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1 CHAIRMAN AIZENSTAT: Robert, I'm going to start  
 2 you off, any comments?  
 3 MR. BEHAR: Ramon.  
 4 MR. TRIAS: Yes, sir.  
 5 MR. BEHAR: Mr. Capote's letter's regarding an  
 6 alley, but that alley is no longer there, right? I  
 7 mean, if I understand correctly.  
 8 MR. TRIAS: There is an alley in his house, in the  
 9 back, but it's not affected by the re-plat, right?  
 10 That's correct.  
 11 MR. GARCIA-SERRA: Correct. There's an alley that  
 12 reaches to the back of his property right through-- let  
 13 me bring up the-- approximately in that location there  
 14 is an alley that goes to the back of his property. The  
 15 portion behind him immediately has not been vacated,  
 16 another portion of it has. But as part of Zoning  
 17 approvals, we need to provide an easement to him for  
 18 alternative access.  
 19 MR. BEHAR: So he will still have basically  
 20 access?  
 21 MR. TRIAS: Yes.  
 22 MR. GARCIA-SERRA: His access continues pretty  
 23 much as it is today, being able to drive his car back  
 24 there if he wants to.  
 25 MS. MENENDEZ: What are the restrictions of the

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1 access to. What remains of the alley I'm pretty sure is  
 2 not-- is that built over also?  
 3 Okay. Some of it is built over the access  
 4 easement, but it's at a height of 20 something feet.  
 5 MR. BEHAR: So you have interrupted access to his  
 6 property?  
 7 MR. GARCIA-SERRA: Right.  
 8 MS. MENENDEZ: And what was the height again?  
 9 MR. GARCIA-SERRA: 20-- what's the exact height?  
 10 16 feet.  
 11 MS. MENENDEZ: Is that consistent with DOT  
 12 standards?  
 13 MR. GARCIA-SERRA: Yes. 16 is what we've always  
 14 used in similar circumstances here in the City where  
 15 we've had to, you know, vacate an alley or build over  
 16 it, and we've provided a 16-foot clear.  
 17 MS. ANDERSON: Is there going to be lighting  
 18 provided?  
 19 MR. GARCIA-SERRA: Yes, of course.  
 20 CHAIRMAN AIZENSTAT: Julio?  
 21 MR. GRABIEL: No, nothing.  
 22 CHAIRMAN AIZENSTAT: Maria?  
 23 MS. VELEZ: No, nothing.  
 24 CHAIRMAN AIZENSTAT: Any other comments?  
 25 MR. GRABIEL: Can I move for approval?

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1 easement? Can you just tell us what the easement's for?  
 2 Is it primarily for access?  
 3 MR. GARCIA-SERRA: That easement is for access.  
 4 MR. BEHAR: For his access basically?  
 5 MR. GARCIA-SERRA: For his access. You know,  
 6 conceivably the public could also drive back there, but  
 7 I don't think there ever would be any--  
 8 MR. BEHAR: But that access terminates at his  
 9 property.  
 10 MR. GARCIA-SERRA: Correct.  
 11 MR. TRIANA: Yes, that's correct. It ends at his  
 12 property.  
 13 MR. BEHAR: It ends at his property.  
 14 MS. MENENDEZ: How wide is that easement?  
 15 MR. GARCIA-SERRA: That easement-- let me turn  
 16 to-- 20 feet.  
 17 MS. MENENDEZ: So it's an access 20-foot  
 18 easement-- access easement?  
 19 MR. GARCIA-SERRA: Correct.  
 20 MR. BEHAR: Have you contemplated on your project  
 21 building over that easement?  
 22 MR. GARCIA-SERRA: No. That easement, correct  
 23 me-- in other words, the alley behind this property is  
 24 not being built over, and the alternative access  
 25 easement that we're granting him for his continued

