseph Kirk. I
19 live on the 100 Block of Santander Avenue, and
20 we're one of the streets that's scheduled for
21 improvements as a result of the development,
22 and I'd appreciate the Developer making a
23 financial commitment to improve our street, to
24 help reduce traffic and the impact of this very
25 large development.

1 I did have one concern that was raised by
2 Commissioner Lago. Most of the -- for example,
3 we live in what's designated on the plans as
4 the south neighborhood, and \$200,000 has been
5 dedicated to our improvements.

6 The east neighborhood has \$2,000,000
7 dedicated to street improvements, and
8 Commissioner Lago asked whether there were
9 enough funds -- asked the City whether there
10 were enough funds set aside to make these
11 improvements. I do have concerns, because
12 based on my calculation of the homes involved,
13 approximately twice as much has been allocated
14 for the east neighborhood than allocated for
15 our street.

16 So I would ask that you consider making it
17 a requirement that equal amounts are allocated
18 or -- at least for the improvements or that the
19 improvements all be the same, so that we're
20 not, at the end of the equation, short-changed
21 because of the limit of funds.

22 We were late in the game, we were brought
23 in afterwards, but I appreciate the Developer
24 has considered our concerns.

25 And then the other thing relates to

1 something Commissioner Slesnick said regarding
2 the alleyway behind Christy's restaurant.
3 There is going to be a lot more traffic on
4 Ponce as a result of this development.

5 I live on Santander, which is the block
6 right by Christy's restaurant. That alleyway
7 now is used as a cut through by many people.
8 The alleyway goes all of the way down to
9 Camillo, it's about four or five blocks long,
10 and people use that as a cut through to avoid
11 the traffic on Ponce or on Malaga.

12 I see that the alleyway is being used a lot
13 more as cut throughs as traffic backs up on
14 Ponce or Malaga, so I would ask that the
15 traffic -- that you require the traffic studies
16 to consider the alleyways, because we do have
17 young children on our street, mine included,
18 and the alleyways are blind and I'm concerned
19 about pedestrians being hit by cars racing
20 through the alleyways to get to the project,
21 and that's all I have to say. Thank you very
22 much.

23 MAYOR CASON: Thank you.

24 COMMISSIONER SLESNICK: Mr. Kirk, your
25 address again?

1 MR. KIRK: 117 Santander Avenue.

2 Thank you.

3 COMMISSIONER SLESNICK: Thank you.

4 MAYOR CASON: Thank you.

5 Jim Hartnett.

6 MR. HARTNETT: My name is Jim Hartnett. I
7 live at 510 Marmore Avenue, born and raised in
8 Coral Gables, and I have a question about Ponce
9 Park. I have not heard any comments as to
10 whether that park, which was named after my
11 father, who was a City Commissioner, Mayor,
12 here in this town, and I'm asking, is there any
13 additions or activity that's going to change
14 that park from a free open space?

15 COMMISSIONER KEON: No. I think maybe the
16 Manager can address that.

17 MAYOR CASON: City Manager, this was
18 included, if I'm not mistaken, in the
19 Neighborhood Renaissance Program.

20 MS. SWANSON-RIVENBARK: Yes, sir.

21 COMMISSIONER KEON: Yes, and there's an RFP --

22 MS SWANSON-RIVENBARK: As an open space.
23 As a public open space.

24 MR. HARTNETT: Say it again, please.

25 MS. SWANSON-RIVENBARK: It is absolutely

1 programmed to be a public open space. That
2 will not change. What is changing is, the City
3 Commission has earmarked dollars to make
4 additional enhancements to that public open
5 space.

6 MR. HARTNETT: Enhancements?

7 MS. SWANSON-RIVENBARK: Yes, sir.

8 MAYOR CASON: Yeah, we were looking
9 originally at putting some of the utilities
10 underground, like the electrical, the
11 generators, all of those things that are
12 brought in now and very unsightly. I think
13 that was the original discussion four years ago
14 on that.

15 MS. SWANSON-RIVENBARK: Right, but there's
16 also landscape improvements and others to make
17 it a more friendly park.

18 MR. HARTNETT: But this project will not
19 affect the open space park; is that correct?

20 MS. SWANSON-RIVENBARK: No, sir.

21 COMMISSIONER LAGO: The program will stay
22 the same.

23 COMMISSIONER KEON: Yeah, the park will
24 remain as it is.

25 MR. HARTNETT: The second comment I have

1 is, in listening to these, I have not heard
2 whether the project, as completed, whether it's
3 going to have any effect on our City's fire
4 insurance premiums, and, secondly, do we have
5 the equipment now to service a building of that
6 height?

7 MAYOR CASON: City Manager, I think you
8 can address that.

9 MS. SWANSON-RIVENBARK: Mr. Mayor, if I
10 may, I'd like to call Chief Stolzenberg up. We
11 have looked at both, police and fire impacts,
12 as a part of the project, and so the Chief will
13 be able to give you a full response.

14 CHIEF STOLZENBERG: Good afternoon. As far
15 as the ISO rating and our equipment, the
16 project will not impact us. It will be just a
17 target hazard, with a risk factor built into
18 it, and our response would cover it. So it
19 would not affect the ISO rating, which would
20 then affect the fire insurance.

21 MR. HARTNETT: But will it affect -- the
22 equipment that we have now is sufficient to
23 service that?

24 CHIEF STOLZENBERG: Yes, it's consistent
25 with the --

1 MR. HARTNETT: The increase --

2 CHIEF STOLZENBERG: It's consistent with
3 our current service.

4 MS. SWANSON-RIVENBARK: But as
5 clarification, sir, we have earmarked a half a
6 ladder, a half a rescue and the traffic
7 actuators as a part of this project, so we have
8 identified -- additional improvements will be
9 needed to make sure that the service is at the
10 level that you expect it to be, and we have
11 shared that with the Commission, and it is
12 incorporated into these recommendations.

13 MR. HARTNETT: Based on Commissioner
14 Slesnick's comments, if the other developments
15 occur without adjustments, is that going to
16 enhance or require us to add more fire
17 equipment and facilities to this City?

18 MAYOR CASON: It very well might, and
19 police. I think that's to be determined, based
20 on the specific projects, but --

21 MR. STOLZENBERG: Yeah, we would have to
22 look at more of a formula and demand and
23 residents and --

24 COMMISSIONER KEON: It may, but I think
25 what you need to consider is what you are --

1 the anticipated property tax that will be paid
2 to the City, that will come in to the City
3 CAFR, as a result of this development and the
4 amount of money that the City will recognize
5 that are generated by these projects is far
6 more than the cost to the additional personnel
7 or equipment that may be needed to service the
8 City.

9 So it's all -- it all, you know, weighs out
10 with regard to the property tax revenue that
11 comes to the City as a result of this
12 development.

13 MS. SWANSON-RIVENBARK: But the City
14 Commission has asked us to analyze this project
15 and to provide solid estimates on service
16 impact, what additional officers, what
17 additional firefighters would be needed, and so
18 that is included in this --

19 MR. HARTNETT: In the report.

20 MS. SWANSON-RIVENBARK: And moving forward,
21 the Commission has also challenged us, as
22 developments come online, for us to identify
23 what the service impacts are, to make sure that
24 we are properly addressing them.

25 MR. HARTNETT: But don't we already have an

1 estimated of future projects? Can't we project
2 that now? If there's fourteen or fifteen more
3 projects of this nature or a portion of this
4 nature, we're going to be looking at more
5 service by the Fire Department. Are we not
6 planning for that now, as it affects the Fire
7 Department in this City?

8 MS. SWANSON-RIVENBARK: So we have a new
9 Assistant City Manager, Director of Public
10 Safety -- he's here in the audience -- Frank
11 Fernandez. One of the things that he is doing,
12 amidst other projects, is looking at the
13 staffing requirements, making sure that both,
14 police and fire, are adequately staffed. We're
15 addressing it in the budget. We're addressing
16 it as a part of the development review, so that
17 we are budgeting to make sure that those
18 service levels are not negatively impacted, but
19 also improved.

20 MR. HARTNETT: Excellent. So that's in the
21 works?

22 MS. SWANSON-RIVENBARK: Yes, sir.

23 COMMISSIONER KEON: Yeah, and so that those
24 people and that personnel will be in place at
25 the time that these projects come online and

1 are occupied, so we're not, you know, behind in
2 our service, that we all arrive at the same
3 time.

4 MR. HARTNETT: I have one closing comment.
5 I share your view. This City has had a
6 Building Code, Building Code enforcements for
7 years and years, and that's why we have such a
8 terrific city. The people that want to come in
9 and get exceptions to our Code to go a little
10 bit higher or a little bit more of this,
11 bonuses, as they were talking about in the
12 past, I'm against that.

13 I think that we have a City, we have a
14 Building Code, and they ought to build
15 according to our Building Code, not us change
16 the Code to accommodate the buildings,
17 regardless of the amount of money and resources
18 that is going to produce for this City. Sooner
19 or later, done enough of that, it will not be
20 City of Coral Gables, City Beautiful, it will
21 be City of Coral Gables, Concrete Castle.
22 Thank you, Mayor.

23 MAYOR CASON: Thank you.

24 Kirk Menendez.

25 MR. MENENDEZ: Kirk Menendez, 325 Malaga

1 Avenue. My neighbor, Julio Webol, of 309
2 Malaga Avenue, was scheduled to speak, and,
3 Mayor, I think you have his card, he had to go
4 back to the office. He asked, as do I, that
5 his three minutes be added to mine, just in
6 case they're needed.

7 MAYOR CASON: I didn't have a card for him,
8 but go ahead.

9 MR. MENENDEZ: Oh, okay. Thank you.

10 I, on behalf of 346, 341, 333, 325, 323,
11 309, 310 and 300 and 318 Malaga Avenue, support
12 this project and ask you to approve it.

13 A lot of people are afraid of change and of
14 the unknown, but this project is simply a
15 continuation. It's a continuation of what
16 started decades ago, to make the Craft Section
17 a vibrant part of the City's urban core.

18 George Merrick was a dreamer, but he was
19 also a doer, but for setbacks in the economy
20 and his own mortality, we would have gotten to
21 this point many, many years ago.

22 George Merrick dreamed and he dreamed big.
23 That's what makes Coral Gables like no other
24 City in South Florida today.

25 This project is a not a break with

1 tradition. This project is not a break with
2 the City's history. It's a continuation of
3 those dreams and of that vision.

4 The City's urban core should not be
5 fragmented. In fact, it should be as one.
6 This project is a proper and needed step in
7 unifying the City's core. It will also
8 revitalize an area that has been withering on
9 the vine for many, many years.

10 I've lived in the Craft Section for 52
11 continuous years. The Mediterranean Village
12 will finally make the Craft Section walkable at
13 night, instead of barren, as it is today.

14 I understand that there may be some concern
15 about the retail component of the Village.
16 These are the same concerns that existed when
17 the Village of Merrick Park came before the
18 City Commission for approval, but if you took a
19 snapshot of Miracle Mile on a Friday night in
20 2015 and you compared it with a similar photo
21 from 2000, you will see that Miracle Mile and
22 our Downtown area is more vibrant than ever.

23 How is that possible, you may ask? It's
24 because all parts of the core are
25 interconnected. When you provide nutrients to

1 one part, the entire core gets stronger.

2 In conclusion, I encourage you to connect
3 the past, the present and the future. I
4 encourage you to further connect and strengthen
5 our urban core, and I encourage you to support
6 and approve this amazing project.

7 Thank you.

8 MAYOR CASON: Thank you very much.

9 COMMISSIONER KEON: Kirk, thank you. Your
10 address -- you live on Malaga; is that right?

11 MR. MENENDEZ: 325 --

12 COMMISSIONER KEON: Right, there's like
13 four homes on Malaga that are right across from
14 the --

15 MR. MENENDEZ: I live west of Salcedo --
16 between Salcedo and Le Jeune. So we are in
17 that general area. We will be impacted, but
18 speaking with many of our neighbors --

19 COMMISSIONER KEON: Okay, but you're west
20 of the project.

21 MR. MENENDEZ: Yeah. We're supportive.

22 MAYOR CASON: Thank you.

23 Alexander Adams.

24 MR. ADAMS: My name is Alexander Adams, and
25 I live at 36 Palermo Avenue, so I'm the third

1 house on Palermo, next to this development, and
2 I felt I needed to clarify, and I need to speak
3 as a resident next to this development, because
4 there's been a lot of talk about what is going
5 to be the streets on the eastern side and what,
6 let's say, we have been promised and what we
7 have been involved in, and I think you'll hear
8 in the comments from the residents, at least on
9 the eastern side, we've been engaged with the
10 Developer.

11 The Developer brought myself on, as an
12 urban design planner preservationist, to design
13 and to go out to the neighbors and create the
14 plans that you see there. So it's concerning
15 to us, to at this late date, the City come now
16 and say they're going to do the project,
17 because we have seen that you can put a bond,
18 you can put an escrow, okay -- Spanish Village
19 was just said had an escrow. The City has that
20 money somewhere. The streets were never
21 completed. The roundabouts are there. The
22 sidewalks are half done. The lighting is not
23 done.

24 So we are asking that -- this area is done,
25 okay. We're asking that you implement it. The

1 Developer has agreed to put enough money to
2 fund it, but we want to make sure that this is
3 done to a quality that is Coral Gables.

4 If you look at the plaza that's there
5 today, the arch that's there today, it's just
6 stucco, okay, a lot of it, right; the plaza,
7 the walls. That's not what you have on Coral
8 Way. That's not what you even have across the
9 street at Ponce Park. It's a coral wall,
10 right?

11 In this building, look right here, you
12 know, this is Coral Gables, it's a quality that
13 we expect. So when we designed this, we
14 designed it -- we were to receive lighting, we
15 were to receive the streets, sidewalks, street
16 trees and mitigation from traffic, and so we
17 don't want to come back five years from now and
18 a new City Commission or a new -- you know,
19 some of you will be termed out, new people and
20 maybe a recession, again, who knows what, and
21 now, all of a sudden, we're asked, "Hey,
22 residents, do you want lights or do you want
23 coral walls? Do you want this or do you want
24 that?"

25 We were given a promise. We went out and

1 designed it. We went out and talked to the
2 neighbors. We want this implemented, okay, and
3 I think that's fair, if you will, to the
4 residents that are most impacted, and the
5 residents to the east are the only ones that
6 are directly impacted.

7 Other people are peripherally, but these
8 are the streets that have a direct connection
9 to the project, and we support the project.

10 MAYOR CASON: Craig, do you want to
11 address --

12 MR. LEEN: Well, first, if you're asking
13 that that be placed in the record, which I
14 assume you are --

15 MR. ADAMS: I'm asking that this be placed
16 in the record.

17 MR. LEEN: You should explain what the
18 pictures are.

19 MR. ADAMS: Okay. I'm asking --

20 MR. LEEN: You can ask the Mayor if he will
21 allow it to be placed on the record.

22 MAYOR CASON: Yes, go ahead.

23 MR. ADAMS: Okay. I'm asking that these
24 documents be placed in the record, which is
25 simply the plans that -- and now I'm speaking,

1 my firm, designed on behalf of the residents,
2 and have been seen over and over in resident
3 meetings. It shows some of the existing
4 conditions that I'm talking about, that are
5 subpar to Coral Gables, like this, and
6 existing -- you know, what Coral Gables really
7 intends to be, and what I'm asking is, either
8 this will be -- you could place it in the
9 Development Agreement or you could have a
10 separate vote and just say that the
11 Commission's intent is for this to happen, so
12 whatever -- if the City is going to implement
13 it or whatever, the intent is for it to be done
14 as described in these designs.

15 COMMISSIONER LAGO: Craig, could I ask you
16 just a quick question, because I may be the
17 only one, but I'm a little confused? I was
18 under the impression that the previous
19 Developer did not have a bond on that project.

20 MR. LEEN: I would ask the -- there was
21 something related to it. I do think there was
22 something, but could --

23 COMMISSIONER LAGO: Ramon, are you aware if
24 the previous developer, which obviously did not
25 proceed with the project, was there a bond that

1 was provided in reference to the project?

2 MR. TRIAS: I don't know if there was a
3 bond.

4 COMMISSIONER LAGO: No, because if there
5 was a bond then there's --

6 MR. TRIAS: They did build several
7 projects, which are those projects. I don't
8 know.

9 COMMISSIONER LAGO: Entrance features. I
10 think we need to find that out.

11 MR. LEEN: We'll find that out. We'll find
12 that out.

13 Susan, do you happen to know?

14 MR. ADAMS: That's all I have. Thank you.

15 MS. TREVARATHEN: I do know that there were
16 many promises to pay that weren't satisfied,
17 because the project fell apart due to lack of
18 money. So I don't have an accounting of
19 everything that didn't get done, but I know a
20 lot of the money that was supposed to be paid
21 did not get paid.

22 MR. LEEN: I do know that as part of the
23 Development Agreement, we have asked and it's
24 being proffered that some of these things are
25 being taken care of now. For example, the loss

1 of parking spaces is a very good example. So
2 it has affected our negotiations and there have
3 been some proffers related to it.

4 MS. TREVARATHEN: Yes. That's true. And
5 there are bonds in the new Development
6 Agreement to ensure --

7 COMMISSIONER LAGO: Excuse me, Craig, what
8 I was mentioning before in reference to meeting
9 with the residents in that area and going over,
10 and, Ramon, you know, started discussing it in
11 further detail, that there wasn't really a plan
12 in place, it seems to me like there's a pretty
13 significant plan in place. I mean, this may be
14 more conceptual, but it seems pretty
15 straight-forward, and, I guess, has this been
16 vetted in front of the residents, have the
17 residents given significant input in regards to
18 this?

19 MR. ADAMS: Yes. We've had public
20 meetings. We had public meetings at the Art
21 Center, on behalf of the Developer. We had
22 probably forty, fifty residents there. There's
23 been individual outreach from myself, as well
24 as the PR company.

25 As you hear from Malaga, as you hear from

1 Coconut Grove, everyone's in support --

2 MAYOR CASON: So is your fear that the
3 money will somehow dry up or -- I'm not quite
4 sure. Do you want a bond?

5 MR. TRIAS: Mayor, if I could.

6 VICE MAYOR QUESADA: He wants those monies
7 escrowed specifically earmarked for these
8 improvements.

9 MR. TRIAS: Another neighbor just informed
10 me that she is not in agreement with the
11 design. She would like to speak later. So you
12 may want to wait until you finish the public
13 hearing.

14 Now, what I would say is that that is the
15 reason why the City is saying that there should
16 be a public process, to make sure that
17 everybody gets a chance to propose ideas and so
18 on.

19 Having said all of that, I think that
20 Alex's plan is very good. I mean, he's done a
21 really excellent job, and has some very good
22 features that are certainly very applicable.
23 So that's not a critique.

24 All we're saying is, let's make sure that
25 the process of public input is properly done

1 and we end up with a plan that is ready to be
2 implemented, which is the other thing, the plan
3 is not ready to be implemented. There are no
4 construction documents. There's no cost
5 estimates of the detail of implementation yet.

6 COMMISSIONER LAGO: Thank you, Ramon.

7 MR. ADAMS: So the only thing I would say
8 is, this design has been vetted. The only --
9 and Ramon brings up a good point, and I've
10 talked to the homeowner, as well as you have,
11 the only thing that is not included here is
12 Coconut Grove Drive wants nothing but shade
13 trees, but that's minor. I mean, that's not --
14 what I want is the intent and all of the
15 features that are shown, and there's a lot of
16 detail already done.

17 I don't want to go to another five and ten
18 public meetings and drag this thing out and
19 have to argue with the City over, you know,
20 what are we going to do, and, then, at the end
21 of the day, as you say, is 2.7 million enough?
22 I don't know. I mean, it's an estimate.

23 At the end of the day, are we going to be
24 asked, do you want lighting or do you want this
25 wall or do you want this, when we've been --

1 we've come up with what we want. Maybe there's
2 one tweak, but the Developer is in agreement.
3 This is more of an issue with the City.

4 COMMISSIONER LAGO: Let me ask you a quick
5 question in reference to this. We came to a
6 number that the Developers are proffering on
7 the Development Agreement based on what design?
8 What did that number come from?

9 MR. GARCIA-SERRA: Let me give you a
10 description of how everything's evolved up
11 until now.

12 COMMISSIONER LAGO: Okay.

13 MR. GARCIA-SERRA: When we started the
14 project and started interacting with the
15 neighbors, Alex was brought on board as sort of
16 our planning consultant for the neighborhood,
17 and so there were a series of meetings and
18 indeed those conceptual plans were prepared,
19 and sort of indicate, you know, a lot of the
20 features, I think, that everybody in this room
21 and in the audience is in agreement on, we need
22 to decrease pavement, increase green, more
23 trees.

24 There might be some differences as to how
25 many palms, as opposed to how many shade, that

1 sort of stuff.

2 COMMISSIONER LAGO: Entrance features.

3 MR. GARCIA-SERRA: So all of the sort of
4 big components have been discussed. So those
5 conceptual plans are the ones that sort of have
6 been circulated in the community and I think
7 are going to be our starting point in the rest
8 of the process that's continuous, because it's
9 not like those plans, we can submit tomorrow
10 for a permit.

11 Those plans have to go from conceptual to
12 something -- design, and then something
13 construction. So, indeed, I think that serves
14 as sort of the starting point, since there is a
15 great amount of consensus on those plans, but I
16 think there definitely still has to be a
17 further process as to how it's going to be
18 implemented and the exact design that's going
19 to happen.

20 COMMISSIONER LAGO: The transition from
21 conceptual to actual CDs, is that covered with
22 the two million dollars or two million and
23 change or is that excluded from those soft
24 costs?

25 MR. GARCIA-SERRA: Two million is going to

1 be the cost of the improvements, not
2 including --

3 COMMISSIONER LAGO: Not including the soft
4 costs?

5 MR. ADAMS: Construction only.

6 MR. GARCIA-SERRA: Constructionally.

7 COMMISSIONER LAGO: Okay. And the soft
8 costs are being covered by the Developer or it
9 could be covered by the City or being covered
10 by --

11 MR. GARCIA-SERRA: Correct.

12 COMMISSIONER KEON: Developer.

13 COMMISSIONER LAGO: I'm just trying to get
14 all of this clarified now, because then
15 later --

16 MR. GARCIA-SERRA: We do the plan
17 preparations. We cover the cost of plan
18 development and preparation.

19 COMMISSIONER LAGO: Okay.

20 MAYOR CASON: And you told us or you
21 thought that two million dollars would cover
22 what's in these conceptual plans?

