

City of Coral Gables City Commission Meeting
Agenda Items F-4, F-5, F-6, F-15 and F-16 are related
June 28, 2022
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Clerk, Billy Urquia

Deputy City Attorney, Cristina Suárez

Development Services Director, Suramy Cabrera

Public Speaker(s)

Jose Jimenez

Agenda Items F-4, F-5, F-6, F-15 and F-16 are related [3:25 p.m.]

An Ordinance of the City Commission approving the vacation of a public alleyway pursuant to Zoning Code Article 14, "Process," Section 14-211, "Abandonment and Vacations" and City Code Chapter 62, Article 8, "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process," providing for the vacation of the east-west public alleyway lying between lots 1-12 and lots 35-46, Block 10, Coral Gables Crafts Section, according to the plat thereof recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida; providing for substitute perpetual access and utility easement, setting forth terms and conditions; providing for an effective date. (LEGAL DESCRIPTION ON FILE) Alley Vacation.

City Commission Meeting

June 28, 2022

Agenda Items F-4, F-5, F-6, F-15 and F-16 are related - Ordinances of the City Commission approving the Vacation of a public alleyway, a text amendment to the City of Coral Gables Official Zoning Code, granting approval of a Planned Area Development, and resolutions granting approval for Conditional Use Mixed-Use Site Plan and approving receipt of Transfer of Development Rights for the mixed-use project referred to as Regency Tower, 290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street.

Lobbyist: Lily Alvarez
Lobbyist: Armando Codina
Lobbyist: Jose M. Jimenez

An Ordinance of the City Commission providing for a Text Amendment to the City of Coral Gables Official Zoning Code by amending Appendix A, "Site Specific Zoning Regulations," Section A-36, "Crafts Section," by removing the number of stories and height limitations for the property legally described as Lots 1-12 and lots 35-46, Block 10, Coral Gables Crafts Section, Coral Gables, Florida; providing for a repealer provision, severability clause, codification, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) Text Amendment.

Lobbyist: Lily Alvarez
Lobbyist: Armando Codina
Lobbyist: Jose M. Jimenez

An Ordinance of the City Commission granting approval of a Planned Area Development (PAD) pursuant to Zoning Code Article 14, "Process," Section 14-206, "General Procedures for Planned Area Development" for a mixed-use project referred to as "Regency Tower" on property legally described as Lots 1-12 and lots 35-46 including the public alleyway lying in between, Block 10, and lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) PAD

Lobbyist: Lily Alvarez
Lobbyist: Armando Codina
Lobbyist: Jose M. Jimenez

A Resolution of the City Commission granting approval for Conditional Use Mixed-Use Site Plan pursuant to Zoning Code Section 2-200 "Mixed Use Districts" for a mixed-use project referred to as "Regency Towers" on property legally described as Lots 1-12 and lots 35-46 including the public alleyway lying in between, Block 10, and lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street) Coral

Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) Conditional Use Site Plan

Lobbyist: Lily Alvarez

Lobbyist: Armando Codina

Lobbyist: Jose M. Jimenez

A Resolution of the City Commission approving receipt of Transfer of Development Rights (TDRs) pursuant to Zoning Code Article 14, "Process," Section 14-204.6, "Review and approval of use of TDRs on receiver sites," for the receipt and use of TDRs for the Mixed-Use project referred to as "Regency Tower", on property legally described as Lots 1-12 and lots 35-46 including the public alleyway lying in between, Block 10, and lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)

Lobbyist: Lily Alvarez

Lobbyist: Armando Codina

Lobbyist: Jose M. Jimenez

Mayor Lago: Moving on to time certain item F-4, 5 -- F-4, F-5, F-6, F-15 and F-16, Regency.

Deputy City Attorney Suárez: Mayor, if you please bear with me while I read them...

Mayor Lago: Yes.

Deputy City Attorney Suárez: Into the record.

Mayor Lago: Don't worry.