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1 CHAIRMAN AIZENSTAT: Please.  
 2 MR. GRABIEL: I'd like to move for approval.  
 3 MS. VELEZ: I second it.  
 4 CHAIRMAN AIZENSTAT: We have a first. We have a  
 5 second. Any other discussion?  
 6 No. Call the roll, please.  
 7 THE SECRETARY: Maria Menendez?  
 8 MS. MENENDEZ: Yes.  
 9 THE SECRETARY: Maria Velez?  
 10 MS. VELEZ: Yes.  
 11 THE SECRETARY: Rhonda Anderson?  
 12 MS. ANDERSON: Yes.  
 13 THE SECRETARY: Robert Behar?  
 14 MR. BEHAR: Yes.  
 15 THE SECRETARY: Julio Grabiell?  
 16 MR. GRABIEL: Yes.  
 17 THE SECRETARY: Eibi Aizenstat?  
 18 CHAIRMAN AIZENSTAT: Yes.  
 19 MR. GARCIA-SERRA: Thank you very much.  
 20 CHAIRMAN AIZENSTAT: Thank you.  
 21 MR. COLLER: Agenda Item E-3, an Ordinance of the  
 22 City Commission of Coral Gables, Florida providing for  
 23 text amendments to the City of Coral Gables Official  
 24 Zoning Code, Article 3, "Development Review," Division  
 25 10, "Transfer of Development Rights," expanding the

1 receiver sites for the use of transfer development  
 2 rights to include Blocks 1, 2, 3, 4, 6, 7, 8 and 10 in  
 3 the Biltmore Section, providing for a repealer  
 4 provision, providing for a severability clause,  
 5 codification, and providing for an effective use.

6 CHAIRMAN AIZENSTAT: Thank you.

7 MR. COLLER: Item E-3, public hearing.

8 MR. TRIAS: Mr. Chairman, I will show you a brief  
 9 power point. This request was sponsored by the Mayor,  
 10 and basically what it does, it creates a new receiving  
 11 area--

12 CHAIRMAN AIZENSTAT: If we can please shut the  
 13 door. Thank you.

14 MR. TRIAS: --A new receiving area for the TDR  
 15 Program. As you know, we have sending areas, and we  
 16 have receiving areas. So this is exclusively a new area  
 17 for reception of TDRs. The public notice includes  
 18 courtesy notice. And I want to make that very clear, we  
 19 have a new policy that we send mail notice to everyone  
 20 all the time basically. So it's way beyond what the  
 21 Code requires. So I believe that that makes a big  
 22 difference in terms of keeping the public involved. We  
 23 have the Planning and Zoning legal add, which is  
 24 required. We also have the posting of the agenda at  
 25 City Hall, the web page and the Staff Report was posted

1 blocks. So it's defined in terms of a very clear area.  
 2 And what it says is that the Biltmore Section, Blocks 1,  
 3 2, 3, 4, 5, 6, 7, 8 and 10, which are designated  
 4 Multi-Family High Density or Commercial High-Rise  
 5 Density Land Use would be the receiving sites.

6 The consequences of that is that the FAR would be  
 7 increased by 25 percent. That's the way that the TDR  
 8 process works in the receiving areas. So a historic  
 9 designated building would have the option to transfer  
 10 development to those sites.

11 MS. MENENDEZ: Historic?

12 MR. TRIAS: Historic, yes.

13 MS. MENENDEZ: And how many historic buildings do  
 14 we have there?

15 MR. TRIAS: The historic building sites could be  
 16 elsewhere. They are from the North Ponce or Downtown.  
 17 This is a receiving site.

18 MS. MENENDEZ: I'm sorry, can I ask questions?

19 CHAIRMAN AIZENSTAT: If it's okay, let's let him  
 20 finish his presentation.

21 MR. TRIAS: I'm at the end. I'm at the end, yeah.

22 MS. MENENDEZ: I'll make a note.

23 CHAIRMAN AIZENSTAT: Thank you.

24 MR. TRIAS: Go ahead. Go ahead.

25 CHAIRMAN AIZENSTAT: Are you okay?

1 also.