23 MR. GARCIA-SERRA: Correct. Two million
24 for what we call the eastern neighborhood.
25 There's another two hundred thousand for

1 Santander and San Sebastian, another two
2 million for the neighborhood that we call the
3 west neighborhood, and then two million for
4 Ponce.

5 COMMISSIONER LAGO: Okay. Let me ask you
6 just one last question in regards to Coconut
7 Grove Drive. Within those monies, we're
8 ensuring that we are going to -- if there are
9 coconut trees there, we will be removing those,
10 donating them, re-planting them, whatever the
11 case may be, and we're providing the necessary
12 shade trees, correct?

13 MR. GARCIA-SERRA: Correct. Yeah. That's
14 part of the plan.

15 COMMISSIONER LAGO: And that's included
16 within that?

17 MR. GARCIA-SERRA: Uh-huh.

18 MR. ADAMS: Correct.

19 COMMISSIONER LAGO: I just want to get that
20 on the record.

21 MR. ADAMS: So this plan shows the
22 sidewalks they want, the streets and all. You
23 just take, instead of coconut, it would be
24 shade trees. That's it.

25 COMMISSIONER LAGO: And I know we discussed

1 this a few times, but I'm going to save you a
2 lot of headaches in the near future, okay,
3 trust me.

4 MR. GARCIA-SERRA: One point that I think
5 is illustrative, that sort of came up, on
6 Alex's plans, it called for a lot of trees sort
7 of in the public right of way area, and when we
8 were talking to the neighbors, the neighbors
9 said, you know what, we love trees. We also
10 need that area for some parking. We use it for
11 parking.

12 And so that's one example of how perhaps
13 those conceptual plans aren't exactly in line
14 with what the majority of the neighborhood
15 wants and where you could see a potential
16 change, in that, you know, there could be areas
17 now that we might have a tree, where the
18 neighbors say, no, no, no, you know what, I
19 need that for when guests come to visit or
20 whatever it might be, and so we're providing a
21 green area.

22 A green area, I may add, which Alex could
23 come into more description with, that has sort
24 of foundational support and sort of structural
25 soil and whatever else, so it doesn't

1 ultimately end up becoming a huge divot.

2 COMMISSIONER LAGO: Has a firm been
3 designated to transition from conceptual to
4 CDs?

5 MR. GARCIA-SERRA: No, not yet. We still
6 have to select the --

7 COMMISSIONER LAGO: Let's say the project
8 is approved today, as a whole. Again, I know
9 that Susan mentioned we don't want to put
10 certain conditions in regards to scheduling,
11 but what would be your time frame to be able to
12 have the first and maybe final discussions with
13 the neighbors and push this forward into actual
14 CDs?

15 MR. GARCIA-SERRA: I would say, within
16 thirty days, we identify who is going to be the
17 architect, who is going to be undertaking the
18 project to prepare the plans.

19 And, then, after those thirty days is when
20 we would start, again, the public input
21 process.

22 COMMISSIONER LAGO: Ramon.

23 MR. TRIAS: What I would recommend is,
24 amend the Development Agreement to clarify that
25 the cost of the design work is additional. So

1 Susan is working on that.

2 COMMISSIONER LAGO: Okay.

3 COMMISSIONER KEON: Okay.

4 MR. TRIAS: Because I don't think that's
5 clear in the Development Agreement.

6 COMMISSIONER LAGO: No, I want to make it
7 very, very clear, because then someone's going
8 to be left holding the bag.

9 MR. TRIAS: Yes, and that could be
10 substantial. That could be a substantial
11 amount. So we're working on that.

12 MR. ADAMS: Yeah, we just want to make sure
13 we get, at the end of the day, the project
14 complete and I also would say --

15 COMMISSIONER LAGO: Yeah, but the end of
16 the day could be six months or it could be in
17 five years.

18 MR. ADAMS: Well, yes. That was the other
19 part is -- and I think other people will speak,
20 is: Certain items, like sidewalks and lighting
21 and trees, could be done today, versus pavement
22 can be done later.

23 COMMISSIONER LAGO: Yes. And that's my
24 intention. I made that very clear. The
25 Developer agrees. It's solely in their

1 benefit, especially with the residents who are
2 going to be right next door dealing with this
3 construction for the next three years or two
4 and a half years, depending on the time frame.

5 Let's get the trees installed and let's get
6 the lightning installed, let's get the
7 sidewalks, leave a simple or a moderate amount
8 as a reserve, if there are any damages in
9 reference to those sidewalks, but I don't want
10 to see what happened ten years ago happen
11 today.

12 MR. ADAMS: Correct.

13 MAYOR CASON: Thank you.

14 COMMISSIONER SLESNICK: I agree with
15 Commissioner Lago. I think the trees and the
16 sidewalks should go in right away, because
17 you've lived with this mess over there long
18 enough, and it takes a while for the trees to
19 grow. So by the time the project's finished in
20 three or four years -- how long does it take to
21 build this?

22 MAYOR CASON: Yeah, it takes away the
23 inflation factor.

24 COMMISSIONER LAGO: Exactly what the Mayor
25 said.

1 VICE MAYOR QUESADA: I agree, as well.

2 COMMISSIONER LAGO: I bet you that once the
3 Developer speaks to their contractor, whoever
4 they choose, and they put themselves in a
5 position where they're buying in a bigger
6 scale, they'll get even better pricing.

7 VICE MAYOR QUESADA: It seems like we're
8 all in agreement on this topic, so let's move
9 on to the next item.

10 COMMISSIONER LAGO: I'll be quiet. I know
11 you want me to be quiet.

12 VICE MAYOR QUESADA: No, we have a lot of
13 issues. We're all in agreement. Let's move on
14 to the next item.

15 MR. TRIAS: Mayor, one observation, the
16 time that we're talking about, that has to do
17 with the amount of public input, okay. A
18 project, you can do it real fast, with no
19 public input, or a little bit longer,
20 depending --

21 COMMISSIONER LAGO: Yeah, I understand we
22 need to have public input, but we have
23 conceptual drawings. You said, if we have an
24 approval today, thirty days from now the
25 Developer can select whoever the architect is

1 going to be, but we need to move on this. I
2 don't want to have fifteen public meetings.
3 It's a very small area. It's fifty, sixty
4 homes. We should be able to have one or two
5 meetings and move forward on this issue, iron
6 this out and get the CDs done.

7 COMMISSIONER SLESNICK: We don't have to
8 go through the procurement process along the
9 way, so it should speed it up.

10 COMMISSIONER LAGO: Thank you, Ramon.

11 MAYOR CASON: Okay. Thank you.

12 Enrique Lopez.

13 MR. LOPEZ: Good afternoon, Mr. Mayor. Am
14 I able to be granted the extra time I
15 requested, please?

16 MAYOR CASON: Yeah. No more than five
17 minutes.

18 MR. LOPEZ: All right. That's fine. No
19 problem. Thank you, sir.

20 Good afternoon, Mr. Mayor, Vice Mayor,
21 Commissioners. I love the new symmetry of hair
22 coloring in the Commission, two blondes, two
23 dark haired, young men -- successful young men
24 and an elderly states men with some gray, so --

25 MAYOR CASON: I dye it this way for just --

1 MR. LOPEZ: Believe me, I come to these
2 meetings for these things, for symmetry, et
3 cetera. So, believe me, I commend you all. I
4 know that you all look great.

5 First of all, I'd just like to, for the
6 record, the e-mail I sent all of you yesterday,
7 as well as City Officials on June the 9th,
8 entered for the public record. I'll share it
9 with you, Mr. City Clerk.

10 COMMISSIONER SLESNICK: And your address,
11 Enrique?

12 MR. LOPEZ: Oh, excuse me, yes, Enrique
13 Lopez, 1312 Sorolla Avenue, in the Gables.

14 COMMISSIONER LAGO: You sent an e-mail
15 yesterday?

16 MR. LOPEZ: Yes, sir, and I did read or
17 received confirmation, but basically it has to
18 do with just what is referred to as spending
19 issues and concerns.

20 First of all, I'd like to commend Eddy and
21 Hector for being very, very patient, very
22 tolerant, but very committed and also very deep
23 pockets for sustainability.

24 As Mario referred to his -- he gave a
25 historic perspective to embracing the project,

1 I think the key on that, Mario, was the fact
2 that your team has always been very receptive
3 to working, because they do want to stay. So I
4 want to share that from the onset.

5 I believe there's some minor tweaks that I
6 think warrant addressing on our part, and I
7 say, on our part, as a City or resident, et
8 cetera, and one of them I shared with you is
9 the fact of public safety, and I commend the
10 City Manager for having been proactive in your
11 memo and reaching out to our Police Chief and
12 our Fire Chief and asking for additional
13 resources, but there's something that is very
14 concerning, and not just from this project,
15 called, response time, and I share that with
16 you, where our response time has significantly
17 been creeping higher, and, yes, I saw Chief
18 Stolzenberg request for preempting devices, but
19 let's be realistic, no -- preempting devices
20 can just turn those light green, but it won't
21 remove the vehicles.

22 So I think we need to be very cautious and
23 concerned, as we look forward, not just on this
24 project, and I think you all had an earful
25 today on traffic and parking, and I think

1 there's some tweaking to be done there;
2 response time, public safety.

3 Now not only are we adding, can they reach
4 the area, but also can they go up the area and
5 how quickly can they do that. I do applaud the
6 fact that you all decided to not touch the
7 paseo. I think it would have been a tremendous
8 downside in all frames.

9 From a safety component, I don't think
10 vehicles inside the premise would not (sic)
11 have served as well at all. So from a public
12 safety, I think it's very, very important.

13 Complex security, you know, I did read the
14 proposed Development Agreement, I'd like to see
15 some tighter things. It is a large complex.
16 It will be a very successful complex, but also
17 there's security concerns, and let's be
18 realistic, we're a beautiful city, we're most
19 emulated, but we also can be a target, and I
20 hope that that will never be the case, but I'd
21 rather be safe than sorry.

22 Second area I shared with you is the
23 utility summary, and that's very concerning.
24 Not that it impacts the progress of the
25 project, but as we speak today, there's been no

1 formal or informal, for that matter,
2 conversations with Florida Power & Light, with
3 Miami-Dade Water & Sewer, just a reference of a
4 letter by Flanigan Engineer, where it basically
5 states, you know, these are some of the things
6 that need to be done.

7 Well, some of you are engineers, and
8 attorneys, et cetera, and, you know, when you
9 talk about sewer extensions and water mains, et
10 cetera, you know, they're not in the
11 Development Agreement. That's concerning,
12 because I do not know if FP&L wants to bring
13 those nice poles that Craig Leen worked out to
14 get rid of or to lower over Ponce, if they're
15 going to be coming down Douglas -- from Douglas
16 and Bird, which is their substation, to feed
17 this project.

18 This project is definitely going to be an
19 energy user. So there's nothing on that, and
20 I'm very, very concerned on that.

21 Yes, Public Works has done, as it pertains
22 to the Public Works component of the City, but
23 none as it pertains to Miami-Dade Water & Sewer
24 and water mains and fire hydrants and many of
25 these issues.

1 So that is a must have, as I see it,
2 because they don't even know what they're about
3 to walk into, expense wise, or, even, for that
4 matter, coordination.

5 Commissioner Lago, you went ahead and have
6 had these forums, which I'm praying to God that
7 they -- you know, actually bear fruit and they
8 will bear fruit, I'm confident, but the fact is
9 that all of that staging that we talked about,
10 and Mr. Minor (phonetic) and Mr. Kephart, et
11 cetera, go south, because we don't know what
12 that other construction, Water & Sewer, FP&L,
13 et cetera, will impact on the ability of the
14 project.

15 Third thing, traffic. I think you all have
16 heard enough. I think my only suggestion on
17 this, and, you know, I've heard various
18 comparisons -- and, you know, Vice Mayor,
19 you're right about the EPIC downtown, maybe
20 it's not the same scenario, the Allen Morris,
21 et cetera, and that's fine, but let's just make
22 sure that whatever we decide on, whether it be
23 today, you know, next few days, whatever --
24 whatever we build, we can't change it after the
25 fact, you know, so it's very, very important,

1 because there are versions to the shared
2 parking, the traffic, they're all interrelated.

3 Let's be realistic, we can't walk away and
4 say that's shared parking, and this is traffic,
5 there's a total interrelation. I agree with
6 you, we put a lot of inference on vehicular
7 traffic, Commissioner Keon, we haven't put
8 emphasis on pedestrian traffic and its impact,
9 and the trolley, et cetera.

10 Specifically, the Business Improvement
11 District, I think you all should request that
12 our City Manager, you know, exercise her
13 well-known and successful leadership, because
14 you're leaving it to the parties to kind of
15 work a deal out. I'm not saying you work out
16 the deal, but at least lay out the framework,
17 what is it that they will be discussing,
18 because this is something that's very
19 important.

20 We want the success of the Business
21 Improvement District, as well as we want the
22 success of the project.

23 So I think leaving it to chance, I'm sure
24 that Mr. Avila and company are going to be
25 very, very busy in the next few months and

1 years, it's going to be a couple of years, more
2 or less, to worry about the BID, but I think
3 the framework needs to be put forth.

4 The height, height of nineteen versus
5 sixteen, I think we've heard it -- first of
6 all, thank you for your flexibility. You're
7 definitely willing, I think -- I agree with all
8 of you, I think we have a five-zero vote on
9 height, if it's a no restaurant issue.

10 I'd just like to leave this for a
11 suggestion, this would be an excellent
12 opportunity, in a project where public space or
13 open space has been kind of contentious, if we
14 may say, at times, where I would love to go up
15 to that terrace and not have to dish out three
16 or four hundred dollars for dinner and be able
17 to look at the same city as Mayor Cason said.
18 You know, I love those heights. So food for
19 thought.

20 They're not against it. It would be a
21 win-win across the board, and, yes, my concern
22 is precedent, and, you know, you're a counsel,
23 you're a counsel, Vice Mayor, find me a good
24 litigation case that an attorney won't go
25 after, and I think we're not in the litigation

1 business. We've seen in prior issues, with
2 Ordinances, the truck -- the pickup trucks and
3 others, where we spend too much money and too
4 much effort.

5 So I believe this is a win-win. You have a
6 willing Developer, saying, hey, keep the
7 structure, I'm not against it, and I think you
8 would have a consensus here, just my thoughts.

9 On trolley study, there were two issues
10 that remain outstanding, from the respect from
11 Staff, and obviously they failed to -- well, I
12 shouldn't say they failed -- they have not yet
13 submitted the verification of trolley ridership
14 resulting from the project, and providing the
15 public further review -- I have not seen, I've
16 contacted many of your officials, not you in
17 your capacity, I wouldn't expect you to know
18 that, a clear explanation of how trolley
19 contribution might mitigate the project's
20 traffic and parking.

21 I would like to see that. I think it's
22 important. The project will be built. I think
23 we're in the final tweaks. This is not a delay
24 at all. I commend the Developer. I look
25 forward to maybe going to the open patio and

1 maybe asking for a loan for the restaurant,
2 but, either way, you know, there's no adversity
3 in terms of people realizing that that looks
4 beautiful, and it does look beautiful, and you
5 mentioned the cupola, and I think that's
6 probably the cornerstone.

7 Final two things, and observations,
8 Mr. Leen, and I hate to assume, that in the
9 Development Agreement we will not allow any
10 placement of any sort of antennas, commercial
11 or otherwise. That's a big revenue generation
12 for buildings, as you know, of raising
13 microwave and microcells and all of these
14 things, they garner four or three -- four or
15 five thousand dollars, and there is a concern,
16 because all of this beauty could definitely
17 become very ugly, very -- that's a fair
18 question.

19 Do I have an answer? Do you know if there
20 are or not?

21 MR. LEEN: Well, I would want to ask the
22 Applicant, because there are State statutes
23 related to that, but are you -- are you willing
24 to proffer that you won't put in an antenna?

25 COMMISSIONER KEON: Well, there's a

1 difference between putting an antenna within
2 the cupola -- I think what you're asking more
3 is --

4 MR. LOPEZ: For example, our public safety
5 building, for public safety reasons, obviously
6 I would want that coverage, I would want a
7 police and fire to have that.

8 COMMISSIONER KEON: Right. So putting
9 antenna within the cupola --

10 MR. LOPEZ: No, actually, outside.

11 COMMISSIONER KEON: That's what I'm asking
12 you. Are you talking about within the cupola
13 or external to the building?

14 COMMISSIONER LAGO: Like a cell phone
15 tower.

16 MR. LOPEZ: They can be external, internal,
17 depending, right, cell sites and they garner
18 four of five thousand dollars a month for
19 putting a little piece of --

20 COMMISSIONER KEON: I know, but is the
21 issue that you don't want to see antennas
22 extending beyond the rooftops?

23 MR. LOPEZ: That is correct, Commissioner.

24 COMMISSIONER KEON: So if an antenna is
25 incorporated within the cupola, that you don't

1 see outside the cupola, that's not a problem.

2 Is that what you're saying?

3 VICE MAYOR QUESADA: And, actually, what
4 you're saying, Commissioner, I believe is in
5 our Code currently.

6 I think Ramon can address that.

7 MR. LOPEZ: Okay. Yes, absolutely.

8 MR. TRIAS: All antennas are currently
9 reviewed by the Board of Architects for
10 aesthetics, and they require screening and they
11 require proper location in the buildings. The
12 Board of Architects reviews them for
13 aesthetics.

14 MR. LEEN: But I think the underlying
15 question is, can we bar them?

16 MR. TRIAS: If the Developer --

17 MR. LEEN: If they're over a certain
18 height, but if they're going to proffer that --

19 MR. LOPEZ: Let me just share with you, it
20 has nothing do with the Board of Architects or
21 planning. One day Verizon comes in and tells
22 the building owner, "By the way, I found out,
23 based on my survey, I need more coverage. Can
24 I put a microcell?"

25 You know, said and done.

1 "Do I have the space?"

2 "Yes, you do."

3 "Do you have the power requirements?"

4 And it gets installed. So it may not
5 necessarily require the process that Ramon is
6 sharing, and all I want to do is, make sure,
7 because it is a beautiful building. I would
8 not like to see that. As long as it's enclosed
9 and it's not obtrusive, where it sticks out
10 like a sore thumb.

11 If you look at our Police Department, but
12 that's required, I mean, it's a police
13 building, because that's a public safety and
14 obviously --

15 MAYOR CASON: Mario, you want to address
16 that so we can move on?

17 COMMISSIONER KEON: I mean, I live, you
18 know, on Edgewater Drive and I know that in
19 those buildings there are antennas in the
20 cupolas of those buildings, that are the
21 emergency contact antennas for the City.
22 They're not visible, but they are there. So I
23 don't want to outlaw them.

24 MAYOR CASON: External antennas.

25 MR. GARCIA-SERRA: We're not proposing any

1 external antenna. If there's any antenna
2 within the cupola, we'll go through the City
3 process, of course, for review, which requires
4 it to be concealed from view.

5 MR. LOPEZ: Thank you for listening and I
6 trust your judgment and your votes. Thank you.

7 MAYOR CASON: Thank you.

8 Mark Trowbridge.

9 COMMISSIONER KEON: Mayor, when we conclude
10 the public hearing, I would like Glenn Kephart
11 to -- would it be okay if he explained the
12 process in the building and the process as to
13 when all of the infrastructure developments are
14 actually reviewed and whatever, for the
15 public's knowledge?

16 MAYOR CASON: Sure.

17 COMMISSIONER KEON: Thank you.

18 MAYOR CASON: Mark.

19 MR. TROWBRIDGE: Good afternoon, Mark
20 Trowbridge, President of the Coral Gables
21 Chamber of Commerce, 224 Catalonia Avenue, City
22 Beautiful.

23 Mr. Mayor, Mr. Vice Mayor, Commissioners,
24 Madam City Manager, thank you for allowing our
25 Chamber to be with you once again this

1 afternoon, as you deliberate on the
2 Mediterranean Village project. We appreciate
3 your continued commitment to our community and
4 the thoughtfulness you will put into today's
5 second vote on second reading.

6 Much like the City itself, the Chamber and
7 the City have been an integral part of this
8 community for the last 90 years. We have grown
9 up together and share a similar history. Our
10 mission has always been to develop business and
11 build community, while fostering the economic
12 interests and financial prosperity of business,
13 first and foremost, and as a Chamber, he highly
14 believe that the Mediterranean Village project
15 is a game changer, that will forever alter the
16 landscape of the City Beautiful, and with its
17 location less than four blocks from our
18 Downtown mainstreet, we know that it is
19 important to be here today to weigh in and
20 share our thoughts on how this will ultimately
21 impact Coral Gables.

22 I have stood before you many times over the
23 last decade and shared that it is our belief
24 that in order for us as a City to remain
25 competitive, we need to put our Chamber's

1 muscle behind those projects that allow us to
2 achieve great things as a community.

3 We believe that this project, the
4 Mediterranean Village, is one such project. As
5 you know, our Chamber has sought to strike a
6 careful balance between new development and
7 progress in Coral Gables, with the goal of
8 keeping our historic City Beautiful business
9 community vibrant, exciting, and, yes,
10 competitive. With that same commitment and
11 focus, we had an ad hoc committee meeting meet
12 this past fall regarding the Agave project and
13 it was comprised of community leaders from the
14 Chamber, partners and stakeholders.

15 In the end, after much discussion, we came
16 to the conclusion that we have the utmost
17 respect for this project and for the Developer,
18 as we clearly share one common goal, and that
19 is the overall improvement of the surrounding
20 area, while promoting commercial vitality.
21 This is essentially and especially important to
22 us, as our Chamber headquarters and many of our
23 members are neighbors of this project.

24 As I shared with you several weeks ago,
25 during the first reading public hearing, this

1 is what our ad hoc committee came up with
2 during their discussions and deliberations.
3 Much of the conversation was with regard to the
4 retail component of the project. We looked at
5 this from every conceivable angle, and
6 consulted experts in the field, several of them
7 sitting on the ad hoc committee, looking at
8 best practices, impacts in other communities
9 and so forth.