Deputy City Attorney Suárez: Okay. F-4 is an ordinance of the City Commission approving the vacation of a public alleyway pursuant to Zoning Code Article 14, “Process,” Section 14-211, “Abandonment and Vacations” and City Code Chapter 62, Article 8, “Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process,” providing for the vacation of the east-west public alleyway lying between Lots 1-12 and Lots 35-46, Block 10, Coral Gables Crafts Section, according to the plat thereof recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida; providing for substitute perpetual access and utility easement, setting forth terms and conditions; providing for an effective date. Item F-5 is an ordinance of the City Commission providing for a Text Amendment to the City of Coral Gables Official Zoning Code by amending Appendix A, “Site Specific Zoning Regulations,” Section A-36, “Crafts Section,” by removing the number of stories and height limitations for the property legally described as Lots 1-12 and Lots 35-46, Block 10, Coral Gables Crafts Section, Coral Gables, Florida; providing for a repealer provision, severability clause, codification, and providing for an effective date. Item F-6 is an ordinance of the City Commission granting approval of a Planned Area Development pursuant to Zoning Code Article 14, “Process,” Section 14-206, “General Procedures for Planned Area Development” for a mixed-use project referred to as “Regency Tower” on property legally described as Lots 1-12 and Lots 35-46, including the public alleyway lying in between Block 10, and Lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. F-15 is a resolution of the City Commission granting approval for Conditional Use Mixed-Use Site Plan pursuant to Zoning Code Section 2-200 “Mixed Use Districts” for a mixed-use project referred to as “Regency Towers” on property legally described as Lots 1-12 and Lots 35-46, including the public alleyway lying in between, Block 10, and Lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. F-16 is a resolution of the City Commission approving receipt of Transfer of Development Rights pursuant

to Zoning Code Article 14, "Process," Section 14-204.6, "Review and approval of use of TDRs on receiver sites," for the receipt and use of TDRs for the Mixed-Use project referred to as "Regency Tower", on property legally described as Lots 1-12 and Lots 35-46, including the public alleyway lying in between, Block 10, and Lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. These items will be consolidated for purposes of the public hearing. These are all quasi-judicial items, so any ex-parte communications should be disclosed on the record. And Mr. Clerk, please swear in any witnesses that will be testifying today.

City Clerk Urquia: Those who will be participating on this item, please stand and raise your right hand. Do you swear or affirm that the testimony you will provide will be the truth and nothing but the truth? Thank you.

Deputy City Attorney Suárez: Yeah, so surprising, we changed the process so that the applicants go first.

Joe Jimenez: Always keeping us on our toes. Well, thank you very much, Mr. Mayor, members of the Commission. Joe Jimenez, Executive Vice President and General Counsel of Codina Partners, joined by Mr. Armando Codina, Mr. Manny Cadre, Lily Alvarez, and Luis Castellon. So, the items before you, the ordinances are obviously all on second reading, so you've all seen them before. I don't want to waste your time going over everything. We're happy to answer any questions. But there was one thing that came up that has changed between first and second reading that I would like to address for the record on the alley vacation. We have -- in working with the City Manager, originally, we had proposed running the utilities, both the water, which belongs to the County, and the sewer, which belongs to the City, through a vacant parcel that we also own. It's a non-contiguous parcel that we own along Almeria. The City Manager wanted us to rework that, which we happily did with respect to the sewer. The County has not authorized our placement

of water on that site. So, while we are now proposing to run the sewer through the easement that would serve as the continuation of the vacated alley, the -- if we can't work that out with the County, we will have no choice but to run it down that site. So, therefore, there is one -- Section 3 -- I just want to clarify this for the record -- Section 3 of the ordinance vacating the alley, which states that the owner of record shall grant to the City absolute rights of all utilities. The City doesn't get that easement because -- so I just want to make it clear that we're happy to do it for any City utility, but if we are not able to do it with the County, we will grant the County an easement on a separate site that we own. I don't think the language has to change. I just think that it has to be clarified for the record.