2 Now, the area-- once you look at the aerial  
 3 image-- and that's also on your Staff Report, and it may  
 4 be easier to look there-- there are many buildings that  
 5 are 12, 14, 13, even 16 stories high. So there's a  
 6 variety of buildings that are fairly tall. There are a  
 7 few buildings that are relatively small in between. I  
 8 think that the idea behind this is to encourage the  
 9 development of some of the smaller parcels in between.

10 And I want to make it very clear that the existing  
 11 conditions are different than the Zoning and the Land  
 12 Use Map. The existing conditions show you fairly large  
 13 buildings mostly all throughout. And, then, if you look  
 14 here in this diagram, the hatched area is the one that  
 15 has the smaller buildings. So about half of the  
 16 properties could, in theory, benefit from this.

17 As you can see, there are multiple zoning  
 18 designations, even some Commercial Zoning-- some limited  
 19 Commercial Zoning. There is some highrise multi-family.  
 20 There's some multi-family. It's a rather complicated  
 21 map, and also the Future Land Use Map is rather  
 22 complicated. So I think the existing conditions is more  
 23 clear than some of that. So that's the way I would look  
 24 at this.

25 The proposed amendment is very specific to some

1 MR. TRIAS: Yes, I'm fine.

2 CHAIRMAN AIZENSTAT: I think he needs a minute, so  
 3 it'd be good-- so go ahead and ask your question.

4 MS. MENENDEZ: The TDR program-- when we  
 5 originally created the TDR program, we always tried to  
 6 emphasize it being close, the receiving site from the--  
 7 you know, from the transfer site. Has that changed?

8 MR. TRIAS: Well, this would change that idea.  
 9 I'm not sure that that was the only criteria. Clearly  
 10 you're right, that's the way it worked because  
 11 originally it was Downtown.

12 MR. BEHAR: It was to the CBD area.

13 MR. TRIAS: Yeah.

14 MR. BEHAR: So it was not just close to the site.  
 15 It was to be to the expanded area to the CBD.

16 MS. MENENDEZ: But the reason-- there was a lot of  
 17 logic behind that because the impact of the development,  
 18 when it gets transferred, the impact gets transferred  
 19 but it's within the area. If you start transferring  
 20 Development Rights throughout the commercial area, then  
 21 the real-- I mean, the real impact is not shifted. I  
 22 mean, it's shifted, but it's not shifted within the area  
 23 where there would be a benefit and an impact, and it  
 24 would kind of like balance out. Now, if we start  
 25 allowing for Transferred Development Rights from the CBD

1 to the Biltmore, then, in essence what we're doing is  
2 we're like extending the ability to transfer without  
3 really seeing what the original criteria was, which is  
4 let's transfer but let's keep it within a certain area  
5 so that the transfer and the impact would kind of like  
6 balance out.

7 MR. TRIAS: Yes. And you're right. That is the  
8 policy of this extension. The original idea, I think,  
9 your correct, it was within the CBD. Then the change  
10 that I can recall is that we extended receiving areas to  
11 Ponce de Leon.

12 MR. BEHAR: Yeah. That just recently happened.

13 MS. MENENDEZ: Just recently did that.

14 MR. TRIAS: And, also, the sending sites also in  
15 the North Ponce area.

16 MS. MENENDEZ: But we define that area, though.  
17 We basically said within this north-- I mean, this Ponce  
18 Corridor, you can do Transfer Development Rights. But,  
19 now, what I understood you telling me is that we can  
20 have a historic building on Ponce that Biltmore would  
21 benefit or vice versa.

22 MR. TRIAS: The Biltmore Way area, yes.

23 MS. MENENDEZ: Right. So then the question  
24 becomes what happened with the criteria which kind of  
25 like created the foundation of allowing TDRs.

1 have anything in this area, okay.