10 Based on the submittals that we have seen,
11 including the newest, it is clear to us that
12 the quantity and quality of retail space is
13 acceptable to our partner, and I'm sorry that
14 BID is not here, but I know that they read this
15 into the record during the first reading, but
16 they want to make sure that we continue to get
17 a commitment from the Developer to secure those
18 tenants that are in character with the proposed
19 plan.

20 We also believe that the tenancy of 396
21 Alhambra is a strong indication of good faith
22 by the Developer and we trust that this
23 commitment will be continued through in what
24 will bring the very best of retail to Coral
25 Gables. The quality of the tenant mix that the

1 Developer ultimately leases has to be clear.
2 As we previously discussed, we seek
3 aspirational fashion tenants, active in the
4 global market, as well as international tenants
5 that become pole brands, along with
6 contemporary experiential retailers that are
7 not duplicated in the area or found in
8 surrounding retail projects. This is
9 essential.

10 Second, with the build-out of the Miracle
11 Mile and Giralda Streetscape project to be
12 completed prior to the Village being finished,
13 we do encourage that the landscape architects
14 of both projects meet in the middle and device
15 a plan to bring continuity to the four blocks
16 that separate these projects. We are
17 encouraged that some of this dialog has already
18 begun and we do expect that it will continue.

19 In addition to these requests, much of the
20 conversation centers around traffic, and, well,
21 as neighbors to this project, being located on
22 Catalonia, we understand this concern, but
23 we're also big believers in the amazing asset
24 that is our Coral Gables trolley program, and
25 we encourage all of the parties, the City, the

1 Developers, the BIDs, the Shops at Merrick
2 Park, to join forces and work together to
3 create a one of a kind linear trolley express,
4 complete with a stop that is more robust in its
5 frequency, capacity and hours of operation.

6 There is tremendous opportunity to create a
7 unique trolley program that is second to none,
8 as it brings together our new commercial
9 corridor retail that is alive along Ponce de
10 Leon.

11 We are most grateful to Agave for listening
12 to suggestions about expanding proposed
13 conference and ballroom space. Currently they
14 are committed to creating facilities that
15 accommodate 500 guests for a sit down dinner.
16 This will allow the Gables to actively compete
17 in a world, as much of this business heads now
18 to Downtown or Miami Beach or the airport area.

19 Think of the opportunities, both for
20 lunches and dinners, not just galas. Weekdays
21 and weekends that will now consider the Gables
22 as a destination for these programs. Right now
23 they have to look elsewhere, as we don't have
24 capacity that exceeds 350. This becomes a
25 sweet spot for us, and one that we can leverage

1 from the first day this project opens.

2 I want to thank Agave, again, for listening
3 to our ideas and their follow through. In
4 closing, our ad hoc group has appreciated the
5 way the Developer has pursued this development
6 and we continue to rely upon a collegial
7 working relationship to strive what is best for
8 everyone in the City Beautiful.

9 The addition of the five-star hotel, the
10 world class commercial office space and
11 residential units is a great benefit to our
12 Downtown. This becomes density at its best.
13 If retail truly follows rooftops, then we are
14 in for a true Renaissance in the City Beautiful
15 that may not have been seen since George
16 Merrick turned the first shovel, and with us
17 rapidly now approaching a centennial, imagine
18 how the Mediterranean Village will take its
19 rightful place in the Gables at its epicenter.

20 Leaders, on behalf of our ad hoc committee
21 and our Chamber leadership, thank you for
22 allowing us the opportunity to be present today
23 to share our thoughts once again.

24 In closing, we appreciate your commitment
25 to our community and the thoughtful approach by

1 which you will be making the decision on how to
2 proceed with the Mediterranean Village project.
3 Thank you.

4 MAYOR CASON: Thank you, Mark.

5 COMMISSIONER LAGO: Thank you, Mark.

6 MAYOR CASON: The final public comment will
7 be from Alicia Bache.

8 MR. LEEN: Mr. Mayor, while she's
9 approaching, I spoke with our Special Counsel,
10 Gary Resnick, and I also looked in our Zoning
11 Code, and I heard that Mario had made a proffer
12 that the antennas would not be visible, which
13 is legal, that is fine, you can accept that.

14 Gary told me that you can bar antennas in
15 the City for aesthetics purposes, and our
16 Zoning Code has a conditional use review for
17 very large antennas, and then for smaller ones,
18 it goes through the Board of Architects'
19 process.

20 So, anyhow, that proffer can be accepted
21 and probably should be put in as a condition of
22 approval.

23 VICE MAYOR QUESADA: Well, hold on a
24 second, assuming we agree to that.

25 MR. LEEN: If you agree to it.

1 VICE MAYOR QUESADA: Because there are
2 certain locations, certain buildings you go in,
3 when you have more people using that space,
4 more people living in a space, working in a
5 space, then all of a sudden cell phones don't
6 work as well. I would hate to preclude it, in
7 the sense that -- I agree with the fact we
8 don't want it to be visible, and I know I've
9 heard of the process in the past -- three or
10 four years ago with the Board of Architects
11 with the antennas.

12 So I agree with the statement from the
13 resident that we don't want it to be visible,
14 but at the same time, we don't want to handcuff
15 the project and the future residents or
16 business residents, you know, regular
17 residents --

18 MAYOR CASON: Wi-fi possible. I think the
19 key there is not to see it.

20 VICE MAYOR QUESADA: I think there are
21 other issues that could potentially hamper --
22 and it could affect the cell phone service of
23 all of the neighbors of the project.

24 So I think we just have to be careful with
25 it in that regard, but we agree we don't want

1 that visibility, we don't want the
2 unsightliness, the intent of what the antenna
3 was.

4 MR. LEEN: That can be the condition.

5 COMMISSIONER KEON: Well, they may be
6 visible to some degree within the cupola, you
7 may see a wire, you may see something. I think
8 what I would not like to see is an antenna, you
9 know, stand alone outside of the --

10 VICE MAYOR QUESADA: I think, which goes
11 consistent with our current Code and
12 requirement of going to the Board of
13 Architects.

14 COMMISSIONER KEON: Right. So I think it's
15 fine.

16 VICE MAYOR QUESADA: I mean, maybe we need
17 to review the Board of Architects language or
18 the Code to make sure that there's no
19 visibility of it. I haven't thought of this
20 before, but I'm thinking about it right now, I
21 can't think of any building in Downtown Coral
22 Gables that you can see an antenna. Maybe I'm
23 wrong. Maybe you guys can think of it.

24 COMMISSIONER KEON: No. I mean, I'm sure
25 in the tower of the Biltmore there is some sort

1 of communication, but we don't see it.

2 VICE MAYOR QUESADA: And I understand this
3 is a special circumstance, because there's
4 going to be a rooftop area where we're going to
5 have people looking down. At the same time, I
6 don't think they want that unsightliness,
7 either.

8 COMMISSIONER KEON: No.

9 MR. TRIAS: I was going to say that the
10 Board of Architects does exactly that, and as I
11 understand, the Biltmore has the antennas in
12 the towers.

13 MAYOR CASON: Okay. Alicia.

14 MS. BACHE-WIIG: Hi. Alicia Bache-Wiig,
15 3026 Coconut Grove Drive. I represent seven
16 other of our neighbors on our street. We're
17 very happy to hear about the discussions that
18 have been had today regarding the neighborhood
19 improvements. We really appreciate the
20 Commission's initiative to bring it up and to
21 talk about it, because it hasn't been really
22 talked about in this step before.

23 We've been living there with this situation
24 at hand for almost a decade, so considering the
25 potential for these neighborhood improvements

1 to happen at the front end of the project is
2 greatly appreciated and is greatly needed, in
3 order to mitigate the impact that's going to
4 happen throughout the construction of this
5 project.

6 The beautification really needs to happen
7 as a -- with the residents on board, in terms
8 of the plan, and the Developer has already
9 committed to hiring a landscape architecture
10 firm that would work with us, to hear our
11 concerns and to put together something that
12 addresses our concerns, you know, and a
13 solution that we're all in agreement with, and
14 I understand Alex Adams' intention to put in as
15 an exhibit the conceptual plans that have
16 circulated within our neighborhood; however,
17 we're not a hundred percent on board on what's
18 been presented, so we do request that we
19 continue to work on that with the landscape
20 architect that's hired.

21 One more thing that we wanted to talk about
22 was, there's a street, and we've already been
23 in talks with the Developer and they're going
24 to be addressing it, but just for the record,
25 Malaga, between Coconut Grove Drive and Ponce,

1 there's a radius where you turn that's very
2 difficult to navigate, and sometimes you have
3 to come almost to a complete stop to allow like
4 the two lanes to pass.

5 So that's something that we're -- yes, that
6 one right there -- so we're going to be
7 addressing that, and having said this, our
8 street continues to support this project. We
9 need it to happen and we encourage it to be
10 passed today. So thank you very much.

11 COMMISSIONER SLESNICK: Alicia, please,
12 your last name?

13 MS. BACHE-WIGG: Bach-Wigg.

14 COMMISSIONER SLESNICK: Okay. You want to
15 try spelling that?

16 MAYOR CASON: We'll have the cards
17 available for the addresses afterward.

18 COMMISSIONER SLESNICK: Got it.

19 MAYOR CASON: All right. Well, that
20 concludes our public hearing portion. Before
21 we take a lunch break, do you want to --

22 COMMISSIONER KEON: I would like Glenn -- I
23 know that Mr. Lopez brought it up, and I've
24 seen in it letters and I've seen it in
25 communication that goes out to the government,

1 and I've seen it go out, you know, the -- it's
2 almost an assumption that we haven't addressed
3 the infrastructure issues related to this
4 development, and I think it's really -- I think
5 that if people understand the development
6 process, they would see that all of these are
7 going to be addressed.

8 So for the purpose of the public, I would
9 like Glenn to just talk a little bit about how
10 that gets addressed, when it gets addressed,
11 and to assure people that it is absolutely
12 addressed.

13 MR. KEPHART: Yes.

14 Thank you, Mayor, Commissioners.

15 Commissioner Keon, for this project and any
16 significant project, there's significant
17 infrastructure needs that need to be assessed
18 and addressed, and those infrastructure, as an
19 example, sewer capacity, water to the
20 development, electricity to the development,
21 de-watering of the foundations, the assessment
22 of where the fire hydrants go and making sure
23 that there's adequate water capacity to those
24 fire hydrants, are all issues that need to be
25 addressed.

1 Typically they are addressed during the
2 design process, after entitlement, and
3 certainly before permitting. Some of the
4 things that happen at this stage of the game is
5 for sewer capacity. There is a capacity of
6 flow analysis done, which has been done on this
7 project, based on the development that's
8 proposed and anticipated flow, and then that's
9 submitted to DERM and a determination is made,
10 as it has been on this project, is there
11 adequate capacity within the existing system to
12 address this project or do modifications need
13 to be made to this system.

14 Certainly, a project of this magnitude, you
15 would expect that modifications need to be made
16 to the system, and that is the case, and the
17 Developer knows this. They know the flow
18 capacity that they need to meet. They know
19 that they have options for a pump station on
20 site or upgrading an existing gravity flow
21 line, and they have enough information to
22 anticipate what those costs will be to do that.

23 They have to do that. They won't get a
24 building permit until they do, and they have to
25 build those things. They won't get a temporary

1 CO or a CO until they're built, in place, and
2 operating and functional.

3 So there are safeguards along the way, and
4 it's a normal part of the process, and that
5 applies the same for Miami-Dade County water
6 supply -- the water and sewer, we do the sewer
7 part, they do the water part, but those things
8 happen during design and prior to the issuance
9 of building permits.

10 COMMISSIONER KEON: But it's important that
11 people understand that that process is
12 triggered after approval of the design and the
13 concept for the project. So it wouldn't be
14 appropriate that it would be done at this
15 point.

16 Once we vote on it, and if it's approved,
17 that will trigger, with the construction plans,
18 the review for all of the infrastructure needs
19 that will be required, and they will not -- the
20 construction permits to begin won't be issued
21 until all of the infrastructure issues have
22 been identified and the plans in place to
23 address all of the infrastructure issues,
24 because you wouldn't expect that a Developer or
25 anyone else would go through and do the

1 assessment for infrastructure needs of that
2 nature, if they don't have approval to do this
3 project.

4 They're not going to spend that amount of
5 dollars, when you don't even have an approval
6 to go ahead with the project.

7 So once you have the approval, then you
8 move forward into the construction document and
9 design phase for construction, and it is at
10 that point that all of it is done, and the
11 County will not issue a letter of sufficiency
12 for water or for sewer or for anything else
13 until those plans are put forward, is that
14 right, and they're met and they're dealt with,
15 and we don't issue building permits until those
16 letter are -- we receive that information from
17 the County; is that correct?

18 MR. KEPHART: That is correct.

19 COMMISSIONER KEON: Thank you.

20 MAYOR CASON: All right. Let's resume at
21 2:30. We'll have a discussion and then we'll
22 vote.

23 (Lunch recess taken.)

24 MAYOR CARSON: We're getting ready to
25 restart.

1 MR. FERNANDEZ: The only punctual people
2 here are the Commissioners. Look.

3 MAYOR CARSON: Well, you're here.

4 MR. FERNANDEZ: This is responsibility.

5 MAYOR CASON: Craig, just before we --
6 before we renew the discussion and have the
7 vote, I think the way we're going to do is, you
8 might want to discuss these revisions to
9 Section 2.13 --

10 MR. LEEN: Yes.

11 MAYOR CASON: -- and what I suggest is we
12 go back and decide whether we want to reiterate
13 the straw vote on the paseo, which was five and
14 zero, and we were waiting to put it in abeyance
15 until we heard from any public comment, and
16 there wasn't any on that, I don't think, and
17 then have to vote on the seven different items
18 and then go back to the height issue on --

19 MR. LEEN: Well, Mr. Mayor, what I --

20 COMMISSIONER KEON: We need to talk about
21 the Development Agreement, too, at some point.

22 MAYOR CASON: Yeah, okay. We'll have a
23 discussion.

24 COMMISSIONER KEON: Whenever it's good for
25 you.

1 MR. LEEN: After discussions with the
2 Mayor, what will -- the procedural order going
3 forward will be, I'm going to read this
4 revision into the record, and each of you have
5 a copy. This is to the Development Agreement.

6 Then, as the Mayor mentioned, there's going
7 to be another vote on that intermediate vote on
8 the paseo, we're going to redo that. Then
9 there's going to be discussion among the
10 Commission. Then there's going to be a vote in
11 concept as to whether you approve the project
12 without the additional height. Then there's
13 going to be a vote in concept whether you
14 approve the additional height, and by
15 additional height, I mean, a restaurant --

16 MAYOR CASON: Right.

17 MR. LEEN: -- in additional height, you
18 know, habitable space, and then there's going
19 to be a vote on each of the seven items
20 individually.

21 MAYOR CASON: Okay. So why don't you read
22 into the record --

23 MR. LEEN: Okay. Yes, sir.

24 Revision to Section 2.13 of the Development
25 Agreement, it will now say that the owner shall

1 construct and install the improvements required
2 by the traffic study, meeting all City and
3 other applicable governmental requirements, in
4 accordance with the time frames and procedures
5 set forth in Exhibit B. Applicant shall
6 contribute the cost of off-site improvements to
7 enhance neighborhoods such as those shown in,
8 in the locations described in Exhibit H,
9 including, without limitation, to residential
10 parking zones as shown in Attachment D to the
11 April 2nd, 2015 City Commission Agenda Memo,
12 typical street sections and conceptual
13 drawings -- that's the end of the
14 parenthesis -- attached hereto.

15 The design, planning and construction of
16 the Exhibit H improvements shall follow a
17 schedule to be determined by the City Manager,
18 which shall include ample opportunities for the
19 neighborhoods to provide design input and shall
20 accomplish the construction as soon as
21 practical phasing the work as necessary to
22 avoid conflicts with or damage resulting from
23 the construction of the project.

24 The City Manager shall determine, in
25 coordination with the owner, which party will

1 be responsible for each stop of the planning,
2 design and construction -- and that should say,
3 for each step of the planning, design and
4 construction.

5 Then there's an Exhibit H Chart 6, owner
6 shall cover total cost of final design and
7 construction drawings for the improvements
8 listed in 1 through 5.

9 Exhibit B, there's a change. It now says,
10 completion of off-site improvements required by
11 the traffic study as measured by their
12 acceptance by the City Public Works Director.

13 And, lastly, 2.5, Hotel, owner will
14 submit -- it now says, owner will submit a
15 conceptual plan for managing traffic related to
16 special events at the hotel ballroom
17 facilities, with various procedures to be
18 implemented based on the projected attendance
19 of events and utilizing off-duty police
20 officers, as necessary, for larger events, and
21 obtain the approval of the Public Works
22 Director prior to approval of the Temporary
23 Certificate of Occupancy for the hotel.

24 MS. TREVARATHEN: And, Craig, that's to go
25 at the end of 2.5, it's not to replace what's

1 in 2.5.

2 MAYOR CASON: Also --

3 MR. LEEN: No, it doesn't replace 2.5 in
4 full. I'd just like to reiterate that the City
5 Manager and the City Attorney, of course, when
6 going through the Agreement, we can fix any
7 irregularities, any typos, and we can also make
8 modifications to accomplish your intent, and
9 that's always the --

10 MAYOR CASON: The Applicant agrees with
11 this?

12 MR. GARCIA-SERRA: Yes, we're in agreement.

13 VICE MAYOR QUESADA: You know, this is a
14 good -- I like the fact that this is included,
15 but I really don't think it needs to even go
16 that far, in the sense that I think you just
17 need to be proactive with the employees that
18 are put out there and you guys may have some
19 hiccups the first few events, but then you guys
20 will figure it out.

21 I guess, at least for me, the ask is just,
22 you know, be proactive in seeing how things
23 work out, what the best way to do it is. Maybe
24 it means having someone stationed where every
25 car turns, holding a little sign, turn here.

1 Who knows? We don't know yet. I think we're
2 going to figure that out the first few events.

3 COMMISSIONER LAGO: I bet you people will
4 figure it out.

5 COMMISSIONER KEON: Yeah. I don't -- you
6 know, it's sort of -- what is defined as an
7 event? I'm not sure what constitutes an event
8 or at what level. I mean, I think every time
9 you book --

10 VICE MAYOR QUESADA: It should be defined
11 as an event that either they or we anticipate
12 there could be a potential traffic situation
13 that spills over to Ponce or into the
14 residential neighborhood.

15 COMMISSIONER KEON: Right, but, I mean, I
16 would think that they would do it, but --

17 MR. LEEN: This language was put together
18 pretty quickly, and I appreciate Susan doing
19 that. She had to do this, basically, during
20 the lunch and we had to get the agreement of
21 the Applicant.

22 COMMISSIONER KEON: We just want to make
23 sure it's not -- I'd like it general.

24 VICE MAYOR QUESADA: I think it's better if
25 we keep it general. If we get too specific --

1 COMMISSIONER KEON: It's not like you have
2 to notify anybody per event, right, that
3 wouldn't be anticipated?

4 MR. TRIAS: What we've done -- yeah, what
5 we've done in the past is have two or three
6 categories, let's say, 200 people, 500 people,
7 and give some flexibility, in terms of the
8 action --

9 COMMISSIONER KEON: Right.

10 MR. TRIAS: So that's what we've done in
11 some previous examples.

12 MS. TREVARATHEN: And that was what Tim was
13 interested in, is being able to tie the
14 procedures to the size of the event.

15 COMMISSIONER KEON: Okay.

16 MS. TREVARATHEN: So we've not giving
17 minimums or maximums, we've leaving that to the
18 discretion of the Public Works Director,
19 working with the Applicant.

20 COMMISSIONER KEON: Okay.

21 MAYOR CASON: And experience will --

22 COMMISSIONER KEON: But once that's in
23 place they --

24 MAYOR CASON: Experience will show in time
25 whether you need to tweak that.

1 MS. TREVARATHEN: Right.

2 COMMISSIONER KEON: But once that's in
3 place, then they don't have to notify you every
4 time they have an event.

5 MS. TREVARATHEN: No. No. It's just an
6 agreed set of procedures.

7 COMMISSIONER KEON: All right. Thank you.

8 MR. LEEN: So that's the first item.

9 The second is the vote as to -- the
10 intermediate vote as to the paseo.

11 MAYOR CASON: Anybody want to change --
12 because we voted five and zero for that.
13 Anybody want to change it?

14 VICE MAYOR QUESADA: I think we should do
15 the formal vote this time around, since we've
16 had public input. I think before it could
17 be contested.

18 MAYOR CASON: All right. That's fine. You
19 want to make the motion again?

20 COMMISSIONER KEON: You make the motion
21 again.

22 VICE MAYOR QUESADA: I will make the motion
23 again, to allow the paseo to -- I mean, to
24 ensure that the paseo is only pedestrian --

25 COMMISSIONER LAGO: Use.

1 VICE MAYOR QUESADA: -- permanently --
2 pedestrian use only, and it's permanent.

3 COMMISSIONER KEON: With no curb cut on
4 Ponce.

5 MAYOR CASON: Right. Yeah.

6 VICE MAYOR QUESADA: With no curb cut --
7 curb cut on Ponce, correct.

8 MAYOR CASON: Do we have a second?

9 COMMISSIONER LAGO: I'll second the motion.

10 MAYOR CASON: Mr. Lago seconds. So Vice
11 Mayor made the motion, Commissioner Lago
12 second.

13 City Clerk.

14 CITY CLERK: Commissioner Lago?

15 COMMISSIONER LAGO: Yes.

16 CITY CLERK: Vice Mayor Quesada?

17 VICE MAYOR QUESADA: Yes.

18 CITY CLERK: Commissioner Slesnick?

19 COMMISSIONER SLESNICK: Yes.

20 CITY CLERK: Commissioner Keon?

21 COMMISSIONER KEON: Yes.

22 CITY CLERK: Mayor Cason?

23 MAYOR CASON: Yes.

24 MR. LEEN: I would like to note, for the
25 record, that the Applicant was fine with that

1 and they proffered it.

2 MAYOR CASON: All right. Any other items
3 of discussion before we move on?

4 VICE MAYOR QUESADA: I have written down
5 the list for discussion.

6 MAYOR CASON: Okay.

7 MR. LEEN: So at this point, the
8 Commissioners will discuss and then we have all
9 of those votes, but --

10 VICE MAYOR QUESADA: I just sort of took
11 note of the ones that we all sort of were
12 thinking about, so the restaurant one, the
13 habitable height; traffic paseo, which is done
14 now; the infrastructure, which I think
15 Commissioner Lago mentioned you wanted to have
16 a discussion on, and then also neighborhood
17 improvements, which I think this Section 2.13
18 was also given to us, and it goes to -- related
19 to what Mr. Adams was saying and Ms. B -- I
20 can't pronounce her last name.