Mayor Lago: Mr. Jimenez, just a quick question for the record, as we discussed prior to this meeting. Have you spoken to the Manager and his team and made them aware of the potential circumstances with the County not allowing the easement to be used?

Mr. Jimenez: The Manager and I have been in constant contact. And we most -- the County has communicated their denial to the Manager via email is what you told me yesterday. I haven't seen the email. And I told you as well yesterday. We have not been able to get the County off of their stance. Whether we agree with them or not, we're just stuck between two governments quite frankly because you own the sewer, they own the water. We need to do what each of you tell us, even if it means granting two separate easements and going in two different directions. And okay, well, that's the way this one went for us. But we never -- we always thought we could do it that way, or there were several designs. And as we got further down the process, obviously, our options are limited given our current status of design. So, if we're not going to run it down that alley, there's no other place for us to do it at this time.

Mayor Lago: Mr. Manager.

City Manager Iglesias: What Mr. Jimenez said is correct. We're working with WASA. WASA actually denied it in an email to me yesterday. However, there's other things that we need to look at before we completely go away from that concept. And I think that we can certainly work it out, I believe.

Mr. Jimenez: And again, I'm happy to keep working on it. This doesn't need to be...

Vice Mayor Mena: Yeah.

Mr. Jimenez: We don't need to put a bow on this today, with the exception of this provision needs to recognize that the County has jurisdiction over that line. So, I just don't -- I'm happy to read this the way it actually reads, and with comment from the City Attorney welcome, shall grant to the City absolute rights of all utilities. I'm reading that to mean City utilities.

Vice Mayor Mena: Right.

Mayor Lago: Yes.

Mr. Jimenez: That's just the way I'm reading it just for future interpretation. The language is fine, just so long as it's being recorded somewhere everybody can agree.

Mayor Lago: It's not a problem.

City Manager Iglesias: But I still think we need to work on it, and I think we have a little bit of time to...

Mr. Jimenez: Yeah.

City Manager Iglesias: Get that done.

Mr. Jimenez: And that's fine, and it doesn't affect the other votes you're taking today.

Mayor Lago: So -- and I have just two issues that I want to make sure that we do put a bow on before we finalize everything. And that is, number one, obviously, we're extremely grateful. We're going to have a world-class open space in the downtown, and that was facilitated by the commitment of Armando Codina and Manny Cadre, who have gone to bat to deliver this piece of property in the middle of our downtown. This is going to be the future of what's going to define our city as a world-class city. This is not the first, and this is not the last. We're having Villa Valencia, which is providing something very similar, Madeira, the Agave project. Now, Regency is going to do something which is going to be spectacular. It's going to be an amenity to be enjoyed by all in our downtown. I've spoken -- and I couldn't vote in the previous project, but that project is offering not one but two open spaces for people to come and enjoy. That is the future, and that is what defines, in my opinion, a world-class city. Go to Europe, and you will see some of the best cities have hidden gardens, small open spaces, plazas, where people can congregate and have a moment of solitude in between their work, or have a lunch, or sit down and have -- and read a book under a tree and enjoy some of the best art that any city has. And that's what the City of Coral Gables is going to have. So, what I would love is just to kind of understand and have you sit down with the Manager and finalize what we're planning on doing in regards to the park. I don't want anything -- I don't want a water park. I don't want a rollercoaster. I don't want...

Mr. Jimenez: We'd have to change the zoning.

Unidentified Speaker: Good news.

Mayor Lago: No, I don't want -- but I want to make sure. I want to make sure because sometimes we get ahead of ourselves, and there's a lot of marble, and there's a lot of, you know, material.

And this is simple. There's beautiful oak trees on the property already that happen to be there on the property line. I'd love to see maybe some more shade, a lot of green, and a small platform, maybe a reflection platform, pond of some sort where you could put the sculpture so that the work is protected in the shade. That's what I'm looking for.

Mr. Jimenez: I understand. And...