2 CHAIRMAN AIZENSTAT: If I can, why don't we allow  
3 Ramon to finish his presentation.

4 MR. TRIAS: Yeah. Staff recommends approval.  
5 It's consistent with the Comprehensive Plan, and my  
6 presentation is over. If you have any questions--

7 CHAIRMAN AIZENSTAT: Ramon, we scared you.

8 MS. MENENDEZ: We knew that was going to happen.  
9 We saw it coming.

10 CHAIRMAN AIZENSTAT: Do we have anybody from the  
11 audience that is here to speak on this item? No. Is  
12 there--

13 MR. GARCIA-SERRA: Good evening, Mr. Chair,  
14 Members of the Board, Mario Garcia-Serra, with offices  
15 at 600 Brickell Avenue. I haven't signed in, but I will  
16 sign in. Going on the point of sort of what's the  
17 history, because I've been involved in a little bit of  
18 that history also over the years.

19 Originally, TDRs were-- sender sites had to be  
20 historic properties within the CBD-- within the Central  
21 Business District. Receiving sites had to be within the  
22 Central Business District also, Zoned Commercial. That  
23 was the original. Then around I don't know, I want to  
24 say 2010, '11 perhaps is when there was a series of  
25 historic designations in the North Ponce area. And the

1 MR. TRIAS: Exactly. That is the fundamental  
2 issue. And the way that I would address this is that  
3 the existing development is actually fairly consistent  
4 with what Merrick's original plan was for that area,  
5 significant buildings, and there's a large-- I mean, the  
6 street is very wide, as you know, Biltmore Way. And, as  
7 I said, most of the buildings or many of the buildings  
8 are 12, 13, 14 stories high. So what happens is that it  
9 does make sense to think of that area as a fairly dense  
10 district. So if you believe that the criteria could  
11 be-- that in order to preserve historic buildings, there  
12 should be as many good areas that could take the  
13 development-- if that were to be your policy, then this  
14 would fit with that policy. But, if you don't agree  
15 with that policy, if you believe that it should be  
16 within the same district, then--

17 MR. BEHAR: I don't think-- correct me if I'm  
18 wrong, I don't think that policy is really completely in  
19 effect today, because you could take from the North  
20 Ponce Corridor, and transfer that to the CBD, can you  
21 not?

22 MR. TRIAS: Yes.

23 MR. BEHAR: So that original, you know, concept  
24 back whenever that was originally started, I don't think  
25 is true today. And, you know, for the record, I don't

1 amendment that was done at that point in time to sort of  
2 address that issue of property owners might feel that  
3 they're being deprived of property rights when they're  
4 designated historic, and we should try to make them  
5 whole was to say in the North Ponce area if you were  
6 Zoned MF2, and were designated historic, you could be a  
7 donor site. And then you could be a donor site at that  
8 point in time-- for at least a few years you could be a  
9 donor site to the CBD.

10 Then, I'd say, probably within the last two  
11 years-- you guys would know better-- maybe within the  
12 last year, the North Ponce Mixed-Use Corridor was  
13 adopted. Within that North Ponce Mixed-Use Corridor,  
14 you could be a recipient. You could be a recipient site  
15 within the North Ponce Mixed-Use Corridor. They also  
16 changed-- the Staff changed the Ordinance so that  
17 commercial properties within the North Ponce that are  
18 designated historic could be donor sites.

19 So over the years, there's always been, I think, a  
20 sort of change to try to address what can we use a TDR  
21 for? What positive public benefit we could use a TDR  
22 for? Focus. And indeed, not only here but in other  
23 jurisdictions I think they have proven to be a very  
24 effective mechanism for trying to preserve, protect what  
25 you want to, and then also sort of channel our direct