21 COMMISSIONER KEON: Yes.

22 COMMISSIONER LAGO: I also wanted to --
23 maybe you can add it to your list, the massing
24 on the tunnel, if you can call it a tunnel, on
25 Palermo. I think the height could be at issue.

1 MAYOR CASON: Why don't we start with your
2 issues. I mean, I think a couple of these we
3 may have already just taken care of, but why
4 don't you run down your list again?

5 VICE MAYOR QUESADA: So the first one was
6 the restaurant, that we had a pretty lively
7 discussion earlier.

8 COMMISSIONER KEON: Let's end with the
9 restaurant.

10 VICE MAYOR QUESADA: Okay. We'll end with
11 the restaurant.

12 MAYOR CASON: End with that.

13 VICE MAYOR QUESADA: Let's start with,
14 which I think it's an easy one, I think we're
15 sort of in agreement, Mr. Adams' issues that he
16 brought up, and Ms. B issue, the neighborhood
17 improvements, and I think it relates to this
18 new revised Section 2.13 --

19 MAYOR CASON: Yeah.

20 VICE MAYOR QUESADA: -- that we've been
21 given. Mr. Adams' request, if I recall
22 correctly, is that all of the monies for the
23 neighborhood improvements sort of be escrowed
24 and dedicated to this project and it sort of
25 proceeds sooner rather than later, so that in

1 the future, if it doesn't get done right away,
2 there is no possibility that the money gets --
3 you know, gets put to other use and not into
4 that neighborhood.

5 I'm in agreement with his position. I
6 don't know if anyone had any thoughts.

7 MAYOR CASON: City Manager, is that a
8 problem?

9 CITY MANAGER SWANSON-RIVENBARK: No. We
10 understand what your intent is and we'll make
11 sure that it's followed.

12 VICE MAYOR QUESADA: Does the Applicant
13 have any questions, concerns, thoughts at all
14 related to that?

15 MR. GARCIA-SERRA: Sure. I mean, you know,
16 I'll just restate the principles, which I think
17 we're in agreement on, it has to be a
18 collaborative neighborhood oriented process,
19 meeting with them as often as we can, with the
20 City sort of directing the process of getting
21 their input.

22 Whatever we can build ahead of time,
23 without interfering or having it potentially be
24 damaged by construction at a later point, is
25 going to be incorporated, and prior to issuance

1 of a building permit, we're already required to
2 post a bond for the cost of those improvements,
3 in case something happens and we don't complete
4 them.

5 COMMISSIONER LAGO: Didn't you also state
6 that thirty days from today, we're supposed to
7 move from a conceptual drawing to kind of
8 engaging --

9 MR. GARCIA-SERRA: Right.

10 COMMISSIONER LAGO: -- an actual firm that
11 can provide us with CDs?

12 MR. GARCIA-SERRA: Right. Within 30 days
13 after they retaining the landscape architect,
14 who will be the person taking the lead design
15 of the design drawings.

16 COMMISSIONER LAGO: Perfect.

17 MAYOR CASON: Okay.

18 COMMISSIONER KEON: Can I --

19 VICE MAYOR QUESADA: But you gave -- you
20 said one thing, that I didn't -- not that I
21 didn't like, but I think goes against it, the
22 community has already put a substantial project
23 together, so that forms the baseline.

24 (Simultaneous speaking.)

25 COMMISSIONER LAGO: But hold on. No, but

1 there's an issue there. Coconut Grove --

2 MAYOR CASON: Coconut Grove had a --

3 COMMISSIONER LAGO: Coconut Grove, which --

4 VICE MAYOR QUESADA: Ms. B.

5 COMMISSIONER LAGO: -- Ms. B spoke on
6 behalf of Coconut Grove, they have a few points
7 that they differ.

8 VICE MAYOR QUESADA: Yeah. That's fine --
9 but that's fine, though, but I think there's a
10 baseline model for the whole entire area. They
11 should still have other public meetings, as
12 they see fit, but I think the conversation
13 begins with what at least the majority of the
14 involved community members have already started
15 with. That's all I'm saying. It doesn't mean
16 it can't change.

17 COMMISSIONER LAGO: And with the engagement
18 of the landscape architect within 30 days'
19 approval from today.

20 VICE MAYOR QUESADA: I agree.

21 MAYOR CASON: It's reasonable. Okay.

22 COMMISSIONER KEON: And the Applicant is
23 going to hire the landscape --

24 COMMISSIONER LAGO: Yes. Yes.

25 MAYOR CASON: Uh-huh, correct.

1 COMMISSIONER KEON: -- architect, and
2 you're going -- I just want to make sure, and
3 you're going to work with the City, they're
4 going to help you in coordinating the public
5 meetings; is that right?

6 MR. GARCIA-SERRA: Yeah.

7 COMMISSIONER KEON: Okay.

8 MR. GARCIA-SERRA: For example, I envision
9 the notice going out, saying we're having a
10 meeting on this date, in the neighborhood, to
11 discuss it.

12 COMMISSIONER KEON: Correct.

13 MR. GARCIA-SERRA: Being a City notice, you
14 know, coming from the City, and then --

15 COMMISSIONER LAGO: Like always, under the
16 auspice of City Staff --

17 MR. GARCIA-SERRA: Right.

18 COMMISSIONER LAGO: -- Ramon, Glenn,
19 whoever has to be involved.

20 COMMISSIONER KEON: Work with him, okay.

21 MR. GARCIA-SERRA: Right, and having them
22 there. Having them --

23 VICE MAYOR QUESADA: So based on what we've
24 just discussed and the proposed revise to
25 Section 2.13, assuming the Applicant does not

1 have an objection or any statement related to
2 that section, I'm going to make a motion, I
3 guess, to approve what we've discussed with
4 Mr. Adams.

5 MAYOR CASON: Yes.

6 COMMISSIONER KEON: Or to approve that --
7 of the hiring of a landscape --

8 MR. LEEN: You want to include that.

9 VICE MAYOR QUESADA: We'll include, yes.

10 MR. LEEN: Include that in the final --

11 VICE MAYOR QUESADA: Okay. Everything
12 we've just discussed in the last two minutes.

13 COMMISSIONER KEON: All right. And
14 consideration by the landscape architect of the
15 plan prepared by Mr. Adams?

16 VICE MAYOR QUESADA: Yes.

17 COMMISSIONER KEON: Is that what it is?

18 VICE MAYOR QUESADA: Yes.

19 COMMISSIONER KEON: Okay.

20 COMMISSIONER LAGO: And also --

21 MAYOR CASON: Coconut Grove.

22 COMMISSIONER LAGO: -- being sensitive to
23 what the residents of Coconut Grove Drive are
24 requesting.

25 VICE MAYOR QUESADA: Absolutely.

1 Incorporate that into my motion.

2 COMMISSIONER KEON: Does it come back to us
3 for any approval or where does it go for
4 approval?

5 VICE MAYOR QUESADA: It goes in the normal
6 course that Staff always takes the process
7 through, which if it comes back to us --

8 CITY MANAGER SWANSON-RIVENBARK: No. And
9 I'm sorry to come out of order, but if it works
10 better for the developer and the developer
11 agrees that they will shepherd the
12 improvements, we will facilitate the
13 conversations with the residents. We will make
14 sure that the residents are in agreement. They
15 will finalize the design with the landscape
16 architect that they hire.

17 Can we allow them the authority to
18 construct the improvements so that we don't
19 have to come back to you regarding procurement?

20 COMMISSIONER KEON: That's what I'm asking
21 you, if that's the direction we're giving them?

22 MAYOR CASON: Yes. Yes.

23 VICE MAYOR QUESADA: Also incorporated into
24 my motion.

25 COMMISSIONER KEON: Oh, okay, fine.

1 MR. LEEN: And so this is in the nature of
2 a motion to amend, really, all of the items.
3 That's how we're treating it. So this is being
4 put into the item that you're eventually going
5 to approve.

6 VICE MAYOR QUESADA: Okay. Well, this is a
7 motion to incorporate what we've just discussed
8 into it.

9 MR. LEEN: To incorporate into the final.

10 MAYOR CASON: Who wants to second that?

11 COMMISSIONER LAGO: I'll second the motion.

12 MAYOR CASON: Okay. Commissioner Lago
13 seconds.

14 City Clerk.

15 CITY CLERK: Vice Mayor Quesada?

16 VICE MAYOR QUESADA: Yes.

17 CITY CLERK: Commissioner Slesnick?

18 COMMISSIONER SLESNICK: Yes.

19 CITY CLERK: Commissioner Keon?

20 COMMISSIONER KEON: Yes.

21 CITY CLERK: Commissioner Lago?

22 COMMISSIONER LAGO: Yes.

23 CITY CLERK: Mayor Cason?

24 MAYOR CASON: Yes.

25 VICE MAYOR QUESADA: I think the next two

1 items are Commissioner Lago's infrastructure
2 and massing. I don't know how he wants to
3 address those.

4 COMMISSIONER LAGO: Well, I mean, in
5 reference to the massing, I just -- I had
6 something brought to my attention, which kind
7 of makes a little bit of sense, and I wanted to
8 get your opinion.

9 When you look at Palermo, the underpass,
10 which is right here, this one right here, I was
11 just a little bit concerned that when you have
12 the residents' view onto Palermo, you see
13 there's a few floors. I know that there was an
14 additional floor of parking that was put in
15 place, and I wanted Ramon to give a little bit
16 of an explanation why that additional floor of
17 parking was put in place, from the first
18 iteration, which we had on first reading.

19 MR. TRIAS: The Applicant kept about the
20 same amount of parking, even though the project
21 was reduced slightly, and that was a choice
22 they made. I don't think the Commission
23 directed them to do that.

24 I agree with you, Commissioner, that the
25 weakest part of the project, in terms of

1 design, is that area that crosses over the
2 right-of-ways. Part of the reason it's so
3 bulky is because there's parking there.

4 Part of the reason there's parking there is
5 because they wanted to keep the numbers. So if
6 your preference is to reduce the massing and
7 make it more attractive, that means that there
8 will be a little bit less parking.

9 COMMISSIONER LAGO: Well, no, what we're
10 talking about here is an issue of money,
11 because from the first iteration --

12 MR. TRIAS: Yeah.

13 COMMISSIONER LAGO: -- to today, there was
14 two levels of underground parking. Now there's
15 one and a half levels.

16 MR. TRIAS: Yes.

17 COMMISSIONER LAGO: That is a significant
18 amount of cost savings for the developer, but
19 it's another layer of parking which is above
20 ground.

21 MR. TRIAS: Yes. You are correct.

22 COMMISSIONER LAGO: I just wanted my
23 colleagues to be aware of that, because we're
24 not talking about -- again, the developer has
25 done an extensive job to reduce the massing in

1 the rear of the project, but we're not talking
2 about the front of Ponce, we're talking about
3 the pieces that are going to be immediately in
4 the vicinity or in the, you know, triangle of
5 visibility --

6 MR. TRIAS: Yeah.

7 COMMISSIONER LAGO: -- of the residents, so
8 I want to make sure that everyone is aware that
9 in three years, when this is built, they're not
10 like, "You know, wow, that doesn't really look
11 that good."

12 VICE MAYOR QUESADA: I'm sorry, is that the
13 Palermo overpass?

14 COMMISSIONER LAGO: Yes, sir.

15 MR. TRIAS: Yeah, Palermo, and, of course,
16 Coconut. Both of them have the overpass.

17 MAYOR CASON: You all want to have a --
18 does the Applicant want to make an explanation?

19 COMMISSIONER KEON: Is that -- this is
20 here, right? It's the north -- the north one,
21 right?

22 VICE MAYOR QUESADA: So, I mean, before we
23 get into that a little further, are you
24 proposing to make an amendment or a change or
25 you just wanted to make us aware of it?

1 COMMISSIONER LAGO: No, I'm making us aware
2 of it and I'm listening to what --

3 COMMISSIONER QUESADA: Are you proposing
4 any kind of modification whatsoever?

5 COMMISSIONER LAGO: Well, the issue is,
6 from my understanding, and Ramon can clarify
7 it, and I don't think any of us here know --
8 Mr. Plumber made a recommendation, that for
9 traffic flow, that had to be incorporate within
10 -- the width of the actual building above
11 Palermo had to be significantly wider.

12 MR. TRIAS: Yeah.

13 COMMISSIONER LAGO: I wish we could make
14 that building thinner and obviously reduce it
15 in height.

16 MR. TRIAS: There are two issues related to
17 the cross-over. One is traffic circulation.
18 It's needed in order for the traffic to
19 function.

20 The second issue is that there's also, in
21 addition to the circulation, there's parking,
22 so that makes it even wider in the Palermo. I
23 mean, you can look at it in the floor plan
24 there.

25 Perhaps Erik can come point to --

1 COMMISSIONER SLESNICK: Ramon, how does
2 that compare to the Village of Merrick Park,
3 where they have that same thing?

4 MR. TRIAS: Yes. It's similar.

5 COMMISSIONER SLESNICK: And are there
6 sidewalks on each side?

7 MR. TRIAS: Yeah. Yeah.

8 CITY MANAGER SWANSON-RIVENBARK: The
9 difference, if you're talking about the
10 archway --

11 COMMISSIONER SLESNICK: At the Village of
12 Merrick Park.

13 CITY MANAGER SWANSON-RIVENBARK: The
14 difference is, there's not vehicular travel, it
15 is a pedestrian overpass at the Village of
16 Merrick Park. It's probably more like Douglas
17 entrance, when you think about the archway that
18 people came under to enter the City.

19 MR. TRIAS: Yeah, and that certainly is the
20 area that looks more oppressive from a
21 pedestrian point of view, when you're trying to
22 cross that area.

23 MAYOR CARSON: You want to talk about, if
24 you didn't have it, what's the option?

25 MR. FREED: So based on the City Staff, we

1 have already eliminated the parking that exists
2 in that rows to increase our setback off of
3 Galiano to about 80 feet, and so the only
4 other -- we wanted to -- we do want to maintain
5 the two corridors or traffic lanes that exist
6 in the parking, in order to connect the two
7 sides, and those are shown in the lighter gray.

8 The other thing we could offer is the
9 elimination of the parking spaces here. It's
10 six spaces, on six levels.

11 MR. TRIAS: So there's about 20 feet of width.

12 MR. FREED: So we're narrowing -- we're
13 narrowing the width --

14 COMMISSIONER LAGO: How many spaces are we
15 talking about?

16 MR. FREED: That would be 36 -- about 40
17 spaces.

18 COMMISSIONER LAGO: Because, I mean, the
19 higher --

20 MR. FREED: It doesn't address --

21 COMMISSIONER LAGO: You can educate me on
22 this issue. I mean, like what Commissioner
23 Slesnick had mentioned, if you kind of compare
24 this to Merrick Park, you notice it's a little
25 bit dark, you know, especially around --

1 MR. FREED.: I would argue that there's
2 other issues with that condition, and as a user
3 or someone -- a pedestrian walking under this
4 facility, I mean, I frankly didn't know if it
5 was pedestrian or car parking or what it was
6 that was crossing over the streets of Merrick
7 Park, and as a user here, I wouldn't know that,
8 either, unless I was the architect.

9 So we're going to do things that I think
10 haven't been done at Merrick Park, including
11 much more -- more interesting lighting under
12 that space, so that it becomes a feature.

13 In our very early renderings, we were
14 talking about some -- a very interesting roof
15 or ceiling treatments to that area that just
16 haven't been used as a technique --

17 COMMISSIONER LAGO: You're talking about
18 lighting during the day?

19 MR. FREED: Excuse me?

20 COMMISSIONER LAGO: You're talking about
21 lighting during the day?

22 MR. FREED: Correct.

23 COMMISSIONER LAGO: Wouldn't it be great if
24 you didn't have to use lighting during the day?

25 MR. FREED: It would be --

1 COMMISSIONER LAGO: That's the whole point
2 of the sun.

3 MR. FREED: It would be great, but I would
4 argue that that's why the condition at Merrick
5 Park feels the way it does, is because the
6 lighting isn't adequate and the lighting can be
7 used during the day to create an interesting
8 effect, without it appearing like it's
9 artificial lighting.

10 COMMISSIONER LAGO: I'm willing to reduce
11 the amount of parking, to make sure that we
12 lessen the effect of that building, both on the
13 height and on the width. Again, the height may
14 be an issue, because obviously you need the
15 transferability from one building to another --

16 MR. FREED: Correct.

17 COMMISSIONER LAGO: And the developer has
18 decided, instead of doing two floors of
19 underground parking, which I know that the
20 costs are in the tens of millions of dollars
21 that they're saving -- yeah, I mean, I can only
22 imagine what the reduction in costs is -- what
23 it is right now in reference to instead of
24 having levels, one and a half level of parking
25 spaces or parkings, but I think that we can try

1 to do something.

2 MR. TRIAS: I think one option -- the easy
3 option, Option 1, is remove the 36 parking
4 spaces and that makes it 20 feet narrower. So
5 it's a simple solution.

6 MR. FREED: Correct.

7 COMMISSIONER LAGO: Ramon, in your opinion,
8 aesthetically, will that be significant?

9 MR. TRIAS: Yeah. Oh, yeah, that's
10 significant. It's much better. From an
11 aesthetic point of view, you get more daylight
12 also into the space. Twenty feet is twenty
13 feet, yeah.

14 COMMISSIONER LAGO: How does the developer
15 feel about that?

16 COMMISSIONER KEON: Is this what you're
17 showing on Page 205 of this book? This is
18 this?

19 MR. FREED: That's that elevation.

20 COMMISSIONER KEON: And this is how it's
21 proposed now, is that right, these heights?

22 Yes, okay. It's on Page 205 of this book.

23 MR. GARCIA-SERRA: It comes down to 36
24 parking spaces.

25 COMMISSIONER LAGO: No, but, I mean, again,

1 it's not just the parking spaces.

2 MR. GARCIA-SERRA: Aesthetically, you're
3 probably -- I think we would all agree that it
4 probably makes for a better, you know, sort of
5 circumstance if it's narrower.

6 We sort of feel that we're at the parking
7 that we need. Is 36 going to make or break us?
8 Probably not, so -- yeah.

9 COMMISSIONER LAGO: That was my concern.
10 If you tell me you do need those parking
11 spaces, and, you know --

12 MR. TRIAS: They could add them
13 underground, also, right?

14 COMMISSIONER LAGO: I just want to put, the
15 reason why you guys went from two floors to
16 one-and-a-half is obviously the cost, correct?

17 MR. GARCIA-SERRA: Right. There was also a
18 corresponding loss of program, that sort of --
19 you know, we were accommodating for. When we
20 lost floor area, we were trying to figure out
21 the budget on what can be properly built, that
22 we felt safe about and that's where we had some
23 concession.

24 VICE MAYOR QUESADA: Commissioner Lago, let
25 me ask you a question, to make sure I

1 understand this correctly, so what you're
2 proposing or what we're just discussing --

3 COMMISSIONER LAGO: I'm just making you
4 aware.

5 VICE MAYOR QUESADA: So what we're
6 discussing is, above Palermo --

7 COMMISSIONER LAGO: Yes, sir.

8 VICE MAYOR QUESADA: -- you want to
9 decrease the massing of it? You want to
10 decrease the size of that structure?

11 COMMISSIONER LAGO: Uh-huh.

12 VICE MAYOR QUESADA: How would you propose
13 decreasing it or how is it possible?

14 COMMISSIONER LAGO: Either you can remove
15 some of the parking, which I think you'd have
16 to --

17 VICE MAYOR QUESADA: And what would that
18 do? Would that reduce the height?

19 COMMISSIONER LAGO: That would reduce the
20 width.

21 MR. TRIAS: The width.

22 VICE MAYOR QUESADA: The width?

23 MR. TRIAS: Yeah.

24 COMMISSIONER LAGO: Which would make --

25 VICE MAYOR QUESADA: But hold on a second.

1 Doesn't this building connect to the other two
2 buildings on the site?

3 MR. TRIAS: Right. The connections remain.
4 What happens is that the extra 20 feet on the
5 western side comes in. So basically it becomes
6 narrower.

7 VICE MAYOR QUESADA: Okay. I'm going to
8 need you to walk up here and just point it out
9 to me on this.

10 COMMISSIONER LAGO: No. No. You're
11 looking at the wrong page.

12 VICE MAYOR QUESADA: What page are you
13 looking at?

14 COMMISSIONER LAGO: You need to look at the
15 page which Commissioner Keon showed me, which
16 actually --

17 VICE MAYOR QUESADA: She said, 205. That's
18 what I'm looking at.

19 COMMISSIONER KEON: 205.

20 COMMISSIONER LAGO: No, but there's another
21 one that shows -- it's like a floor plan view,
22 which shows --

23 MR. TRIAS: The floor plan is clear --

24 VICE MAYOR QUESADA: Can you just pull it
25 up there so I can understand it better?

1 MR. TRIAS: Yeah.

2 COMMISSIONER LAGO: Which actually shows
3 the parking spaces which could be eliminated,
4 in an effort to make the building less thick.

5 MR. GARCIA-SERRA: Right, and it's
6 important to point out, that will help with the
7 width issue, but not the height issue.

8 VICE MAYOR QUESADA: So hold on a second.
9 So the visual impact for an individual standing
10 on the street, east of the project, it would
11 look exactly the same?

12 COMMISSIONER LAGO: Yeah.

13 COMMISSIONER SLESNICK: You want to set it
14 back.

15 VICE MAYOR QUESADA: Oh, you want to push
16 it further west, so it's further away?

17 MR. GARCIA-SERRA: He wants to eliminate
18 one row of parking.

19 MR. TRIAS: This was already done. If you
20 can see, they removed that already, so from
21 this side --

22 VICE MAYOR QUESADA: I'm sorry, I'm going
23 to have to slow you down. First of all, grab
24 the microphone so the people at home can hear.
25 I just want to be clear.

1 The yellow on that map are the proposed
2 townhomes, correct?

3 MR. TRIAS: The townhomes are here, yes.

4 VICE MAYOR QUESADA: Got it. So the facade
5 of that building -- put -- right there, okay.
6 So you're saying -- no, but stay right above
7 Palermo. Keep your pen right there.