Mayor Lago: And I'm looking for something very simple. Very, very simple, with maybe a few benches where people can sit down and enjoy, some simple landscaping. I don't want it to be a concrete jungle in the middle of a concrete jungle.

Mr. Jimenez: Well, and...

Commissioner Anderson: Well...

Mr. Jimenez: And Mr. Mayor, I have no problem putting a bow on that piece of it today. I think the most important thing to consider -- and I don't -- I really don't follow other development projects, whether or not they provide green space or whether or not they deed a park over. It never occurred to us to design this without input from the City because this will be a municipal park.

Mayor Lago: A hundred percent.

Mr. Jimenez: It is yours. You should tell us what you want there. Once you tell us what you want there, we can figure out a cost to...

Mayor Lago: But we also...

Mr. Jimenez: (INAUDIBLE) else so...

Mayor Lago: But if I may.

Mr. Jimenez: And...

Mayor Lago: But let me just add something to your point. I just want to make you at ease, okay. I know and so does my Commission know what you did to get us that piece of property, okay. I know the value of that property, even though there's been -- the TDRs and the actual FAR has been stripped from that piece of property. But I know the value of that property in our downtown. I'm not asking you -- that's how I started with something ridiculous, like a rollercoaster or a water park or -- I don't want any of that, very simple things. What I would like is to see something like a Durango Park with all grass, a few nice trees, and maybe one or two benches, something simple. I mean, I don't want to get ahead of ourselves, and that's why I'm putting it on the record today because I would love to see actual grass in the downtown. I know that sounds crazy.

Mr. Jimenez: No, no, absolutely.

Mayor Lago: I would actually like to see somewhere where people can sit down and it's not something that is over-embellished or something that is over-programmed. I don't have an interest for that.

Mr. Jimenez: I -- and I couldn't agree with you more, and that's great. And we would -- when it comes to -- I know you're very big into art in public places being placed in these parks. We are going to have to go through the Art in Public Places process. And you're going to have to maybe sign in with us because we're going to say, "Well, we're going to go ahead and put it on this City park." It will eventually be one. Whatever protective design we need to make for that, whether it's a water feature around it, a shade structure to protect it, all of those things, we're happy to work with the Manager. We're happy to work with staff and see where the design ends up and

bring it back to you, quite frankly. I think you'd want to see it. So -- and we can always finalize that on that day. But since you mentioned it -- is Laura in here? Also, Ms. Laura Russo's here who represents Mercedes. And as the Manager knows, in order for us to acquire this park -- because although we owned it, Mercedes-Benz was getting it back once we sort of finished with the project because the City expressed an interest -- to put it mildly -- in acquiring this park. We were able to come to an understanding with our very good corporate neighbor with certain conditions. And I think the two main ones with the City have already been worked out. But the final one is, the Ussery Family has a long presence on this site, and they were very -- this was the last piece of the original dealership that they were getting rid of. So, because they insisted that it were a municipal park, not some green open space maintained by us so that it could be there in perpetuity, but that they also got naming rights in terms of -- and while they haven't specifically asked for a name, the language that I think we would do is that they would come up with a name, obviously, you would vet it, if it was somebody specific in this day and age, you obvious -- we all understand that you never know who anybody is, but that it would be somewhere in line with naming it after the Ussery Family. And we've never thought that that would be a problem, but I'd like to make that proffer now and have an acknowledgement of that for their comfort and for their -- because it is a requirement for them to finally give it to us and our ability to then give it to you.

Mayor Lago: If I may speak on behalf of the Commission, I don't think we have an issue in regards to that naming. I think it's perfectly appropriate. They have a long-standing history in this community of doing a lot of good things, just like the Codina brand and the Cadre brand. Those are brands that stand on itself. So, if they would like to have that named after Ussery, I don't have an issue with that at all.