1 development to where it should go. And that's evolved  
 2 over time, so the area sort of has expanded that could  
 3 be donor or recipient.  
 4 Here, we're seeing, you know, a stretch of the  
 5 City which functionally, to a certain extent is like a  
 6 CBD, because you go down Biltmore Way, you see pretty  
 7 significant amount of density as far as residential  
 8 buildings. Decent amount of commercial presence.  
 9 Historically I think it was part of Merrick's plan for  
 10 that street to almost be sort of like a Fifth Avenue is  
 11 what I think he envisioned it to ultimately be. So the  
 12 idea of expanding the recipient site here, and I think  
 13 that's the only thing that's being proposed right now is  
 14 expansion of the recipient site to this area, in my  
 15 opinion at least, makes some sense. Of course, I do  
 16 have clients who are in the area and are interested.  
 17 MS. MENENDEZ: I was going to ask if there's a  
 18 project behind this?  
 19 MR. GARCIA-SERRA: Yeah. It's not just all purely  
 20 policy driven, but indeed, you know, I am personally a  
 21 big advocate I think of utilizing TDRs to meet certain  
 22 policy ends, because, for example, in the situation of  
 23 historic preservation, you could have a situation where  
 24 the burden 100 percent is falling on the property owner  
 25 to preserve this historic building. The government is

1 not going to be there to help pay the bills or make ends  
 2 meet, and the TDRs are a way of, you know, fulfilling,  
 3 you know, easing that burden. And then you obviously  
 4 need a place for those TDRs to be utilized, and the CBD  
 5 has been historically where they've been used. I don't  
 6 think they've been used yet necessarily in North Ponce  
 7 area, but I do know from just practicing day in and day  
 8 out that there's a good number of TDRs that are out  
 9 there looking for a place to be utilized. And so in  
 10 order to keep the system, I think, or the market, let's  
 11 say, functioning well, you need to give them options as  
 12 far as where those TDRs could potentially be used, and  
 13 going along Biltmore Way-- you saw in Ramon's  
 14 presentation-- we're talking about 14, 15-story  
 15 buildings out here. To a great extent functionally,  
 16 this is sort of like an extension of the CBD, which is  
 17 why I think it's an acceptable area for it to be used.  
 18 MS. MENENDEZ: Thank you. Thank you for that  
 19 historic perspective.  
 20 MS. ANDERSON: Mario, I do have a question for  
 21 you.  
 22 MR. GARCIA-SERRA: Sure.  
 23 MS. ANDERSON: The Villa Valencia Project which is  
 24 in the Block 7 area.  
 25 MR. GARCIA-SERRA: Correct.

1 MS. ANDERSON: That area isn't already at 3.0 AFR?  
 2 MR. GARCIA-SERRA: If I remember correctly, Villa  
 3 Valencia--  
 4 MS. ANDERSON: But it was reduced to two point I  
 5 think five?  
 6 MR. GARCIA-SERRA: But didn't we, as part of the  
 7 project, for that project in particular, increase its  
 8 FAR to either 3.0 to 3.5? I think that's where it is  
 9 right now.  
 10 MS. ANDERSON: We reduced it because of the park.  
 11 MR. GARCIA-SERRA: It could've been.  
 12 MS. ANDERSON: We added a park element to it.  
 13 MR. GARCIA-SERRA: Right, of course. But the  
 14 approved FAR I want to say is 3.0, somewhere around  
 15 there. I'm pretty sure about that.  
 16 MS. ANDERSON: Oh, the way it's zoned right now.  
 17 MR. GARCIA-SERRA: Right.  
 18 MS. ANDERSON: So that if the Transfer Development  
 19 Rights are transferred to that location, it would  
 20 increase it by 25 percent?  
 21 MR. GARCIA-SERRA: Ramon, correct me if I'm wrong,  
 22 I believe your proposal is that the property has to be  
 23 Designated Commercial or Residential High and facing the  
 24 Biltmore Way, right?  
 25 MR. TRIAS: Right. Right. So the same rules