8 You're saying that that would be pushed
9 west, is that what you're suggesting,
10 Commissioner Lago?

11 MR. TRIAS: No. No. That remains.

12 VICE MAYOR QUESADA: Okay.

13 MR. TRIAS: And then this is taken out. So
14 that makes it narrower.

15 VICE MAYOR QUESADA: How is that an
16 aesthetic benefit? How is that a massing
17 benefit?

18 MAYOR CASON: Can you see it? I mean, can
19 you notice it?

20 MR. TRIAS: What happens is, that's about
21 20 feet --

22 VICE MAYOR QUESADA: Well, you can see it
23 if you're on the west side of the project,
24 looking over or if you're under it.

25 MR. TRIAS: If you're under it.

1 COMMISSIONER LAGO: And also light
2 traveling.

3 VICE MAYOR QUESADA: So you're saying you
4 want to remove the tunneling aspect or the
5 feeling as if you're walking underneath or
6 driving underneath? Is that what I'm -- okay.
7 Now I understand. I didn't before.

8 COMMISSIONER LAGO: And you also have some
9 additional parking in the middle, which if you
10 wanted to even make it smaller, you could do
11 that. You see that, right?

12 MR. TRIAS: No -- yes.

13 VICE MAYOR QUESADA: So that it doesn't
14 seem like -- yeah, you're trying to remove the
15 tunneling feeling of it.

16 MR. GARCIA-SERRA: One thing to keep in
17 mind, though, whenever we remove a row of
18 parking, it's on six floors, so whatever number
19 of spaces there, times six.

20 COMMISSIONER SLESNICK: So it's 20 parking
21 spaces times six?

22 MR. GARCIA-SERRA: No. On the row that
23 Ramon is pointing to right now, there's six
24 spaces.

25 COMMISSIONER SLESNICK: Okay.

1 MR. GARCIA-SERRA: So if we were to remove
2 that row on all six floors, we'd be losing 36
3 spaces.

4 MR. TRIAS: So, Commissioner, the other
5 option would be to remove all of this here and
6 just keep a through traffic, but then the
7 number of parking spaces becomes much greater.
8 So those are the two options that I can see.

9 COMMISSIONER LAGO: And also about -- I
10 mean, again, I don't have an answer in
11 reference to how we would achieve it, but I
12 think it would also be very beneficial if we
13 could reduce the height of that pass through.

14 MR. GARCIA-SERRA: Yeah, the height, we
15 don't have an answer for you, you know, as far
16 as --

17 COMMISSIONER LAGO: I mean, I think you
18 would be in agreement that it would be a lot
19 more aesthetically pleasing if you were able to
20 reduce the height.

21 MR. SIERRA: It's a question of balancing
22 aesthetics with parking.

23 COMMISSIONER LAGO: Yeah, yeah, of course.

24 COMMISSIONER KEON: Can I ask a question,
25 then? If I look at Page 205 of this booklet,

1 it looks like the floor to ceiling height at
2 that first level is seventeen feet. Is that
3 right?

4 MR. GARCIA-SERRA: For the first ground
5 floor level, the floor to ceiling height,
6 seventeen feet.

7 (Simultaneous speaking.)

8 COMMISSIONER KEON: So it would be -- you
9 know, I don't want to design while we're
10 here --

11 VICE MAYOR QUESADA: So I'm going --

12 COMMISSIONER KEON: So it's more, I'm
13 asking you, if you're concerned that that has a
14 tunneling effect, you know, if you just make
15 that higher -- is that a level of parking right
16 above that?

17 VICE MAYOR QUESADA: Commissioner Keon, let
18 me provide some, I guess, insight in this, and
19 Commissioner Lago.

20 COMMISSIONER KEON: Okay. Okay.

21 VICE MAYOR QUESADA: This kind of detail, I
22 don't think we should be designing up here.

23 COMMISSIONER KEON: Me, either. That's why
24 I don't think -- yeah.

25 VICE MAYOR QUESADA: What I would say, is

1 that, you know, ask Staff and ask the developer
2 to look at it, see how they can thin that out
3 as possible, but, again, it's a very -- it's a
4 very keen observation. I mean, it's very --
5 you're really looking at this project inside
6 and out, I'll give you that, Commissioner Lago.

7 COMMISSIONER LAGO: Then I'll withhold some
8 of my other designing suggestions.

9 MR. SIERRA: No, but if I could maybe
10 suggest something --

11 VICE MAYOR QUESADA: It gets to the point,
12 Commissioner -- I appreciate it, but it gets to
13 the point that we're redesigning every little
14 nuance of the project, which --

15 MR. GARCIA-SERRA: What we could do also
16 perhaps --

17 MR. TRIAS: Let me propose a process. This
18 is going to go before the Board of Architects
19 building by building. We may use that process,
20 if you give some direction in terms of what is
21 the priority, to fine tune the architecture.
22 If you believe that parking could be a little
23 bit less, then we have the option to work in
24 the building.

25 COMMISSIONER LAGO: Well, the only two

1 requests that I have is just look at the
2 entrance features in Palermo, and see if we
3 could potentially do something. I don't want
4 to hinder or hurt the developer or the project
5 in reference to parking.

6 And the second issue that I want you to
7 take a look at, which was brought to my
8 attention by one of my Board members, was the
9 issue of symmetry on the building, in reference
10 to the building space --

11 MR. TRIAS: To the office building, yeah.

12 COMMISSIONER LAGO: Yeah, to the office
13 building. There's a good example, that it has
14 very good symmetry on one side and on the other
15 side of the building, for some reason, it loses
16 a bit of its symmetry.

17 MR. TRIAS: Yeah.

18 COMMISSIONER LAGO: And we went over that.

19 MR. TRIAS: Yeah, we -- what --

20 COMMISSIONER LAGO: And I leave that up to
21 the BOA and its discretion, which those are
22 points obviously which they will make to the
23 developer, but we went over it in the meantime.

24 MR. TRIAS: I think what could be very
25 valuable is for you to make those kinds of

1 comments and then allow us to work with the
2 Board of Architects to see how we can
3 incorporate them into the design. So any other
4 issues that deal with aesthetics or your goals
5 and aspirations for the project, then we have
6 that process that is coming up pretty soon,
7 so --

8 COMMISSIONER KEON: I would agree with you,
9 with regard to -- I don't really care about the
10 thickness of it so much, as I do the height
11 from the ground to the --

12 MR. AVILA: Okay. I just want to point
13 out --

14 COMMISSIONER KEON: -- that maybe if you
15 can make it higher, you can, but --

16 MR. AVILA: Exactly. This room is about 25
17 feet tall.

18 COMMISSIONER KEON: Yeah.

19 MR. AVILA: That ramp going over is at
20 least 32 feet, so you're going under something
21 that's a lot taller than this.

22 COMMISSIONER KEON: Oh, because it looks
23 like -- on this drawing, it looks like it's
24 seventeen feet. That's why --

25 MR. TRIAS: Which page are you on?

1 COMMISSIONER KEON: 205.

2 MAYOR CASON: 205.

3 MR. AVILA: It's two levels. Two levels of
4 the retail and then the parking. So it's about
5 34 feet.

6 MAYOR CASON: Oh, you mean, once you get
7 past the facade, it's higher?

8 MR. AVILA: Yes.

9 MAYOR CASON: So once you get past this --
10 where it says, 17, then it's up to 34 feet.

11 MR. AVILA: Right.

12 COMMISSIONER KEON: Then it's up to 34.
13 Yeah, see, you can't see it from the bottom up.

14 MR. TRIAS: You are correct.

15 COMMISSIONER KEON: But that's why I'm
16 asking you if you can look at it.

17 COMMISSIONER SLESNICK: I find it very
18 attractive --

19 MR. TRIAS: No, you're correct,
20 Commissioner. Yes. It's 17.

21 COMMISSIONER KEON: It says 17, so it looks
22 kind of low. So, I mean, you may be able to
23 open that.

24 MR. TRIAS: Yeah, I would encourage you to
25 have confidence on the process of the Board of

1 Architects.

2 COMMISSIONER KEON: Okay. Right, and
3 you'll just look at that.

4 MR. TRIAS: And encourage them to work on that.

5 COMMISSIONER SLESNICK: I find it
6 attractive, but I'm really concerned about
7 losing 36 parking spaces.

8 MR. TRIAS: It's a balancing challenge, yeah.

9 COMMISSIONER SLESNICK: Okay.

10 COMMISSIONER LAGO: I mean, the alternate
11 is increasing another half floor, which is
12 going to cost the developer probably in excess
13 of thirty, forty million dollars.

14 COMMISSIONER SLESNICK: But maybe Staff can
15 review it and get back. Again, I have no
16 problem with it as it is displayed.

17 MR. TRIAS: Okay. Again, the process is
18 happening very soon, so hopefully we'll be able
19 to make some progress, based on your
20 directions.

21 MAYOR CASON: Did you have anything else on
22 your list?

23 VICE MAYOR QUESADA: Oh, last thing, he
24 said infrastructure. You had mentioned you
25 wanted to discuss --

1 COMMISSIONER KEON: No, I did, but it was
2 only to have Glenn clarify where the
3 infrastructure issues are addressed in the
4 process, and it's really permitting.

5 (Simultaneous speaking.)

6 VICE MAYOR QUESADA: Yeah. Yeah. So the
7 last thing that I had on my list, that I guess
8 we had all mentioned at one point, it was the
9 restaurant. I don't know if anyone has
10 anything else other than --

11 COMMISSIONER LAGO: I have one last thing.
12 The issue was the retail on the second floor.

13 VICE MAYOR QUESADA: Are you against retail?

14 COMMISSIONER KEON: Well, that's the whole
15 Development Agreement I had -- yeah, that kind
16 of deals with the whole Development Agreement.

17 COMMISSIONER LAGO: No. No. No. I just
18 want everyone to be aware -- I mean, we had
19 discussed -- I think Commissioner Keon was
20 adamant about the fact that, you know, maybe
21 retail wasn't the best option, and after
22 looking into it, I also became of the
23 impression that, you know, maybe retail would
24 not function as well as we hoped, and we've
25 seen that in all of the other malls in the

1 area --

2 MAYOR CASON: But isn't the Agreement --

3 COMMISSIONER LAGO: -- they've had some
4 issues with retail on the second floor. It
5 hasn't functioned as planned.

6 MAYOR CASON: Okay. Doesn't the
7 Agreement --

8 VICE MAYOR QUESADA: Hold on a second,
9 though.

10 MAYOR CASON: Let me ask one thing, because
11 I think this was in the Development Agreement,
12 that if the retail didn't work out on the
13 second floor, you would go professional offices
14 or something else.

15 MR. TRIAS: Yes.

16 MAYOR CASON: So you have a provision for
17 failure.

18 MR. TRIAS: Yes. Susan can explain that.

19 COMMISSIONER KEON: It's on Page 36 of the
20 Development Agreement.

21 MS. TREVARATHEN: Page 37, the last
22 paragraph, the first sentence was in the last
23 draft and the rest of that is new, and what it
24 does is, it talks about what it means to be
25 unable to lease the second floor space and it

1 creates a reporting obligation, twice a year,
2 to the City, so that it can be monitored, and
3 we can know if these vacancies are persisting
4 and if they are persisting beyond 180 days
5 without some type of activity or building going
6 on, then we can invoke the conversion to
7 professional office. That's basically what
8 this paragraph says.

9 VICE MAYOR QUESADA: I feel comfortable
10 with that.

11 MAYOR CASON: Yeah, I do, too.

12 VICE MAYOR QUESADA: I just want to -- a
13 simple point on this one, and I know
14 Commissioner Slesnick, you weren't here last
15 time we discussed this, but the two of you
16 travel quite a bit, right?

17 COMMISSIONER KEON: Right.

18 VICE MAYOR QUESADA: If you've been to
19 Paris, if you've been to Milan, if you've been
20 to New York, you've been to Chicago, if you've
21 seen what's happening in the main thoroughfares
22 with the second floor retail, it's not the
23 second floor retail that I think -- it's not
24 Cocowalk. That's not what it looks like.

25 And I know we have a retail expert in the

1 crowd, but -- and this is my uneducated
2 opinion, just what I've seen, what you're
3 seeing is, you're seeing the H&M store, the
4 Louis Vuitton store or the Rolex store, you're
5 seeing them that they have narrower widths --

6 COMMISSIONER LAGO: Footprint.

7 VICE MAYOR QUESADA: -- footprint on the
8 first floor -- let me finish -- let me
9 finish --

10 COMMISSIONER KEON: You were just saying,
11 it's called two-story retail, as opposed to
12 second floor.

13 VICE MAYOR QUESADA: And then they do
14 two-story, because they want to be able --
15 yeah. So it gives a bigger presence for coming
16 by. The increased rates that you're seeing on
17 the first floor, they're not paying that on the
18 second floor, so they're looking for a certain
19 square footage, they have a certain pro forma
20 that they've got to meet up with, and they can
21 get away with doing the bigger store, and we're
22 going to have more of an ability, I foresee. I
23 think this is a moot point, because it's worked
24 into the Development Agreement, but we're going
25 to have a better chance of landing that major

1 international retailer that's really going to
2 add a lot of value to the City, that we haven't
3 seen before, which is why I'm in favor of the
4 two-story.

5 I think the way it's written in the
6 Development Agreement, I think addresses
7 everyone's concerns and I'm probably just
8 speaking and creating a longer conversation
9 with no need, because I think you guys were
10 okay with the language, but I just wanted to
11 put that out there.

12 COMMISSIONER LAGO: I'm in favor of exactly
13 what you said right now, especially the
14 two-story feel, because it's working everywhere
15 in the world, especially in high end markets,
16 but my only big concern was, I wanted to avoid
17 a situation like what we have had at Cocowalk,
18 which we had --

19 VICE MAYOR QUESADA: Of course. No one
20 wants that.

21 COMMISSIONER LAGO: -- prior to Sunset
22 Place, where you had a second floor and a third
23 floor --

24 VICE MAYOR QUESADA: And was empty.

25 COMMISSIONER LAGO: -- which is desolate.

1 COMMISSIONER KEON: Right.

2 MAYOR CASON: Yeah.

3 COMMISSIONER LAGO: So, I mean -- and then
4 we'd have to revert to commercial, which,
5 again, I think would function very well in that
6 building.

7 MAYOR CARSON: But this will give you the
8 opportunity to design according to whoever you
9 recruit, is that correct? You could have all
10 kinds of design elements --

11 MR. TRIAS: Yeah, I think that the changes
12 in the design encourage that that second story
13 be together with the first story than before,
14 so there's more flexibility on that, and also
15 -- yes, Commissioner.

16 COMMISSIONER KEON: Well, the issue with
17 the two-story as opposed -- you know, two-story
18 and second floor retail are very different. In
19 two-story retail, the entrance is on the ground
20 floor, ground level, and, you know, there's
21 stairs, elevator, escalator, something going
22 up, but there is not an entrance into the
23 store, generally, on the second level. It's,
24 you know, like window shopping.

25 You know, you would walk by, but there's

1 usually not an entrance. There's generally not
2 an entrance, because they are controlling the
3 coming and going from their store, and it's so
4 that nobody walks out upstairs, and it's
5 usually not as secure.

6 So two-story retail has an entrance on the
7 first floor, that is generally -- people are
8 watchful of and there's some security related
9 to it, and the upstairs has no entry, so
10 there's no doors on the upstairs.

11 VICE MAYOR QUESADA: So you're saying
12 you're --

13 COMMISSIONER KEON: Second floor retail has
14 an entry level on the second floor. So there
15 is a significant difference between two-story
16 retail and second floor retail, and what you
17 see in Cocowalk and what you see in so many
18 of -- the Shops at Sunset Place, and all of
19 these other things that we may be looking at is
20 not two-story retail, it is second floor
21 retail.

22 Now, using second floor -- and the concern
23 often raised with second floor retail is,
24 generally it's priced -- you know, it's priced
25 at a much lower rate, obviously, than first

1 floor retail, and it's much harder to rent, and
2 the fear is that if you keep pushing down the
3 rents on those spaces, you know, you will
4 affect the market rate rents for other stores
5 in the area, like, you know -- and I don't
6 think it's our job to control rents, and it's
7 the market that generally -- that will
8 determine rents. I just don't know -- we need
9 to give some thought to the amount of that type
10 of space that we want built out, because of the
11 then effect that it may have on the other
12 marketable space in our community, like the
13 Mile or different places.

14 So, I mean, whether we want to concern
15 ourselves with that, it is one issue. The fact
16 that that's what happens is -- you know, is the
17 second issue. Whether it's our issue to deal
18 with or it's a developer's issue to deal with,
19 the operator's issue to deal with, you know,
20 that's a decision, you know, we can make. I
21 don't necessarily want to dictate it.

22 I think that it probably -- I think that
23 second floor retail, where there is entry from
24 the second floor, you know, probably is well
25 served by being a -- it could be a gym, it

1 could be a spa, it could be a doctor's office,
2 it could be, you know, any one of those, as
3 opposed to in line retail, and I think it's
4 important, when we distinguish -- when we talk
5 about retail, means -- I think retail is
6 anything that's rents, is a retail, I mean,
7 other than a set of office.

8 I mean, we are -- you know, a doctor's
9 office in this is also considered retail,
10 that's in this retail number. When I think of
11 retail, I think more often as shops, I think of
12 a shoe store, a dress store, a men's store, you
13 know, coffee, tea.

14 I mean, you know, where you go in and buy
15 something. That's what I think of often as
16 retail, and that's actually in line retail, as
17 opposed to all of the other forms of retail.

18 So, you know, using that second floor
19 space, where there is entry into the space on
20 the second level, I think is well-suited for
21 doctor offices and those types of things, and I
22 really -- you know, that's more what I would
23 like to see there, and not the entry into the
24 retail -- the in line retail from the second
25 floor.

1 Do you understand the difference?

2 MAYOR CASON: Mario, how many stores --
3 what's your vision of what's going to be up
4 there? You've agreed that if you don't -- if
5 the retail doesn't work on the second floor
6 entry, you'll do something else, doctors'
7 office of professional offices.

8 MR. GARCIA-SERRA: Professional offices,
9 uh-huh.

10 MAYOR CASON: How many are going to fit up
11 there?

12 MR. GARCIA-SERRA: You know, I would have
13 to defer to Stan, perhaps, if you have a
14 response, just based on the number of square
15 feet.

16 MR. TRIAS: Mayor, if I could explain.

17 MR. EICHELBAUM: I didn't swear in earlier,
18 if you want to do that.

19 MR. LEEN: Yes. Please swear in if you
20 haven't.

21 (Thereupon, the speaker was sworn.)

22 MR. EICHELBAUM: I do.

23 COMMISSIONER LAGO: Ramon wanted to say a
24 few words.

25 MR. TRIAS: Two things have taken place.

1 The design of the project has changed, which
2 encourages much better retail downstairs and
3 also the two-story retail that you're saying
4 you prefer, and also it has minimized the in
5 line retailing happening on the second floor,
6 just because of design.

7 In addition, we have this additional
8 language in the Development Agreement. So
9 those are the two things they changed, both of
10 them are consistent with your plans.

11 MR. EICHELBAUM: I think Commissioner
12 Keon's comments are right on. I think I have
13 agreed every time I've been up here with that
14 portion, that we have a strong of a concern of
15 what is on that second level, and I've always
16 thought conversion back was right, but I also
17 have to qualify that we have a desperate need
18 to go to the market and see, and the world has
19 changed dramatically, as VICE MAYOR QUESADA
20 talked about, and second level is in high use,
21 compared to when we started this process three
22 years ago.

23 It is incredibly active, even last Saturday
24 when I walked Lincoln Road, and there's a
25 fantastic -- and we aren't endorsing a Gap

1 store for this project, but it's beautiful, and
2 they are an astute retailer.

3 As far as what we would do on it, I have to
4 qualify, again, you've got to give the chance
5 for us to give you the best project imaginable.
6 You've left out one of the most important
7 things I've talked to you, which is that
8 frontage overlooking that plaza can be
9 restaurants and be very nice, with an outside
10 terrace, and I don't want to exclude that in
11 any way.

12 There's a second trend going on around the
13 world, there's going to be a major announcement
14 in the next few days, very likely, about it,
15 which is second floor anchor.

16 A very large box taking the entire second
17 floor, and there's a very high end retailer
18 looking at it in a major American city and very
19 close to an agreement. We saw that
20 opportunity. Then, all of a sudden, that type
21 of economics works for the rate you're talking
22 about.

23 So we are committed and we can look at the
24 larger floor plate tenant coming up behind the
25 restaurants, in the back, and get the greatest

1 ambiance and a project that's just a knockout
2 all of the way around.

3 That's what we're trying to do, is create
4 that flexibility in the envelope all of the way
5 around.

6 You could even put the restaurants
7 up-front, put the professional offices behind
8 it. There's no reason -- that's been done
9 before.

10 MAYOR CASON: And before you do your final
11 design, you probably will be out recruiting --
12 in the next 18 months, you'll have a sense
13 where you'll be able to sell on that second
14 floor entry, so you'll know what you will end
15 up building.

16 MR. EICHELBAUM: We've got two to three
17 years in the most volatile industry in the
18 world right now, so it's going to reshape, and
19 the change is so dramatic all of the way around
20 -- a company called H&M changed that second
21 floor dynamic and that's what Gap copied, and a
22 lot of higher end designer shops along Fifth
23 Avenue are doing exactly the same thing. So we
24 need that flexibility.

25 And I also have to say, we have talked

1 about global tenants. Global tenants have been
2 way ahead of second level use versus American
3 retailers and there's some terrifically
4 dramatic stuff in Argentina and Brazil,
5 certainly, and a number of other markets, and
6 the Mexico market has been -- their upper end
7 retail -- you've seen it.

8 So we're saying, give us this flexibility
9 because we have to do -- if we're to get the
10 best retailers, we've got to do what the
11 retailers want, very much, as much as we can.

12 COMMISSIONER KEON: Thank you.

13 MAYOR CASON: Thank you.

14 COMMISSIONER SLESNICK: Sir, could I have
15 your name?

16 MR. EICHELBAUM: Stan Eichelbaum,
17 E-I-C-H-E-L-B-A-U-M.

18 COMMISSIONER SLESNICK: Thank you.

19 MAYOR CASON: Okay. Any more discussion on
20 this?

21 COMMISSIONER KEON: On Page 36 of this
22 Retail Standard Operations, the second
23 paragraph, I want to know if you can change the
24 wording on that. It says, "The retail portions
25 of the project shall be a first class regional

1 shopping center, consistent with the approval"
2 -- I'd like you to take out that word,
3 "Shopping center," and find out something --
4 another word that suits it better.