Commissioner Anderson: I don't have an issue with it either. And just so the public who's listening is fully aware, the language in adoption of this park does require it to be 75 percent green space, so it's not going to be a rollercoaster or marble or stuff like that. We're going to have some

true green in the part of the downtown that's been suffering for a long time with lots of asphalt and parking lots. So, it's going to be wonderful.

Mr. Jimenez: And like I said, we'll absolutely bring back any design so that we can get a stamp of approval on it, and then we can sort of figure that out from there. The final issue would be -- and I think staff has the presentation with respect to the comments that were made at the last meeting on the paseo.

Vice Mayor Mena: Right.

Mr. Jimenez: Do you think we can get that?

Development Services Director Cabrera: Can we bring up the staff presentation? Do you have a separate presentation?

Mayor Lago: Again, I...

Development Services Director Cabrera: Oh, okay, your presentation.

Vice Mayor Mena: So, it's their presentation.

Development Services Director Cabrera: Yeah, their presentation.

Mr. Jimenez: I mean, if you want to finish, I'm happy to...

Development Services Director Cabrera: No, no. Go through your presentation.

Vice Mayor Mena: That's not...

Development Services Director Cabrera: That's ours. Could we bring up the other...?

Deputy City Attorney Suárez: While they're pulling up the presentations, I would just like to clarify that...

Vice Mayor Mena: Yeah, that's it.

Deputy City Attorney Suárez: The naming of the park should come back as a separate resolution once they...

Vice Mayor Mena: Yeah, of course.

Deputy City Attorney Suárez: An exact name.

Mayor Lago: Yeah, of course. That's perfectly fine.

Deputy City Attorney Suárez: And it would be subject to your approval, of course.

Mayor Lago: Yeah. I just would like to get that moving forward so we can start crossing things off.

Mr. Jimenez: Yeah, and we'll dot those i's, absolutely if just -- the Ussery Family asked for some level of comfort on this. And if we're proffering the park, I at least want the family to know that the final condition to us acquiring it in full, you are aware of, you're comfortable with, and we can go from there, and now they can choose that name.

Mayor Lago: Perfect.

Mr. Jimenez: So, as you recall, this is the site plan that was presented in the packet that we saw previously. After the comments were made about -- and we've clouded the areas because, of course, once you start changing one thing, a couple of other minor things do start changing. And we've clouded those three areas -- excuse me -- along the south and Almeria, both to the west side and the east side, and then, obviously, the full paseo. What we came up with was this. We were able to improve -- starting on the northeast corner, we were able to improve the turning -- while it worked before because Public Works does an exhaustive review as does Fire, we feel that this is an easier turn for the types of vehicles that'll be going through there, namely Fire, Waste Management, et cetera. As you go to the south, we've moved those rooms also, the maintenance room, the fire pumps, and then what we've done is, in order to further activate Almeria, the bike storage that you see there on the bottom southeast corner, we closed that off. And then where it was, now to the west where it says "Retail," we've added a small 650 square foot retail space. While we're not limiting the uses that are there, the use that we see is something along the lines of a spa, like a nail salon, a hairdresser, a barber shop, something that also is what I like to call retail that's one of the things that you still can't do on the Internet, you know, cut your hair, or paint your nails, whatever it may be. The other change -- and this came from -- this was more of a practical matter in speaking with restaurant operators. Before we had, as you can see, a private dining room. That was a little aspirational. Once we talked to operators, they said that's impossible to serve. Please don't make my restaurant two different buildings that I've got to start crossing over one or the other. It makes it way too difficult. So, we brought it -- it's no increase. We just brought it over and connected it to the main space. On the north side, we were able to move the dog park, which we're calling -- it's kind of like an indoor run and a dog spa for the building along that service corridor as well, also further amenitizing the building. They were much further away before because of the space planned. But those are the minor changes that we've come to you with. This is our final site plan. It is my understanding -- I'm sure staff will discuss this through Public Works. This project does not increase the net trips of this property by more than 50 trips, so we would not have required a traffic study. However, because we are proposing

-- and this has been said by several people over the months that we've been working on this. We're proposing a lane closure to create street parking and street trees. Right now, Salzedo at that moment is two lanes going north. It is the first such block where that condition begins. On the block immediately to the south, there is a loading zone, there are parking spaces, and it's only one lane. Public Works asked for a traffic study for that. The data has been collected. I think they'll have that by the end of June, so we're happy with a conditional site plan approval from the sidewalk in. And if traffic warrants that we can do the beautification of Salzedo along that line and create more parking, then we'd propose that as well, and that could be left up to staff through the Manager.