1 apply that they apply at-- we're not changing the rules.  
 2 So the rule is that if you transfer, you can increase  
 3 the FAR up to 25 percent of what's allowed. Now, it may  
 4 allowed 2.0 FAR if it's High Density Residential. If  
 5 it's Commercial, it may be 3.0. So those are the  
 6 distinctions that would be a project by project review.  
 7 MR. GARCIA-SERRA: But on your exact question, the  
 8 Villa Valencia site is designated Residential Medium  
 9 Density, not High. And the amendment proposes that the  
 10 receiver sites have to be designated Multi-Family High  
 11 Density or Commercial High Density.  
 12 If you look at the Map, for the most part, those  
 13 properties are going to be facing on to Biltmore Way.  
 14 MS. ANDERSON: So at 3.5 or-- basically I think  
 15 this is going to end up being 3.75 FAR. Can you  
 16 translate that for me into how tall that building would  
 17 be by comparison?  
 18 MR. GARCIA-SERRA: You can't increase height.  
 19 This would just increase floor area. For example, if  
 20 your maximum permitted FAR is 3.5, you can increase by  
 21 another--  
 22 MR. BEHAR: 4.375, right?  
 23 MR. TRIAS: Right. That's the maximum--  
 24 MR. GARCIA-SERRA: That would be the maximum.  
 25 MR. TRIAS: --Ever, it's 4.375

1 MR. BEHAR: But the height you cannot--  
 2 MR. GARCIA-SERRA: The height does not change.  
 3 MR. TRIAS: Exactly. So basically the building  
 4 just becomes a little bit thicker, but the height is the  
 5 same. It remains. It doesn't change.  
 6 MS. ANDERSON: So there would be less variation of  
 7 the building and less setback, is that the effect?  
 8 MR. TRIAS: Maybe. It depends on the design.  
 9 Were you--  
 10 MR. BEHAR: I mean, you got setbacks on limiting  
 11 your envelope. The envelope may get bigger, but I don't  
 12 see it as the building getting bigger. I see it as you  
 13 have more FAR that you could put in your site to get,  
 14 you know, maybe-- and the density doesn't get--  
 15 MR. GARCIA-SERRA: Density doesn't change.  
 16 MR. TRIAS: Yeah. Density doesn't change.  
 17 MR. BEHAR: So I honestly-- I mean, don't know the  
 18 benefits that a site would get when you transfer TDRs  
 19 here.  
 20 MS. MENENDEZ: The problem is that the way that--  
 21 we don't have really the criteria that's tied to this,  
 22 right? I mean, right now we just have a request to  
 23 transfer-- the ability of transferring the TDRs, but I'm  
 24 not seeing any type of criteria. Does it go through a  
 25 public hearing? Are there any restrictions? Are there

1 the building, the floor area ratio that is allowed.  
 2 MR. BEHAR: The envelope of the building. I mean,  
 3 that's right. Probably the best example would be that  
 4 you could get larger units versus, you know, smaller  
 5 units. Whether that's the group practice or not, you  
 6 know, I don't see-- and maybe my colleague could  
 7 elaborate on this-- I don't see the units getting  
 8 bigger, but it may be like if you're on Biltmore Way and  
 9 you have great views of the golf course there, of  
 10 Granada, you may do-- like some of the buildings there  
 11 do, a little bit different bigger units. So this will  
 12 be able to facilitate being able to achieve that.  
 13 MS. MENENDEZ: You're saying that the massing  
 14 doesn't change?  
 15 MR. BEHAR: The density doesn't change. The  
 16 height doesn't change. So the massing could change, but  
 17 maybe by making bigger units, not necessarily any  
 18 taller. You can still keep a building if-- and I don't  
 19 know the height that is going to be permitted for those  
 20 specific properties. I don't know if it's lot specific  
 21 regulations that apply without even looking at it. So I  
 22 cannot get more density. I would not be able to get any  
 23 more height. So the only viable alternative would be to  
 24 get bigger units.  
 25 MR. GARCIA-SERRA: Within the envelopes.