5 MAYOR CASON: Shopping experience.

6 MR. GARCIA-SERRA: Retail destination.

7 COMMISSIONER KEON: Can we take that out,
8 please?

9 MAYOR CASON: Yes, take out -- it has a
10 connotation.

11 COMMISSIONER KEON: Retail whatever, but
12 it's not a -- not a regional shopping center,
13 okay.

14 MR. GARCIA-SERRA: First class -- right.

15 COMMISSIONER KEON: That will be all right
16 with you? Thank you.

17 MR. GARCIA-SERRA: Sure. That's fine with --
18 A shopping destination.

19 MAYOR CASON: All of those words, okay.

20 COMMISSIONER KEON: Shopping experience. I
21 don't really care.

22 VICE MAYOR QUESADA: Only places where
23 Commissioner Keon would go.

24 COMMISSIONER KEON: My children refer to
25 that as Patty's world.

1 COMMISSIONER SLESNICK: My office is right
2 next door. I think everybody is going to go
3 for lunch and not come back for three hours.

4 COMMISSIONER KEON: On Page 5 of this
5 Development Agreement, it talks about the hotel
6 certification. It's now four or five.

7 VICE MAYOR QUESADA: What?

8 COMMISSIONER KEON: It's now four or five
9 diamond or whatever --

10 COMMISSIONER LAGO: The level.

11 COMMISSIONER KEON: Four or five diamond
12 hotel, as per AAA standards and certifications,
13 shall be kept current throughout the life of
14 the project -- what's the difference between a
15 four and five-star or five-diamond.

16 MAYOR CASON: One more star.

17 I don't know. What does that mean?

18 VICE MAYOR QUESADA: You know something,
19 obviously I would much rather have, if we can,
20 just leave it at five, but I think we've got to
21 be a little realistic, I don't think there is a
22 five in quite -- I know there's not a five in
23 Coral Gables, is there?

24 COMMISSIONER LAGO: The Mandarin.

25 COMMISSIONER KEON: There is not a five in

1 Coral Gables. That's why I said --

2 COMMISSIONER LAGO: The Mandarin Oriental.

3 MR. GARCIA-SERRA: I believe the Four
4 Seasons in Miami is the only five-star.

5 COMMISSIONER LAGO: The Four Seasons and
6 the Mandarin Oriental would qualify as a
7 five-star?

8 COMMISSIONER KEON: Yes, the Mandarin
9 Oriental is, yes.

10 MR. FERNANDEZ: Only the Four Seasons and
11 the Mandarin Oriental, and even the Biltmore is
12 four stars --

13 COMMISSIONER KEON: Well, yeah, the
14 Biltmore is four.

15 MR. FERNANDEZ: Mainly 90 percent of all of
16 the hotels in Miami are four starts. We are
17 concerned about that. We want to have the
18 highest quality --

19 COMMISSIONER LAGO: Hector, I'm sorry, 90
20 percent of the hotels are --

21 MR. FERNANDEZ: Four stars.

22 COMMISSIONER KEON: Are four stars.

23 COMMISSIONER LAGO: Four stars or less?

24 MR. FERNANDEZ: I mean, yes, four stars or
25 less, but not five stars.

1 COMMISSIONER KEON: Right.

2 MR. FERNANDEZ: And the issue is that all
3 of the business hotels are usually, by these
4 classifications, considered four stars, but
5 some of them could be like the quality of a
6 Four Season, but even though because it is a
7 business, because it has -- it's lacking for
8 some services that the business hotels, in
9 difference with the resorts of beach hotels,
10 they don't have, that's why they consider it
11 four stars.

12 MAYOR CARSON: Oh, lack of a spa or a
13 gymnasium --

14 MR. FERNANDEZ: That's why we don't want to
15 be stuck with that classification. We know
16 that we're going to do something beautiful,
17 high end, the quality we want -- we'd like to
18 build. We want to bring here the best
19 executives, but also they have budgets and they
20 have to pay -- all of the people from the
21 companies, they have budgets to pay a specific
22 amount of money for the rooms, so we cannot go
23 to a hotel that will be asking for \$800 for a
24 room, because then we wouldn't -- the hotel
25 will go bankrupt in two years or in a year.

1 COMMISSIONER KEON: Do we know what the
2 Peninsula in Chicago is? Do we know what the
3 Peninsula in Chicago is? What is that? Do you
4 know what the rating is?

5 MR. FERNANDEZ: The Peninsula should be
6 five stars. Usually all of the Peninsulas are
7 five stars.

8 COMMISSIONER KEON: The Peninsula in
9 Chicago is a five-star hotel, right? That's a
10 business hotel.

11 MR. FERNANDEZ: But, for example, we like
12 very much the Peninsula. They're interested.
13 There are like six different brands interested.
14 So we're going to talk, but we need this day --
15 I mean, the approval, if you grant it, to begin
16 talking with all of the -- I did receive this
17 morning a note from another hotel operator.

18 They want to operate the hotel, but we
19 cannot begin speaking with them until we pass
20 this process.

21 MAYOR CASON: So you'll do your best to get
22 a five-star with the right price so that you
23 don't go bankrupt.

24 COMMISSIONER KEON: Okay. We will allow
25 you the four, but we're hoping you'll go with

1 five.

2 MR. FERNANDEZ: Yes.

3 MAYOR CASON: Got it.

4 COMMISSIONER KEON: I have a question, too.
5 On Page 8 it talks about employee parking. I
6 would hope that you would have a plan that
7 would park all of your employees within your
8 project.

9 MAYOR CASON: Right.

10 COMMISSIONER KEON: And if you have to
11 subsidize their parking -- otherwise they're
12 going to be in that neighborhood behind or on
13 our swales or other places, like we see with
14 some other places in our City.

15 MR. GARCIA-SERRA: The Development
16 Agreement requires an employee parking plan
17 prior to CO and it does indeed require that all
18 of the parking be on-site.

19 COMMISSIONER KEON: That all of the parking
20 be inside?

21 MR. GARCIA-SERRA: Right.

22 Another thing that we've agreed to is to
23 finance and support the resident parking permit
24 program for the neighborhood to the east.

25 COMMISSIONER KEON: Okay. Well, the other

1 one I have is with regard to the restaurant,
2 but I think maybe we'll talk about the
3 restaurant before -- before I ask him -- before
4 I talk about the Development Agreement with
5 regard to it. So why don't we talk about that?

6 MAYOR CASON: Okay. So do you have any
7 other -- you've finished --

8 COMMISSIONER KEON: No. We can talk about
9 that when we make a decision on the restaurant.

10 VICE MAYOR QUESADA: It is time. I think
11 we're down to the restaurant.

12 COMMISSIONER KEON: Yes.

13 COMMISSIONER SLESNICK: You know how I feel
14 about the restaurant. It's not about the
15 restaurant.

16 COMMISSIONER KEON: No, I do. I do.

17 COMMISSIONER SLESNICK: It's 24 feet, which
18 is two stories, so --

19 COMMISSIONER KEON: I think it's important
20 that you -- and I really do understand what
21 you're saying and I appreciate what you've had
22 to say, and I know you've spoken and you've
23 been very consistent in how you feel about
24 this. It was my understanding, from our last
25 discussion, that the restaurant portion of that

1 acts like a pedestal to the embellishment on
2 top, and it's a 5,000 square foot space.

3 It is only 5,000 square feet, which is not
4 a particularly -- is that right?

5 MALE SPEAKER: One foot print. Each level
6 is 5,300 square feet.

7 COMMISSIONER KEON: Right, but it's a -- I
8 mean, it's only -- it's 5,000 square feet and
9 it's -- so it's not --

10 COMMISSIONER SLESNICK: But it's two
11 stories inside, correct?

12 COMMISSIONER KEON: Yes, but it steps in
13 from -- as the building goes up, it continues
14 to step in. So it's a very significant design
15 element for the building.

16 So the issue is, you know, in my --

17 COMMISSIONER SLESNICK: I agree with the
18 design. I agree with the design. I agree with
19 the height of the additional --

20 COMMISSIONER KEON: So it's whether or not
21 it remains empty or you use it?

22 VICE MAYOR QUESADA: Her issue is the
23 precedent of the habitable area -- going above
24 the habitable area.

25 COMMISSIONER KEON: Right. So that seems

1 to be the issue. Right.

2 COMMISSIONER SLESNICK: Right.

3 COMMISSIONER KEON: So the issue really
4 seems to be -- I mean, it will look exactly the
5 same, so it's whether you allow it to be
6 utilized or it remains empty?

7 COMMISSIONER SLESNICK: Yes. That's it.

8 COMMISSIONER KEON: That's really --

9 VICE MAYOR QUESADA: That's it.

10 MAYOR CASON: That's the essence of it.

11 COMMISSIONER KEON: And you're talking
12 about -- you had proffered that if it wasn't
13 going to go, you would take out the glass and
14 it would be an open space; is that right?

15 You know, my only concern with that -- and
16 I agree with you and I have a concern about the
17 habitable space, but I don't want to see it
18 become a pigeon coop, and that's what happens
19 to open spaces, when you have high -- open
20 spaces that are high up on buildings, that are
21 open and are never used, they become nesting
22 grounds for birds.

23 COMMISSIONER SLESNICK: They're going in
24 the higher floors, in the higher --

25 COMMISSIONER KEON: Well, it's the --

1 COMMISSIONER SLESNICK: No, the pigeons or
2 the buzzards, like the courthouse -- the
3 buzzards are going to be on the ramp around --
4 above the restaurant. I'm just teasing.

5 COMMISSIONER KEON: But they then go
6 into -- I mean, they can go into that part of
7 it and that's where they decide they're going
8 to live, so --

9 VICE MAYOR QUESADA: Attacking the
10 pedestrians if there was no restaurant.

11 COMMISSIONER LAGO: That's why we've broken
12 out that decision.

13 COMMISSIONER KEON: Right.

14 COMMISSIONER LAGO: That will be voted on
15 after the additional seven or eight ordinances
16 that we have to vote on.

17 COMMISSIONER KEON: I'd rather have it be
18 habitated -- is that a word --

19 MAYOR CASON: Occupied.

20 COMMISSIONER KEON: I'd rather have it be
21 habitable and not be a nesting ground, for only
22 that reason.

23 MAYOR CASON: And as I've said before --

24 COMMISSIONER SLESNICK: I see your point.

25 MAYOR CARSON: As I've said before, I agree

1 with it, because I think if it's open up, not
2 only do we have events up there, but talk about
3 noise with the canyon -- I mean, up and down
4 you're going to hear a lot more noise than if
5 it's closed, air-conditioned, and I think it
6 will bring -- I think it's an amenity that's --
7 that's great.

8 COMMISSIONER KEON: Well, you know, I
9 wouldn't care if it was an open area bar. I
10 wouldn't care if it was an open area kind of
11 area where people -- I just think it needs to
12 be utilized, otherwise it's going to become,
13 you know, a space really that you just -- that,
14 you know, birds are going to occupy. I don't
15 want pigeons.

16 COMMISSIONER SLESNICK: I want to ask,
17 Ramon -- Ramon, if there is a restaurant there,
18 then we need those extra 36 parking spaces or
19 more, because I was reading the traffic report,
20 which is very difficult for me, reading the
21 traffic report, but it was talking about a
22 hundred extra parking spaces needed between
23 6:00 and ten o'clock at night if there is a
24 restaurant there?

25 MAYOR CASON: Restaurant there or

1 restaurants in the facility?

2 COMMISSIONER SLESNICK: Restaurant -- well,
3 the traffic report addressed the restaurants
4 and the retail space, because this was not
5 counted on as square footage or it was
6 counted --

7 MALE SPEAKER: All of the analyses that's
8 been done to date includes the restaurant.

9 COMMISSIONER SLESNICK: Including the
10 restaurant, okay.

11 MR. TRIAS: Okay. Let me -- the big
12 picture here is that there is a shared parking
13 plan that takes all of this into account. It
14 only works because all of the uses are in the
15 same place. So that's the big picture issue.
16 I think that if you start breaking out uses --

17 COMMISSIONER SLESNICK: Okay. No, I'm just
18 saying, if you have a ball downstairs with
19 the -- because this is the same building, 500
20 people at the ballroom, a hundred people at the
21 restaurant -- how many people in a 5,000 foot
22 restaurant, a hundred people?

23 Okay. We already have 600 people in the
24 building, besides the hotel guests and the
25 people using, what, the other things in the

1 hotel, are these people going to be parking --
2 they're all parking down below?

3 MR. TRIAS: Yeah, and what happens is, for
4 example, that's at night, and then there's no
5 office customers, so then there's additional
6 parking available and --

7 COMMISSIONER SLESNICK: But they have to go
8 further. They have to go further away.

9 MR. TRIAS: But that's the theory behind
10 the shared parking, and I will advise you to
11 keep that thinking, because if you start
12 breaking it apart, it just doesn't work
13 anymore.

14 COMMISSIONER SLESNICK: No, and I see the
15 shared parking, but just like Pat was --
16 Commissioner Keon was talking about, walking in
17 high heels the whole length of the parking lot
18 to a ball -- I'm just pointing these things
19 out, but really I'm not in favor of having the
20 restaurant, I'd rather have the open space,
21 because it sets precedent, not because of the
22 restaurant. I like the design.

23 MR. TRIAS: Yeah. I think the parking
24 argument is not as strong.

25 COMMISSIONER SLESNICK: I like the

1 building. I like everything else about the
2 project.

3 MR. TRIAS: Sure.

4 MAYOR CASON: Let me ask this now, your
5 subjects have been discussed.

6 VICE MAYOR QUESADA: They have.

7 MAYOR CASON: Commissioner Keon, other than
8 that, do you have -- I mean, Commissioner
9 Slesnick, anything else?

10 COMMISSIONER SLESNICK: No.

11 MAYOR CASON: Do you have anything else
12 that you want to discuss? Anything else?

13 All right. Why don't we then get to the
14 vote on the seven issues.

15 Why don't you read what we have --

16 MR. LEEN: So why don't we start, if it's
17 okay with the Comission and you, Mr. Mayor,
18 with the vote as to whether in concept you
19 approve this project.

20 MAYOR CASON: Okay. All right.

21 MR. LEEN: But the vote is without the
22 additional height, without the habitable space.
23 Then there will be another vote, and this is
24 all to incorporate what the final seven votes
25 are going to be, but I know that there was a

1 request to have a vote on the project without
2 the habitable height.

3 MAYOR CASON: Right.

4 COMMISSIONER LAGO: I made that request.

5 MR. LEEN: You did, and also Commissioner
6 Slesnick.

7 COMMISSIONER KEON: Well, it would be with
8 that height, but whether -- then it would be
9 whether that height is habitable.

10 MR. LEEN: Commissioner Keon is correct.
11 You're absolutely right, Commissioner. I'm
12 sorry. It would be with the height, but it
13 would not be habitable. There would be no
14 restaurant there with this vote --

15 MAYOR CASON: Right.

16 COMMISSIONER LAGO: Which even with that
17 height, it's still --

18 MR. LEEN: Yes.

19 COMMISSIONER LAGO: -- the building is
20 still lower than the Biltmore and the Allen
21 Morris Building.

22 MR. LEEN: But what I wanted to explain to
23 the Commission is, by voting for this, it
24 doesn't -- there's going to be another vote
25 right after as to whether you want to extend

1 the habitable height.

2 MAYOR CASON: Right.

3 MR. LEEN: So you could vote, yes, for
4 both. It allows you to vote --

5 COMMISSIONER KEON: You can vote yes or no.

6 MR. LEEN: Or you could vote yes and no.

7 MAYOR CASON: Yeah, okay.

8 All right. Are we going to vote
9 conceptually of the whole project or do you
10 want to go each of them separately?

11 MR. LEEN: The whole project, just one
12 vote --

13 MAYOR CASON: All right.

14 MR. LEEN: -- without the habitable height.

15 MAYOR CASON: All right. Do we have a
16 resolution?

17 MR. LEEN: We will do the seven votes, Vice
18 Mayor, we will.

19 COMMISSIONER KEON: Okay. Go ahead.

20 MR. LEEN: But I was asked if this could be
21 done --

22 VICE MAYOR QUESADA: In this format?

23 MR. LEEN: Yes.

24 VICE MAYOR QUESADA: All right.

25 MR. LEEN: And it can be.

1 MAYOR CASON: Who wants to make a motion?

2 VICE MAYOR QUESADA: I'm a little confused
3 here. So what's the first --

4 COMMISSIONER LAGO: We're making a motion,
5 and correct me if I'm wrong -- we're making a
6 motion to approve the seven ordinances --
7 sorry, what?

8 MR. LEEN: This is a conceptual vote.
9 You're voting in concept whether you would
10 approve the project and we're going to do a
11 second vote regarding the height. So this is
12 -- you're voting to say that the --

13 VICE MAYOR QUESADA: I'm going to make a
14 motion --

15 MR. LEEN: Yes.

16 VICE MAYOR QUESADA: -- approving in
17 concept the project. Is that what you're
18 looking for?

19 MR. LEEN: Yes.

20 COMMISSIONER LAGO: In accordance with the
21 Development Agreement and all of the other --

22 MR. LEEN: In accordance with everything
23 and then --

24 VICE MAYOR QUESADA: In accordance with
25 everything, and excluding the habitable height

1 issue.

2 MR. LEEN: That's correct. Exactly. Thank
3 you, Mr. Vice Mayor.

4 COMMISSIONER SLESNICK: Including the alley
5 vacation and so forth?

6 MR. LEEN: Everything.

7 VICE MAYOR QUESADA: Actually, I'm sorry, I
8 have one more issue we need to discuss. I'm
9 retracting my motion.

10 Mr. Capote mentioned something about
11 flooding and potentially the foundations being
12 affected. Can I have an engineer or someone
13 tell me whether that's a valid concern or not?
14 Is it a valid concern that we're going to have
15 either his home or the historic building be
16 lifted by water?

17 I apologize. I just remembered.

18 MAYOR CASON: You raised your hand earlier?

19 MR. RODRIGUEZ: Yes, I did.

20 MAYOR CASON: Okay. Why don't you state
21 your name for the --

22 VICE MAYOR QUESADA: It's her fault. She
23 reminded me of it.

24 MR. RODRIGUEZ: My name is Leonardo
25 Rodriguez, with Lagan Engineering, 15150

1 Northwest 79th Court, Miami Lakes, civil
2 engineer for the project.

3 To answer your question specifically, there
4 are several ways that this project can be
5 constructed, and I guess in reference, you're
6 referring to the basement --

7 VICE MAYOR QUESADA: You know, I don't need
8 the detail. I'm not an engineer.

9 MR. RODRIGUEZ: We won't give you the
10 details, but we do not anticipate, because of
11 the way it's going to be built, that there's
12 going to be water boiling up.

13 As a matter of fact, typically the way
14 these kinds of projects are built, there are
15 many ways to build it, but, in general, you
16 build it in the wet and then you get rid of the
17 water that's inside, so you're not displacing
18 water up. You build it, you seal the bottom.
19 There's water inside your big bathtub, if you
20 will, and then you pump that water out and
21 drain it out, but there will be no water
22 boiling up underneath anybody's homes or the
23 adjacent --

24 VICE MAYOR QUESADA: So no buildings will
25 be flooding?

1 MR. RODRIGUEZ: No.

2 MAYOR CASON: And we won't have the
3 champagne cork phenomenon?

4 MR. RODRIGUEZ: You will not, sir.

5 MAYOR CASON: Okay.

6 COMMISSIONER LAGO: This is a real simple
7 concept and they're not reinventing the wheel
8 here.

9 VICE MAYOR QUESADA: I got it. I
10 understand that, but I'm not an engineer and
11 we'll have --

12 COMMISSIONER LAGO: No. I didn't mention
13 it, because I just didn't want to give any
14 credence to that comment.

15 MR. RODRIGUEZ: And they'll be, you know,
16 very experienced contractors working on this
17 project. It won't be their first time to the
18 rodeo. We will, along with ownership, make
19 sure that there's adequate experience on
20 whoever is going to be doing this job.

21 VICE MAYOR QUESADA: Thank you so much.

22 MR. RODRIGUEZ: Thank you.

23 VICE MAYOR QUESADA: I renew my motion to
24 approve the project conceptually, including
25 everything that we've discussed and

1 incorporating and even including the alley
2 vacation and the only thing that it excludes is
3 the habitable height.

4 COMMISSIONER LAGO: I'll second the motion.

5 MAYOR CASON: All right. The Vice Mayor
6 made the motion. Commissioner Lago second.

7 City Clerk.

8 CITY CLERK: Commissioner Slesnick?

9 COMMISSIONER SLESNICK: Yes.

10 CITY CLERK: Commissioner Keon?

11 COMMISSIONER KEON: Yes.

12 CITY CLERK: Commissioner Lago?

13 COMMISSIONER LAGO: Yes.

14 CITY CLERK: Vice Mayor Quesada?

15 VICE MAYOR QUESADA: Yes.

16 CITY CLERK: Mayor Cason?

17 MAYOR CASON: Yes.

18 VICE MAYOR QUESADA: I'm going to make a
19 motion now to allow the habitable height to go
20 up to the proposed height that the Applicant is
21 proposing, and, in other words, to allow a
22 restaurant.

23 MAYOR CASON: Do we have a second?

24 COMMISSIONER KEON: I'll second it.

25 MAYOR CASON: Okay. Commissioner Keon

1 seconds it.

2 City Clerk.

3 CITY CLERK: Commissioner Keon?

4 COMMISSIONER KEON: Yes.

5 CITY CLERK: Commissioner Lago?

6 COMMISSIONER LAGO: No.

7 CITY CLERK: Vice Mayor Quesada?

8 VICE MAYOR QUESADA: Yes.

9 CITY CLERK: Commissioner Slesnick?

10 COMMISSIONER SLESNICK: No.

11 CITY CLERK: Major Cason?

12 MAYOR CASON: Yes.

13 MR. LEEN: Okay.

14 VICE MAYOR QUESADA: Anything else we need
15 to vote on?

16 MR. LEEN: Yes. So with this, now we have
17 to go through each of the seven. These are
18 final votes. Incorporate all of these
19 preliminary --

20 VICE MAYOR QUESADA: I'll make a motion on A-1.

21 MAYOR CASON: Second?

22 COMMISSIONER KEON: Second.

23 VICE MAYOR QUESADA: I apologize.

24 COMMISSIONER KEON: As long as we did that,
25 can I go back and look at this one item that is

1 the restaurant -- the retail operation of the
2 restaurant in the Agreement on Page 36, as long
3 as you are going to have a habitable -- as long
4 as it passed that there's a restaurant there.