Mayor Lago: Okay.

Mr. Jimenez: But that -- this is what we're happy to answer any questions on. This is our proposal, and this is the site plan we're asking -- seeking approval for today.

Mayor Lago: It's interesting because in that -- addressing the issue of additional street parking, we were talking about the north area. And in a public meeting last week...

Mr. Jimenez: Right.

Mayor Lago: And they wanted more street parking. Now, here they want to keep the lane and have no street parking.

Mr. Jimenez: I haven't even asked you for credit.

Mayor Lago: So, here you're talking about creating parking...

Mr. Jimenez: (INAUDIBLE).

Mayor Lago: Along -- creating parking with -- along with shaded trees. It's interesting how different areas want different things.

Mr. Jimenez: Along every side. And look, along Valencia and along (INAUDIBLE), you might -- we might be net loss there, but we are creating the ones...

Mayor Lago: Yeah.

Mr. Jimenez: The ones along Salzedo.

Mayor Lago: All I ask is simple -- again, I know maybe the trees, make them as shaded as possible, you know, less palm trees and...

Mr. Jimenez: And that is...

Mayor Lago: More shade trees.

Mr. Jimenez: That is absolutely the plan. We...

Commissioner Anderson: Yeah, bring...

Mr. Jimenez: There's a few palms in the plan, but it is -- I mean, if you look at what we did at the Sofia and at our corporate office...

Mayor Lago: Yeah, of course.

Mr. Jimenez: It's -- we take that seriously, and those trees will mature beautifully over the years.

Commissioner Menendez: By the way, I think where you said it's two lanes that turn into one, it may have been one some years ago, and they switched it to two. So, you may want to look at the history, so you may be...

Mr. Jimenez: Well, and quite frankly, it might as well be one now because Mercedes is always -- has a truck there.

Vice Mayor Mena: That's true.

Mr. Jimenez: So, it's actually good to get them off this site, which goes further to why you heard last time we were here on how this reuse of these different -- we're actually -- it will see a marked improvement in the neighborhood.

Commissioner Anderson: And I think it will because there was always trucks staged there and unloading and blocking the traffic, and there was a perception that there was more space than there really was...

Mr. Jimenez: Right.

Commissioner Anderson: When the trucks weren't there. And I think the traffic study will be telling because it's not like there's a right-hand turn that you can take from Salzedo to Valencia.

Mr. Jimenez: Correct.

Commissioner Anderson: And if there was, then a right-hand turn lane might have been appropriate.

Mr. Jimenez: Right.

Commissioner Anderson: But I think that the change with the paseo being taken out because it wasn't very useful, and it didn't really add to the usability for pedestrians, which is really what we're trying to accomplish with some of these paseos. It wasn't there, and I applaud you on the additional changes that you've made.

Mr. Jimenez: Thank you.

Vice Mayor Mena: And I think the alleyway is a lot safer now. I mean, it's...

Commissioner Anderson: Yeah.

Vice Mayor Mena: It was -- it seemed -- at least on the plan -- to be pretty tight before, and I think now it's a lot more ample, and you don't have pedestrians crossing in the middle of it, more importantly, so.

Mr. Jimenez: No, thank you for the comment. It was well taken, and like anything, you start tinkering in one, and then it sort of cascaded, and there was already that comment on the private dining room.

Vice Mayor Mena: Right.