5 VICE MAYOR QUESADA: So you're referring to
6 Exhibit F?

7 COMMISSIONER KEON: I'm sorry, it's not on
8 36.

9 MAYOR CASON: It's under A-1.

10 COMMISSIONER KEON: It's not on 36. It's
11 on 38.

12 MAYOR CASON: You want to read A-1 first?

13 VICE MAYOR QUESADA: Oh, the Development
14 Agreement.

15 COMMISSIONER KEON: Right, on this
16 restaurant. I would like to make it very clear
17 that if for any reason a restaurant is not
18 successful at this -- in this location, that it
19 will revert to -- I would rather see it revert
20 to a non-habitable use.

21 MAYOR CARSON: All right. Would that be
22 under A-7? Where would that be discussed, that
23 amendment?

24 COMMISSIONER KEON: I don't know.

25 MAYOR CASON: That wouldn't be here.

1 COMMISSIONER KEON: I mean, I'm looking at
2 it in the Development Agreement.

3 MR. LEEN: Yes, say again exactly the --

4 MAYOR CASON: You know, we have to go
5 through A-1, 2, 3, 4 -- I'm just wondering when
6 that will --

7 COMMISSIONER KEON: Well, my concern is, it
8 says Standards of Operations, and it talks
9 about that it's, you know, a mix of fine dining
10 and whatever, and you list, you know, the types
11 of places it is.

12 MR. LEEN: And what do you want to do to
13 that?

14 COMMISSIONER KEON: It says a restaurant
15 proposed for the top two levels, a hotel should
16 be -- you know, I want to make sure we are
17 talking about this habitable space that we have
18 given you, this 5,000 square feet, as being a
19 restaurant. If it doesn't succeed as a
20 restaurant, and there's nothing that will
21 guarantee that you will have success there as a
22 restaurant -- I mean, again, I've said it,
23 that's your business plan --

24 VICE MAYOR QUESADA: Commissioner.

25 COMMISSIONER KEON: -- but I want to know

1 what happens if it's not a restaurant.

2 VICE MAYOR QUESADA: I think maybe we'd be
3 getting a little ahead of ourselves if we're so
4 strict that way, because what's to say they
5 don't decide -- let's say it doesn't work out
6 as a restaurant, let's say, worst case
7 scenario, doesn't work, they bring in the top
8 chef in the world and it doesn't work.

9 COMMISSIONER KEON: Right.

10 VICE MAYOR QUESADA: They make no money.
11 We don't want a Hooters up there, for example.
12 You know, we want fine dining, that's it, but
13 what's to say they can't turn that into a
14 ballroom to complement the other aspects of the
15 project?

16 I think that would be something consistent
17 with what you mentioned earlier. I don't know,
18 so I don't think we want to handcuff them at
19 that point. I think we maybe say, if it's
20 unsuccessful, then the Commission has a right
21 to come in and maybe readdress it.

22 COMMISSIONER KEON: I would then -- if it's
23 not going to be used as a restaurant, then it
24 has to come back before the Commission for its
25 use. All right.

1 MAYOR CASON: That makes more sense.

2 COMMISSIONER KEON: But I don't want to see
3 it be used as retail. I don't want it to be
4 converted into a hotel room.

5 MR. LEEN: You accept that?

6 VICE MAYOR QUESADA: I agree.

7 COMMISSIONER KEON: I don't want it to be
8 moved to something else.

9 (Simultaneous speaking.)

10 COMMISSIONER KEON: And I'm voting for it
11 as a restaurant, because I don't want to see it
12 be empty, unused space up there.

13 VICE MAYOR QUESADA: That's a conversation
14 for another day.

15 MR. LEEN: So the only permissible use,
16 then, is going to be a restaurant, and then if
17 you're going to change the use, you have to
18 come back and ask the Commission's permission.
19 It will be directly to the Commission?

20 MAYOR CASON: Right.

21 MR. LEEN: They can come directly to you?

22 COMMISSIONER KEON: Yes. It's not through
23 an administrative order or anything else. It
24 is through this Commission.

25 MAYOR CASON: Yeah. Come to the Commission

1 and ask us -- make a presentation.

2 MR. GARCIA-SERRA: Right now the wording
3 says, dining and entertainment establishment,
4 which I'm sure you're fine with, if there is
5 some sort of, you know, jazz singer, you know,
6 in there or whatever else it might be, and
7 we're in agreement that if that dining and
8 entertainment establishment is not successful
9 or we can't, you know, successfully have one
10 there, then we come back to this Commission to
11 figure out what the use is.

12 MR. LEEN: Ramon.

13 MR. TRIAS: It's in the Comp Plan language,
14 also.

15 MR. GARCIA-SERRA: Right.

16 MR. TRIAS: Don't forget that. That's the
17 only thing that the Comp Plan allows it to have
18 above that height. So there are multiple ways
19 to ensure that that's the only thing that can
20 happen.

21 VICE MAYOR QUESADA: But you're saying it's
22 already worked into the language.

23 MR. TRIAS: Yes. Yes.

24 VICE MAYOR QUESADA: Okay.

25 MR. TRIAS: And, furthermore, any amendment

1 to the PAD has to come before you, so they may
2 amend it in many ways, and one of them may
3 be --

4 COMMISSIONER KEON: Well, not every
5 amendment, because there are some amendments
6 that if they're 10 percent, they can be done
7 administratively.

8 MR. TRIAS: There's a process, yes.

9 COMMISSIONER KEON: There are some that are
10 20 percent, can be done. So not every
11 amendment comes back to the Commission.

12 COMMISSIONER LAGO: Well, but this one
13 does.

14 COMMISSIONER KEON: I want to make sure
15 that this amendment comes back to the
16 Commission.

17 CITY MANAGER SWANSON-RIVENBARK: Can I just
18 -- I'm sorry.

19 COMMISSIONER SLESNICK: Also we're talking
20 about a four or five-star restaurant, like you
21 said, not a --

22 MAYOR CASON: It's in there.

23 COMMISSIONER SLESNICK: I wanted to also --

24 COMMISSIONER LAGO: Let me --

25 VICE MAYOR QUESADA: Let her finish. Let

1 her finish.

2 COMMISSIONER SLESNICK: Go ahead.

3 COMMISSIONER LAGO: I just want to be
4 careful, because we're throwing around
5 Michelin, and I don't think in the City of
6 Miami there's one Michelin rated restaurant.

7 VICE MAYOR QUESADA: There isn't.

8 COMMISSIONER LAGO: There was one, but --
9 so --

10 VICE MAYOR QUESADA: But if notice, the
11 Development Agreement uses restaurants that are
12 in the community.

13 COMMISSIONER LAGO: No, I know. I know. I
14 just want to set expectations where they should
15 be.

16 MR. TRIAS: That's a condition of approval.

17 MR. FERNANDEZ: You know, what is going to
18 happen is, of course, we will bring the best we
19 can, but if by any reason -- sorry.

20 COMMISSIONER SLESNICK: I'll yield to the
21 gentleman.

22 MR. FERNANDEZ: Thank you very much.

23 If by any reason it doesn't work, the first
24 restaurant, if it's Italian, then we will try a
25 second shop, a French, another Michelin -- I

1 mean, because sometimes depends on the food,
2 sometimes depends on the creation. You never
3 know.

4 Restaurants are very hard to handle, so
5 hopefully we will hit the first time, but if
6 not, we will keep trying, because I agree that
7 that spot for a restaurant is going to be a
8 shot. I like it, and I think could work, but
9 we will do all our efforts to make it work.

10 MAYOR CASON: All right. Let's -- City
11 Attorney --

12 VICE MAYOR QUESADA: Wait, Mr. Mayor.

13 COMMISSIONER SLESNICK: One more point.
14 It's a two-story restaurant, not two floors of
15 one story each of a restaurant, because you
16 could in 24 feet of height have two floors?

17 MAYOR CASON: One restaurant.

18 COMMISSIONER KEON: But it's -- no, it's one --

19 COMMISSIONER SLESNICK: I just want to make
20 it clear.

21 COMMISSIONER KEON: Right, it's -- one
22 restaurant.

23 MAYOR CASON: Restaurant.

24 COMMISSIONER SLESNICK: No, they said that
25 earlier. One, two-story restaurant.

1 COMMISSIONER KEON: With that ceiling height.

2 COMMISSIONER LAGO: That's the beauty of
3 it.

4 MAYOR CASON: That's why it's nice, the
5 tall ceilings.

6 COMMISSIONER LAGO: The beautiful
7 windows --

8 COMMISSIONER SLESNICK: And I just want to
9 make it clear -- you're talking about quality,
10 I'm talking about two floors, so --

11 MR. LEEN: But just to clarify, are you
12 saying --

13 COMMISSIONER KEON: Right, one restaurant.

14 MR. LEEN: -- that if the restaurants don't
15 work and it's just going to be used as a
16 ballroom, that still needs to come before you?

17 COMMISSIONER LAGO: No. What Commissioner
18 Keon stated was that if for some reason the
19 owner, developer decides to change from the use
20 of a restaurant, and they have another
21 interest, a jazz bar, a ballroom, that it has
22 to come before the Commission.

23 MAYOR CASON: Come back to the Commission.

24 MR. LEEN: That's what I'm asking. Even a
25 ballroom?

1 COMMISSIONER KEON: Yes.

2 VICE MAYOR QUESADA: I say, no, for a
3 ballroom. I think it's consistent with --

4 COMMISSIONER LAGO: Yeah, I don't have an
5 issue with a ballroom, it's pretty -- at all.
6 I don't have an issue with a ballroom, either.
7 Again, I would hope that it would not become a
8 ballroom use forever, because the location is,
9 you know, probably the best location in the
10 City.

11 VICE MAYOR QUESADA: Best view of the City.

12 MAYOR CASON: Yeah.

13 COMMISSIONER LAGO: I mean, you would hope
14 it would have some sort of, you know, very
15 cache use.

16 COMMISSIONER SLESNICK: You can have a lot
17 of nice weddings up there.

18 COMMISSIONER KEON: Right.

19 Can I ask the Manager, could you -- yes.

20 CITY MANAGER SWANSON-RIVENBARK: Just, the
21 nice weddings create more parking, and so I'm
22 just suggesting --

23 COMMISSIONER SLESNICK: I want those 36
24 spaces back.

25 CITY MANAGER SWANSON-RIVENBARK: No, no, no

1 -- I'm just suggesting that if you all don't
2 have an issue, then there shouldn't be an issue
3 with it coming back to you to get to approve
4 it.

5 COMMISSIONER KEON: Right.

6 CITY MANAGER SWANSON-RIVENBARK: So at this
7 point, it has to be one restaurant, that takes
8 up 24, you know, linear feet --

9 COMMISSIONER KEON: The whole space.

10 CITY MANAGER SWANSON-RIVENBARK: -- right,
11 and that it is a Michelin 4 plus category --

12 COMMISSIONER LAGO: Michelin 4 doesn't
13 exist.

14 COMMISSIONER KEON: I don't think it has --
15 I think we have some great restaurants that are
16 not Michelin rated.

17 CITY MANAGER SWANSON-RIVENBARK: I'm on to
18 the -- I know the AAAs.

19 COMMISSIONER KEON: Well, I mean, I think --

20 MAYOR CASON: High quality.

21 CITY MANAGER SWANSON-RIVENBARK: And so
22 what are you calling it?

23 COMMISSIONER KEON: Zuma's is a very good
24 restaurant and Zuma's is not Michelin rated.

25 VICE MAYOR QUESADA: I want a Goodyear 10

1 diamond restaurant.

2 (Simultaneous speaking.)

3 COMMISSIONER LAGO: I just don't want to
4 tie -- let's not tie the developer down, I
5 mean, to some --

6 CITY MANAGER SWANSON-RIVENBARK: But, sir,
7 I'm confident that this developer will rise to
8 the standard that you're asking for. You are
9 going higher than you have been in the
10 Downtown. You are going higher to allow this
11 restaurant, and I don't have any problem with
12 you all setting what that standard should be.

13 COMMISSIONER KEON: That's right.

14 COMMISSIONER LAGO: So as the Vice Mayor
15 said, we would request a Goodyear 10 Diamond.
16 It doesn't even exist. We're just going to
17 invent our own rating scale.

18 COMMISSIONER KEON: Well, I would like any
19 use, other than a fine dining restaurant, to
20 have to come back to this Commission.

21 MAYOR CASON: That's fine. I don't have a
22 problem with that.

23 COMMISSIONER KEON: Because, you know,
24 we're giving you that and in return that's what
25 we want.

1 VICE MAYOR QUESADA: Yeah, but hold on a
2 second. Then we have to vote on that, because
3 I'm okay with them converting it to a ballroom
4 or maybe they have special events that the
5 restaurant is having one night. Someone rents
6 out the entire restaurant and they have a big
7 event or --

8 COMMISSIONER KEON: That's an event, that's
9 not a use.

10 MR. LEEN: Okay. So because there's
11 disagreement, there should be a vote.

12 VICE MAYOR QUESADA: Okay.

13 MAYOR CASON: All right. So --

14 COMMISSIONER KEON: Okay. So what's the vote?

15 MR. LEEN: The vote is on whether to allow
16 it to be a ballroom.

17 COMMISSIONER KEON: Okay.

18 VICE MAYOR QUESADA: Okay. If the
19 restaurant -- if they decide at one point or
20 another the restaurant use does not work --

21 COMMISSIONER KEON: It's not viable.

22 VICE MAYOR QUESADA: -- it's not viable, my
23 motion is that they are entitled to change it
24 to a ballroom use without coming before
25 Commission.

1 COMMISSIONER KEON: Well, my concern with a
2 ballroom use is, again, actually the amount of
3 parking that is needed for a ballroom. You
4 have more --

5 VICE MAYOR QUESADA: I believe the parking
6 requirement for a restaurant is the same
7 parking requirement that there is for a
8 ballroom use under our Code. So there would be
9 no impact.

10 COMMISSIONER KEON: Is that right?

11 COMMISSIONER SLESNICK: It is.

12 MR. LEEN: Our special counsel is
13 confirming that.

14 VICE MAYOR QUESADA: I'm not certain.

15 COMMISSIONER SLESNICK: I think it is.

16 COMMISSIONER KEON: But a restaurant is --
17 isn't it by seat or whatever?

18 VICE MAYOR QUESADA: Yes.

19 COMMISSIONER SLESNICK: It's the same.
20 It's the same, yeah.

21 COMMISSIONER KEON: And so in its use, it
22 is the same parking requirement? Somebody
23 better tell me the right answer.

24 CITY MANAGER SWANSON-RIVENBARK: Can we
25 just get full clarity here? The requirements

1 for a restaurant for parking versus the
2 requirements for a ballroom.

3 MS. TREVARATHEN: What I'm being told by
4 Tim is that they're very similar, but he
5 doesn't have the exact numbers.

6 CITY MANAGER SWANSON-RIVENBARK: But he's
7 talking from a parking generation --

8 COMMISSIONER KEON: I'd like our Staff to
9 tell us, please.

10 CITY MANAGER SWANSON-RIVENBARK: -- and
11 we're talking from a Zoning standpoint.

12 COMMISSIONER KEON: I want to know from a
13 Zoning standpoint the parking requirement
14 that's in our Code.

15 CITY MANAGER SWANSON-RIVENBARK: We are
16 very close to finishing this, and I think this
17 detail is important.

18 COMMISSIONER KEON: Okay. Right.
19 Can you go pull up the Code?

20 MR. TRIAS: And as I walk, she's -- yes,
21 Meegan is looking at the Code right now to make
22 sure we're not making any mistakes. Having
23 said that -- having said that, it is not really
24 that critical, because of the shared parking
25 issues.

1 So I'm just explaining that, because the
2 fact of the matter is that the way the parking
3 is being calculated is not that way, it's
4 through that shared parking method.

5 COMMISSIONER KEON: Right, but the way --
6 you know, the only -- and I don't know this to
7 be a fact, I admit, it probably could be just
8 anecdotal, but I look at the ballroom type use
9 at the Coral Gables Country Club and the amount
10 of parking that it requires, as opposed to the
11 use of a restaurant, where people kind of come
12 and go at different times.

13 I mean, a restaurant is open maybe from
14 7:00 to midnight and so people kind of come and
15 go and they reserve tables and they come at
16 different times, where a ballroom use is
17 everybody arrives at the same time and
18 everybody leaves at the same time.

19 So the impact on traffic and the impact on
20 parking is usually greater, I would think. I
21 mean -- that's not, in fact? That's just in my
22 thoughts, so --

23 MR. TRIAS: I think the impact on the
24 traffic circulation and the valets is greater
25 than it is on the actual parking spaces. It's

1 because of the timing and --

2 COMMISSIONER KEON: Right, the valets.
3 Right. So that's where I, even to go to a
4 ballroom, I would rather have it come back.

5 MAYOR CASON: Craig, where would it be the
6 appropriate vote to discuss the particular
7 aspect? Is that the last vote?

8 MS. TREVARATHEN: The PAD site plan.

9 MR. LEEN: Yeah, that's where I would put
10 it. I wouldn't change any of the other
11 legalities. I would change the site plan and
12 just put a condition.

13 MAYOR CASON: Then why don't we vote on
14 that when we get to Number 7?

15 MR. LEEN: I agree with Special Counsel.

16 COMMISSIONER KEON: Okay. Okay. By then
17 they can tell us the Code requirements.

18 VICE MAYOR QUESADA: In 7, we've got to
19 address that.

20 MR. LEEN: The condition will be that --
21 well, we'll have the vote. We'll decide at
22 that moment, after we get the information.
23 You'll make that decision, but it will be on
24 that last one.

25 MAYOR CASON: No, we'll start on that now.

1 Why don't you read A-1, so we know what we're
2 voting on?

3 MR. LEEN: So Item Number 1, and I'd like
4 Special Counsel to remain up here, too -- Item
5 Number 1 is a Comp Plan change. It's the Comp
6 Plan Text change. It's already been read into
7 the record. Do you want me to read it again?

8 MS. TREVARATHEN: It's actually the map
9 change.

10 MAYOR CASON: No, just tell us.

11 MR. LEEN: This is the map change?

12 MS. TREVARATHEN: Yes.

13 MR. LEEN: And 2 is the text change?

14 MS. TREVARATHEN: Yes.

15 MR. LEEN: Okay. So Item 1 is the map change.

16 VICE MAYOR QUESADA: I'm going to make a
17 motion to approve Number 1.

18 COMMISSIONER KEON: I'll second it.

19 MAYOR CASON: All right. We have a motion
20 to approve A-1 by the Vice Mayor, and
21 Commissioner Keon seconds it.

22 City Clerk.

23 CITY CLERK: Commissioner Lago?

24 COMMISSIONER LAGO: Yes.

25 CITY CLERK: Vice Mayor Quesada?

1 VICE MAYOR QUESADA: Yes.

2 CITY CLERK: Commissioner Slesnick?

3 COMMISSIONER SLESNICK: Yes.

4 CITY CLERK: Commissioner Keon?

5 COMMISSIONER KEON: Yes.

6 CITY CLERK: Mayor Cason?

7 MAYOR CASON: Yes.

8 VICE MAYOR QUESADA: I want to make a
9 motion on A-2, to approve.

10 MAYOR CASON: Vice Mayor makes the motion.

11 MR. LEEN: Item A-2 is the text change to
12 the Comprehensive Plan. Commissioner, that
13 does include the height. It is allowed. So
14 just so you're aware, it does include the
15 additional height.

16 MR. SUSAN: The additional height for the
17 dining use up high.

18 COMMISSIONER KEON: But we already agreed
19 on that.

20 MAYOR CASON: Do we have a second?

21 COMMISSIONER KEON: I'll second it.

22 COMMISSIONER LAGO: But, I mean, let's talk
23 about that. So it includes that, so if I --

24 COMMISSIONER KEON: Well, it means the
25 height, it's not the use.

1 MR. SUSAN: It creates the opportunity to
2 have the habitable space over 190.5.

3 COMMISSIONER KEON: It says you have
4 approved the height, it doesn't say you have
5 approved habitable height.

6 MAYOR CASON: Yeah, it's the height.

7 COMMISSIONER LAGO: Okay.

8 VICE MAYOR QUESADA: Hold on. This does
9 include habitable height.

10 COMMISSIONER KEON: Well, it includes
11 overall high.

12 MR. SUSAN: No, it describes a habitable
13 use. I don't want to mislead the Commissioner.

14 MR. LEEN: Yes, it does.

15 VICE MAYOR QUESADA: And habitable is
16 included.

17 MR. LEEN: And the Commission has spoken
18 that it will be included in each of these, but
19 if you --

20 COMMISSIONER LAGO: No, but that's not what
21 I wanted. I was very clear about that.

22 MR. LEEN: No, I know, but you did the
23 vote. The prior vote occurred.

24 COMMISSIONER LAGO: No, but, I mean, we're
25 back to -- you know, this is the whole point

1 why I sat down with Staff and I said, "Listen,
2 carve this out. Carve anything having to do
3 with habitable height out of this. I want to
4 support this project."

5 MR. LEEN: Okay. So on Item 2 --

6 COMMISSIONER LAGO: Look, after so many
7 years, this project deserves support from the
8 entire Commission. We disagree on one small
9 component. I told you, let's make it clear,
10 I'm not going to vote on this. I'm going to
11 excuse myself on voting on this issue.

12 MR. LEEN: No, Commissioner --

13 COMMISSIONER LAGO: I'm telling you why,
14 because he --

15 MR. LEEN: We can do the same thing we did
16 before. We can do that same thing. I thought
17 that that was sufficient, I'm sorry. We can do
18 the same thing. You can vote on Item 2 without
19 the height and then we'll do a second vote to
20 include the height.