Mr. Jimenez: Which makes sense. You just -- it's easy to sort of leave people in there and have them be forgotten. It looks pretty, and it's a nice idea, but at the end, restaurateurs, which we know -- when we talked to them, they were like, "No, no, please don't do it."

Vice Mayor Mena: Right.

Mr. Jimenez: So...

Vice Mayor Mena: Alright.

Mayor Lago: Perfect.

Mr. Jimenez: So -- and we'll, obviously, reserve any time necessary, but...

Mayor Lago: Thank you very much.

Mr. Jimenez: Look forward to staff's presentation.

Mayor Lago: Ms. Cabrera.

Development Services Director Cabrera: Thank you. Can we get the staff presentation please? So, just to refresh everybody's memory, the applicant is requesting the vacation of the alley, text amendments to our Zoning Code, with a PAD, some TDRs for additional FAR, and the conditional used for a mixed-use site plan. That's the location of the property. The future land use map and the zoning map. The first request on that alley vacation is the gray area that you see there. The second request is the Zoning Code text amendment. The applicant's request is to remove the building height limitation of the subject site in order to allow the project's proposed building height of 18 stories and 204 feet and 8 inches. The PAD, they meet the minimum site requirements size of one acre. The minimum lot width is 200 by 100, the landscape open space of 25 percent, and that it provides a substantial public benefit, which is the park. Request number four is the transfer of TDRs, and the receiving site shall be located within the CBD. And it gives them an additional FAR of 25 percent over the 3.5 that they get with the Med Bonus. Request number five is a conditional use review for the mixed-use site plan. They meet the requirements. Of course, last

time we were here, there was a comment about the paseo and whether it is required or not required. They -- at the recommendation of the Commission -- looked at removing the paseo. It went back to the Board of Architects, and the Board of Architects actually did not like that idea. They actually preferred to have the paseo in place, and I'm sure that Joe will be speaking about that further after I'm done with this. This is the new site plan showing how they did the alley and the removal of the paseo. Some site plan information. We've already been through all this, so I'm just going to skip right through that. The renderings, elevations from the north, the south. We have all the elevations here. It shows the previous, and the change to the elevation was really minor in removing the paseo. It wasn't significant. That's the revised one without the paseo. Again, you really can't even tell the difference. The review timeline. It went to DRC in October 2021. They went to the BOA November '21 and December of '21, and then just recently after the last Commission meeting on January 20 -- is that date right? This date's not right. It should not be January 2722. It was -- it went last week to the Board of Architects with the -- for the removal of the paseo, sorry about that. The neighborhood meeting was in February 2022, and the Planning and Zoning Board saw it in March of 22. The letters went out to all the property owners within a thousand feet of the project. Public notifications were four times they sent letters to the property owners, three times the property was posted, when it went to DRC, the BOA, and Planning and Zoning Board. That might actually be four because it would have been -- it may have been posted again for BOA. Five times it was posted on the City website, and three times it was advertised in the paper. There's a request, again, the vacation, the text amendments to the Zoning Code, the PAD, the TDR receiving, and the conditional use for the mixed-use site plan. Staff recommends approval with conditions. There are quite a few conditions there in the staff report. And that's the end of it. What happened with the BOA -- it's in your memo -- is that they actually would prefer to keep the paseo, and they made a recommendation to move the paseo to the -- more to the center of the development where the restaurant and open space is. And I believe Joe sort of touched on why that's not viable to the applicant. But that is what BOA recommended for the Commission.

Mayor Lago: Perfect. Thank you, Ms. Cabrera. I appreciate it.

Mr. Jimenez: And if...

Mayor Lago: Good job.

Mr. Jimenez: And if I may address some of those issues because they actually came up on Ms. Cruz's comments earlier on a different project. I don't want them mixed up with this. Our Mediterranean Bonus was based on our meeting the required criteria under the City Code. We were over. So, by removing it from Med Bonus, we still legally qualify under the requisite number of criteria. Number two, in a PAD -- and I would ask the City Attorney to confirm this -- and this was confirmed at the last time we were here -- Section 2-500 of the City Code reads that when the Commission finds it necessary and appropriate to have a paseo one will be required. It was my understanding, obviously, that the last time we were here, you all deemed it neither necessary nor appropriate, and that's what I explained to the Board when it was said to me repeatedly, "This is a Code requirement." It is not. It is a requirement for Med Bonus among others. And if you choose not to use that, underground parking is a Med Bonus requirement. We don't have that either. But we do have the proper number as found by the Board when they gave us Med 1 or Med 2. So, I don't want it to be -- we're not using this to get it, and then now, all of a sudden, pulling it back, as was mentioned on a different project earlier today. So, I -- for the sake of transparency and for the sake of the public knowing what we're doing, we fall well within the Code in every design element.

Deputy City Attorney Suárez: And just to confirm, yes, Section 2-500 of the Zoning Code states that where necessary and appropriate to enhance public pedestrian access, that's when the paseo's required. If you all decide to approve this today without the paseo, we will, of course, include in all of the items a finding in the whereas clauses by this Commission that it's not necessary and appropriate.

Vice Mayor Mena: Right.

Mr. Jimenez: And with that, our presentation is done. Obviously, Mr. Codina and Mr. Cadre are here to answer any questions you might have for them as am I. So, thank you very much for the time.

Mayor Lago: Thank you. Does the Commission have any further questions, or are they satisfied with the responses? I think we've pretty much discussed this project in full detail.

Vice Mayor Mena: I'm ready to move forward.

Mayor Lago: Me too.

Commissioner Fors: Me too.

Mayor Lago: We need a motion.

Deputy City Attorney Suárez: So, these are public hearing items, so we have to check if there's...

Vice Mayor Mena: Yep.

Mayor Lago: Oh, I thought we had already requested that. Thank you. Are there...?

City Clerk Urquia: There are no public speakers on this item.

Mayor Lago: Okay.

Commissioner Menendez: I'll make a motion.

City Clerk Urquia: We're going to need five motions.

Vice Mayor Mena: Yeah. Just...

Mayor Lago: No problem.

Vice Mayor Mena: Take one at a time.

Mayor Lago: We'll take one at a time, starting with F-4.

Commissioner Menendez: Motion.

Commissioner Anderson: Second.

Commissioner Anderson: Yes.

Commissioner Fors: Yes.

Vice Mayor Mena: Yes.

Commissioner Menendez: Yes.

Mayor Lago: Yes.

(Vote: 5-0)

Mayor Lago: Moving on to F-5.

Commissioner Anderson: I make a motion.

Commissioner Menendez: Second.

Commissioner Fors: Yes.

Vice Mayor Mena: Yes.

Commissioner Menendez: Yes.

Commissioner Anderson: Yes.

Mayor Lago: Yes.

(Vote: 5-0)

Mayor Lago: Moving on to F-6.

Commissioner Menendez: Motion.

Commissioner Anderson: Second.

Vice Mayor Mena: Yes.

Commissioner Menendez: Yes.

Commissioner Anderson: Yes.

Commissioner Fors: Yes.

Mayor Lago: Yes.

(Vote: 5-0)

Mayor Lago: Moving on to F-15.

Commissioner Anderson: Make a motion.

Commissioner Menendez: Second.

Commissioner Menendez: Yes.

Commissioner Anderson: Yes.

Commissioner Fors: Yes.

Vice Mayor Mena: Yes.

Mayor Lago: Yes.

(Vote: 5-0)

Mayor Lago: Moving on to F-16.

Commissioner Menendez: Motion.

Commissioner Anderson: Second.

Commissioner Anderson: Yes.

Commissioner Fors: Yes.

Vice Mayor Mena: Yes.

Commissioner Menendez: Yes.

Mayor Lago: Yes.

(Vote: 5-0)

Mayor Lago: Thank you very much. Congratulations. We'll see you when you have to come back again. Thank you very much. Have a wonderful day.

Vice Mayor Mena: Thank you.