21 VICE MAYOR QUESADA: Thank you.

22 COMMISSIONER KEON: But the issue is,
23 everyone is agreeing, from a design standpoint,
24 to the height.

25 MAYOR CASON: Yes.

1 VICE MAYOR QUESADA: I make a motion --

2 MR. SUSAN: We're using summary words, but
3 what we mean is habitable height. The Comp
4 Plan text actually creates the habitable
5 height.

6 MR. LEEN: It allows habitable height.

7 VICE MAYOR QUESADA: I move this Commission
8 to approve Item A-2, excluding the habitable
9 height portion of A-2.

10 MR. LEEN: With the understanding that
11 there will be a subsequent vote right after
12 that will then include that height.

13 COMMISSIONER KEON: Right. Yes.

14 COMMISSIONER LAGO: Remember, when we
15 started having this discussion, I mentioned
16 Ordinances 1 through 7, and then we were going
17 to have a special vote which was just going to
18 deal in reference to the height. That was my
19 intent.

20 MR. LEEN: I understand, Commissioner. I
21 thought that we had already done that with that
22 prior vote. Remember the prior vote we had?

23 MS. TREVARATHEN: We did it.

24 COMMISSIONER LAGO: I understand the prior
25 vote, but, I mean, if I were to vote on Number

1 2 without the change made by the Vice Mayor --

2 VICE MAYOR QUESADA: We can clarify this
3 very easily.

4 COMMISSIONER LAGO: Listen, I just to want
5 to make it clear for myself and for the
6 Developers. That's the least that they
7 deserve.

8 VICE MAYOR QUESADA: Commissioner.
9 Commissioner.

10 Commissioner, very clearly, every motion
11 from A-1 to A-7, we will exclude the habitable
12 height and then I'm going to make a motion at
13 the end, that's not on the Agenda, addressing
14 solely the habitable height. That will correct
15 and will address your concern and it will pass
16 muster if -- I believe so.

17 MR. LEEN: I would like to do them, the
18 subsequent vote, immediately, one by one, vote
19 without it and vote, and add it.

20 MS. TREVARATHEN: Let's do them one by one.

21 COMMISSIONER LAGO: That's fine. Let
22 me -- Commissioner Slesnick, do you feel
23 comfortable with what the vice Mayor has just
24 proffered which I think is a great idea?

25 COMMISSIONER SLESNICK: Yes. Yes.

1 COMMISSIONER LAGO: Okay. Perfect.

2 MAYOR CASON: A-2.

3 MR. LEEN: Special Counsel, on A-1, did
4 that include the habitable height?

5 MS. TREVARATHEN: No. No, that's just the
6 map amendment.

7 MR. LEEN: Because it was a map amendment.
8 So A-2, vote without the habitable height.
9 You have the motion, Mr. Vice Mayor.

10 VICE MAYOR QUESADA: My motion is to
11 approve Item A-2, and excluding any reference
12 to habitable height.

13 MAYOR CASON: And we had a second with
14 Commissioner Keon; is that correct?

15 COMMISSIONER KEON: Yes.

16 MAYOR CASON: City Clerk.

17 CITY CLERK: Commissioner Lago?

18 COMMISSIONER LAGO: Yes.

19 CITY CLERK: Vice Mayor Quesada?

20 VICE MAYOR QUESADA: Yes.

21 CITY CLERK: Commissioner Slesnick?

22 COMMISSIONER SLESNICK: Yes.

23 CITY CLERK: Commissioner Keon?

24 COMMISSIONER KEON: Yes.

25 CITY CLERK: Mayor Cason?

1 MAYOR CASON: Yes.

2 VICE MAYOR QUESADA: I make a motion on

3 A-3 --

4 MAYOR CASON: That was A-2.

5 MS. TREVARATHEN: A-2, with the height.

6 MR. LEEN: A-2 again.

7 VICE MAYOR QUESADA: Okay. I make a motion
8 on A-2, so that the habitable height is
9 increased by another --

10 MR. SUSAN: As in the packet, with no changes.

11 VICE MAYOR QUESADA: As in the packet.

12 MAYOR CASON: Vice Mayor makes that motion.
13 A second?

14 COMMISSIONER LAGO: I'll second it.

15 MAYOR CASON: Okay. Commissioner Lago
16 seconds.

17 City Clerk.

18 CITY CLERK: Commissioner Slesnick?

19 COMMISSIONER SLESNICK: No.

20 CITY CLERK: Commissioner Keon?

21 COMMISSIONER KEON: Yes.

22 CITY CLERK: Commissioner Lago?

23 COMMISSIONER LAGO: No.

24 CITY CLERK: Vice Mayor Quesada?

25 VICE MAYOR QUESADA: Yes.

1 CITY CLERK: Mayor Cason?

2 MAYOR CASON: Yes.

3 A-3, what's the --

4 MR. LEEN: A-3 is the text amendment, that
5 allows for the Mediterranean Village Form Base
6 Plan Area Development.

7 MS. TREVARATHEN: And it does allow for the
8 additional habitable height.

9 VICE MAYOR QUESADA: I move this Commission
10 to approve Item A-3, excluding the habitable
11 height provisions.

12 MAYOR CASON: Do we have a second?

13 COMMISSIONER LAGO: I'll second.

14 MR. LEEN: And, once again, with the caveat
15 that there will be an additional vote right
16 after, and that that's being accepted
17 procedurally.

18 VICE MAYOR QUESADA: And that's
19 incorporated into every motion that I'm making
20 today.

21 MAYOR CASON: Okay. City Clerk.

22 CITY CLERK: Commissioner Keon?

23 COMMISSIONER KEON: Yes.

24 CITY CLERK: Commissioner Lago?

25 COMMISSIONER LAGO: Yes.

1 CITY CLERK: Vice Mayor Quesada?
2 VICE MAYOR QUESADA: Yes.
3 CITY CLERK: Commissioner Slesnick?
4 COMMISSIONER SLESNICK: Yes.
5 CITY CLERK: Mayor Cason?
6 MAYOR CASON: Yes.
7 Now with the height.
8 MS. TREVARATHEN: With no change, as in the
9 packet.
10 VICE MAYOR QUESADA: I move --
11 COMMISSIONER KEON: As proposed.
12 VICE MAYOR QUESADA: I move as proposed on
13 this item.
14 MAYOR CASON: Second?
15 MR. LEEN: And this includes the height.
16 COMMISSIONER LAGO: I'll second.
17 VICE MAYOR QUESADA: It includes the
18 height.
19 MAYOR CASON: Commissioner Lago seconds
20 that, as well.
21 City Clerk.
22 CITY CLERK: Commissioner Lago?
23 COMMISSIONER LAGO: No.
24 CITY CLERK: Vice Mayor Quesada?
25 VICE MAYOR QUESADA: Yes.

1 CITY CLERK: Commissioner Slesnick?

2 COMMISSIONER SLESNICK: No.

3 CITY CLERK: Commissioner Keon?

4 COMMISSIONER KEON: Yes.

5 CITY CLERK: Mayor Cason?

6 MAYOR CASON: Yes.

7 A-4.

8 MR. LEEN: A-4 is the --

9 MS. TREVARATHEN: The PAD site plan and it
10 includes the habitable height.

11 VICE MAYOR QUESADA: I move --

12 MR. LEEN: But, wait, this is the
13 quasi-judicial matter, so in voting on this,
14 you're going to be incorporating all of the
15 conditions of approval and all the preliminary
16 votes that have happened imposing the
17 conditions. We're going to accept all of the
18 proffers --

19 COMMISSIONER LAGO: The Development
20 Agreement.

21 MR. LEEN: Yes -- well, that's going to be
22 in the Development Agreement, too, but here as
23 well and then you're going to be doing it
24 without the height, though.

25 MAYOR CASON: The paseo.

1 VICE MAYOR QUESADA: I move on this item
2 pursuant and incorporate the statements you
3 just made and the testimony that we heard today
4 and the information that was presented to us
5 and everything that we discussed, and I exclude
6 the habitable height provision.

7 MR. LEEN: And, also, this is where you
8 have to determine about the condition of
9 approval related to the ballroom. You had said
10 that you wanted to do -- this is the vote.

11 MAYOR CASON: So where do we do that,
12 though?

13 COMMISSIONER KEON: That any use other than
14 as a restaurant has to come back before the
15 Commission.

16 VICE MAYOR QUESADA: That's not my part of
17 my motion.

18 COMMISSIONER KEON: Oh. I'm going to ask
19 you amend it.

20 MAYOR CASON: Just make your motion and
21 then we'll do that second vote.

22 VICE MAYOR QUESADA: That was very slick,
23 trying to sneak it in on me, though.

24 COMMISSIONER KEON: Can I ask you to make a
25 friendly amendment to your motion?

1 VICE MAYOR QUESADA: That would be a
2 hostile amendment to my motion.

3 COMMISSIONER KEON: I'll say it nice.

4 MR. LEEN: Why don't you do the restaurant,
5 vote on that first? Do you want to do a straw
6 vote on that first?

7 VICE MAYOR QUESADA: Yeah. It will make it
8 easier for the vote. It's complicated enough
9 as it is.

10 MAYOR CASON: Yeah, it will make it easier.

11 MR. LEEN: We're going to put that into
12 both, the site plan and the Development
13 Agreement, whatever you decide here.

14 VICE MAYOR QUESADA: Okay. Here is my
15 straw vote, that if it's going to change to a
16 ballroom use, they do not have to come before
17 us.

18 MAYOR CASON: Do we have a second for that?

19 VICE MAYOR QUESADA: I'm sorry, they do not
20 have to come before us. Straw vote, so
21 everyone in favor with that, please stand.

22 MS. TREVARATHEN: You just wanted to
23 stretch your legs.

24 MR. LEEN: The straw vote, Mr. Clerk, was
25 two in favor and three against.

1 MAYOR CASON: Okay. So --

2 MR. LEEN: The Vice Mayor and Commissioner
3 Lago were in favor. The other three were
4 against.

5 MAYOR CASON: All right. So back now to,
6 on A-4, with that taken care of --

7 COMMISSIONER KEON: With my friendly
8 amendment then.

9 VICE MAYOR QUESADA: Yes. So my motion on
10 A-4 will include a friendly amendment that any
11 change other than a restaurant has to come
12 before the City Commission, including a use of
13 a ballroom.

14 COMMISSIONER SLESNICK: But we're voting on
15 the non-habitable part, which is the
16 restaurant.

17 VICE MAYOR QUESADA: And excluding the
18 habitability.

19 MAYOR CASON: City Clerk.

20 MR. LEEN: Right now we're voting without
21 the restaurant, and then that will come next.

22 MAYOR CASON: Right. City Clerk.

23 CITY CLERK: I need a second.

24 MAYOR CASON: We have. Commissioner Keon.

25 CITY CLERK: Commissioner Slesnick?

1 COMMISSIONER SLESNICK: Wait a minute.

2 COMMISSIONER KEON: Without the habitable --

3 COMMISSIONER SLESNICK: Yes. Yes. Yes.

4 MR. LEEN: The vote is on whether you would
5 approve this -- everything, and it's excluding
6 the restaurant and you're reserving the ability
7 to vote on that right after again.

8 MAYOR CASON: Yes.

9 VICE MAYOR QUESADA: Yes.

10 COMMISSIONER KEON: But it's requiring that
11 if -- that the use is only for a restaurant.

12 MS. TREVARATHEN: There is no restaurant.

13 MR. LEEN: Right now there is no use. We
14 are not addressing that issue right now.

15 COMMISSIONER KEON: Okay. Okay. Okay. Okay.

16 MR LEEN: I'm sorry for that confusion.

17 For the record, the condition that was just
18 amended will be on the second vote. The first
19 vote, no.

20 MAYOR CASON: City Clerk.

21 CITY CLERK: Commissioner Slesnick?

22 COMMISSIONER SLESNICK: Yes.

23 CITY CLERK: Commissioner Keon?

24 COMMISSIONER KEON: Yes.

25 CITY CLERK: Commissioner Lago?

1 COMMISSIONER LAGO: Yes.

2 CITY CLERK: Vice Mayor Quesada?

3 VICE MAYOR QUESADA: Yes.

4 CITY CLERK: Mayor Cason?

5 MAYOR CASON: Yes.

6 MR. LEEN: Okay. Now, for the second vote,
7 Mr. Vice Mayor, if you're going to be making
8 the motion, it's incorporating everything, but
9 now it's including the height and it's
10 including this condition that it can't be
11 anything other than a restaurant. If it is, it
12 has to come back --

13 MS. TREVARATHEN: A fine dining restaurant
14 was concurred.

15 MR. LEEN: A fine dining restaurant,
16 everything you've already included. If they
17 want to change it to a ballroom or something
18 else that would otherwise be allowed, they have
19 to come back to you.

20 VICE MAYOR QUESADA: My motion is as stated
21 by the City Attorney.

22 MAYOR CASON: Do we have a second?

23 COMMISSIONER LAGO: I'll second.

24 MAYOR CASON: Mr. Lago seconds.

25 City Clerk.

1 CITY CLERK: Commissioner Keon?

2 COMMISSIONER KEON: Yes.

3 CITY CLERK: Commissioner Lago?

4 COMMISSIONER LAGO: This does not have
5 anything to do with height?

6 MS. TREVARATHEN: Yes. This allows the
7 restaurant.

8 MR. LEEN: This does allow the height.

9 COMMISSIONER LAGO: No.

10 CITY CLERK: Vice Mayor Quesada?

11 VICE MAYOR QUESADA: Yes.

12 CITY CLERK: Commissioner Slesnick?

13 COMMISSIONER SLESNICK: No.

14 CITY CLERK: Mayor Cason?

15 MAYOR CASON: Yes.

16 A-5.

17 MS. TREVARATHEN: Does not involve the
18 restaurant. It's the alley.

19 MR. LEEN: Yes. So for this alley
20 vacation, we're treating this as
21 quasi-judicial, and this is where you're
22 resolving all of these issues that were raised
23 by Mr. Capote.

24 VICE MAYOR QUESADA: My motion incorporates
25 all of the testimony heard today, the documents

1 reviewed, the evidence presented.

2 MS. TREVARATHEN: The conditions and Staff
3 approval.

4 VICE MAYOR QUESADA: All of the conditions,
5 with Staff approval, to approve the alley
6 vacation.

7 MAYOR CASON: Do we have a second?

8 COMMISSIONER LAGO: I'll second.

9 MAYOR CASON: Mr. Lago second.
10 City Clerk.

11 CITY CLERK: Commissioner Lago?

12 COMMISSIONER LAGO: Yes.

13 CITY CLERK: Vice Mayor Quesada?

14 VICE MAYOR QUESADA: Yes.

15 CITY CLERK: Commissioner Slesnick?

16 COMMISSIONER SLESNICK: Yes.

17 CITY CLERK: Commissioner Keon?

18 COMMISSIONER KEON: Yes.

19 CITY CLERK: Mayor Cason?

20 MAYOR CASON: Yes.

21 A-6.

22 MR. LEEN: It's the Development Agreement,
23 so you're going to want to -- that includes the
24 height, doesn't it, Susan?

25 MS. TREVARATHEN: Yes. It will be just

1 like A-4. The first vote would be without the
2 restaurant. So that's the first motion.

3 MAYOR CASON: Okay.

4 MR. LEEN: And without that condition, and
5 then we're going to impose the condition and
6 then the restaurant.

7 VICE MAYOR QUESADA: That is my motion to
8 approve, based on Special Counsel's comments
9 and our City Attorney's comments.

10 MAYOR CASON: Second?

11 COMMISSIONER LAGO: I'll second.

12 MAYOR CASON: Commissioner Lago seconds.
13 City Clerk.

14 CITY CLERK: Vice Mayor Quesada?

15 VICE MAYOR QUESADA: Yes.

16 CITY CLERK: Commissioner Slesnick?

17 MR. LEEN: This does not include the
18 habitable height.

19 COMMISSIONER SLESNICK: Yes.

20 CITY CLERK: Commissioner Keon?

21 COMMISSIONER KEON: Yes.

22 CITY CLERK: Commissioner Lago?

23 COMMISSIONER LAGO: Yes.

24 CITY CLERK: Mayor Cason?

25 MAYOR CASON: Yes.

1 VICE MAYOR QUESADA: And now I will make a
2 motion incorporating the --

3 MS. TREVARATHEN: Everything as proposed,
4 plus the additional condition that they can't
5 change the fine dining restaurant at the top of
6 the hotel without City Commission approval.

7 VICE MAYOR QUESADA: I move as stated by
8 outside counsel.

9 COMMISSIONER LAGO: I'll second the motion.

10 MAYOR CASON: Okay. The Vice Mayor made
11 the motion. Commissioner Lago second.

12 City Clerk.

13 CITY CLERK: Commissioner Slesnick?

14 COMMISSIONER SLESNICK: No.

15 CITY CLERK: Commissioner Keon?

16 COMMISSIONER KEON: Yes.

17 CITY CLERK: Commissioner Lago?

18 COMMISSIONER LAGO: No.

19 CITY CLERK: Vice Mayor Quesada?

20 VICE MAYOR QUESADA: Yes.

21 CITY CLERK: Mayor Cason?

22 MAYOR CASON: Yes.

23 MR. LEEN: A-7 vacates the old PAD, the
24 prior PAD.

25 VICE MAYOR QUESADA: I make a motion to

1 approve.

2 COMMISSIONER LAGO: I'll second the motion.

3 MAYOR CASON: Vice Mayor makes the motion,
4 Commissioner Lago second.

5 City Clerk.

6 CITY CLERK: Commissioner Keon?

7 COMMISSIONER Keon: Yes.

8 CITY CLERK: Commissioner Lago?

9 COMMISSIONER LAGO: Yes.

10 CITY CLERK: Vice Mayor Quesada?

11 VICE MAYOR QUESADA: Yes.

12 CITY CLERK: Commissioner Slesnick?

13 COMMISSIONER SLESNICK: Yes.

14 CITY CLERK: Mayor Cason?

15 MAYOR CASON: Yes.

16 MR. LEEN: And then in front of the whole
17 Commission, I just want to reiterate what's
18 been done today, which is that there's been an
19 approval. All five of the Commissioners
20 supported the project in concept and voted for
21 all of the items in concept. There was a
22 disagreement regarding the habitable height.
23 That was approved, three to two, on all of the
24 different votes, and so that is in the final
25 decision and will be in the final ordinances

1 that are presented to the Mayor for signature.

2 MS. TREVARATHEN: And, Craig, as part of
3 your recap, we should also be clear that the
4 various changes to the Development Agreement
5 that were discussed earlier are incorporated
6 into this vote and the motion.

7 MR. LEEN: Yes. All of those conditions --
8 everything is going to be incorporated into
9 these ordinances which are going to be
10 presented to the Mayor for signature.

11 MS. TREVARATHEN: And you and the Manager
12 have the power to make that -- effectuate the
13 Commission's will.

14 MR. LEEN: I agree with that, and its in
15 the Commission's interest. We'll make sure
16 that your will is accomplished.

17 MS. TREVARATHEN: Thank you.

18 MAYOR CASON: Any other matters to vote on?
19 I'd like to ask the Applicant if you'd like to
20 make any final statement.

21 MR. GARCIA-SERRA: Sure. It's been a hard
22 day's work on the part of everyone, but I'd
23 like to thank you, on behalf of the project
24 team. This is going to definitely be a
25 development that all of you are going to be

1 very proud of, when the day comes to cut the
2 ribbon on the opening. Thank you very much.

3 MAYOR CASON: Anybody would like to --

4 COMMISSIONER LAGO: I just want to say one
5 last thing very quickly. I want to
6 congratulate the developers. You've been here
7 almost close to four years. You weathered a
8 major financial storm and you've come out of
9 the other side and you've also weathered a lot
10 of turmoil that happened in the City, and I
11 just want to say thank you for the product that
12 you're going to put out. It's going to be a
13 great improvement to our City.

14 I also want to make sure that I say thank
15 you to our Staff, our City Manager, our City
16 Attorney, Ramon, and the rest of the Zoning
17 Staff, and everyone who has been -- done an
18 incredible job, our outside counsel. This has
19 been years and years in the making. I can't
20 thank you enough for your efforts and the
21 leadership that you guys have shown over the
22 last few years. So I appreciate it and thank
23 you for all your hard work.

24 MAYOR CARSON: I'd like to reiterate that
25 and also thank the public for its input in

1 this. These 20 meetings were very helpful. I
2 think this is a great project. It's certainly
3 much better than when we first talked about
4 this four years ago.

5 I think it's going to be a great addition
6 to the Gables. I know you're going to put
7 quality into it, as you've shown on 396. You
8 said you were going to hold it. I trust you on
9 that and I think it's going to be so much
10 better than that empty waste land that the
11 neighbors have had to live with for so long.

12 So thank you for your continued commitment,
13 because you could have pulled out at any stage,
14 when it looked like it was very frustrating,
15 but you stayed with it, you were very flexible,
16 very reasonable and I'm very appreciative.

17 VICE MAYOR QUESADA: Yeah, I'm exited not
18 to have to -- not having to know what's going
19 to happen with this project, so I think we got
20 a little bit of closure. I know we still have
21 a long way to go to build it. So I'm looking
22 forward to a great project. Thank you, guys.

23 MR. LEEN: Mr. Mayor, I would like to thank
24 Special Counsel. I know she's put a tremendous
25 amount of effort into this, and so thank you,

1 your guidance was very helpful.

2 COMMISSIONER KEON: I, again, would like to
3 remark on the retail, that I really would hope
4 that you -- I really would like to see you only
5 develop in line retail, that has a ground floor
6 entrance, and not in line retail that has a
7 second floor entrance, that it be reserved for
8 services, such as offices, spas, doctors,
9 whatever else, and that you not put retail up
10 on that level, because history has shown us
11 that it is a lower end retail and it's not
12 highly successful, and I know that's not what
13 you want. So I'm sure that you will look to
14 that as you rent your space. Thank you.

15 MAYOR CASON: If there's not any more
16 comments, then we will close the meeting.
17 Thank you.

18 (Thereupon, the meeting was concluded at 4:05
19 p.m.)

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C E R T I F I C A T E

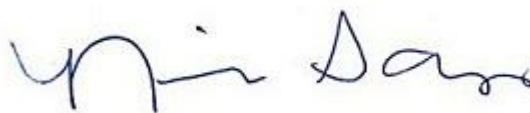
STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

I, NIEVES SANCHEZ, Court Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 22th day of June, 2015.



NIEVES SANCHEZ