1 any boundaries? It's kind of like let just put them out  
 2 there and see what happens.  
 3 MR. BEHAR: Yeah.  
 4 CHAIRMAN AIZENSTAT: Ramon, let me ask you a  
 5 question. What happens with other bonuses such as  
 6 Mediterranean bonuses?  
 7 MR. TRIAS: They may apply. They may apply also.  
 8 Those are independent. They have nothing to do with  
 9 this.  
 10 MR. BEHAR: But they apply no matter what already  
 11 right now?  
 12 CHAIRMAN AIZENSTAT: Right.  
 13 MR. BEHAR: Is this just to be able to go from 3.5  
 14 to 4.375?  
 15 MR. GARCIA-SERRA: On a commercial property.  
 16 MR. BEHAR: On a commercial property.  
 17 MR. GARCIA-SERRA: In an MF2 or Residential  
 18 Multi-Family property or Residential Multi-Family  
 19 property, it would be from a 2.5 to whatever.  
 20 MR. BEHAR: 2.875 difference.  
 21 MR. TRIAS: Right. I think that's more likely to  
 22 happen, and that's probably related to making bigger  
 23 units, for example. Because I don't think you can get  
 24 more units because the density doesn't really change. I  
 25 mean, it doesn't change. What changes is the size of

1 MR. BEHAR: Within the envelopes.  
 2 CHAIRMAN AIZENSTAT: Has the City done any study  
 3 to find out how many TDRs are actually available?  
 4 MR. TRIAS: Well, the study that we did is in the  
 5 Staff Report that shows you the existing conditions of  
 6 all of the buildings in our table. And as far as the  
 7 available sending, that's a whole different-- I mean,  
 8 we're not changing that so I don't believe we have a  
 9 precise inventory, but I will tell you that this is not  
 10 used very often. In the last five years, I can remember  
 11 one project, which was 2020 Salzedo, the one that Codina  
 12 developed. And the way I recall, he owns some historic  
 13 properties, and he transferred the density within his  
 14 own property. So this is a good tool in theory. In  
 15 practice, it's seldom used, and I think some of the  
 16 issues had to do with what Mr. Behar was saying, that  
 17 the real benefit is minor. It may be a slightly larger  
 18 square footage for the building. So it really depends  
 19 on the specifics.  
 20 Now, in this case, there was some particular  
 21 interest in some particular parcel that triggered this  
 22 request. So I suppose they understand how--  
 23 MS. MENENDEZ: There is a project that's tied to  
 24 this?  
 25 MR. TRIAS: I wouldn't describe it as a project.

1 I had a meeting, and it was discussed as an option for  
 2 one parcel, and it was one of the small parcels.  
 3 MS. MENENDEZ: And where is that parcel at? What  
 4 location? CBD? Biltmore?  
 5 MR. TRIAS: No, in Biltmore, in the middle of the  
 6 Biltmore Way.  
 7 MS. MENENDEZ: So this proposed parcel that caused  
 8 all of this request, you're saying that it is within the  
 9 Biltmore Corridor?  
 10 MR. TRIAS: Yes. Yes.  
 11 MS. MENENDEZ: Do you know which one it is?  
 12 MR. TRIAS: I don't remember specifically, but  
 13 it's in one of the middle blocks, and it's one of the  
 14 small buildings. It's not one of the larger parcels.  
 15 CHAIRMAN AIZENSTAT: Is there any criteria-- has  
 16 the City developed any criteria for a property to be  
 17 able to transfer its TDRs? For example, other cities  
 18 say you have to be Code compliant, no violations, so  
 19 forth. Has the City ever gone through that process?  
 20 MR. TRIAS: Well, it's Historically Designated.  
 21 The property has to be historic. And then there's  
 22 review by Zoning, in terms of the Zoning Staff reviews  
 23 how much of the development is not used, and then  
 24 there's criteria that requires the maintenance of the  
 25 property a historic property. So there has to be a

1 you were here.  
 2 MS. MENENDEZ: I have a question for our City  
 3 Attorney. Do we-- when we approve something like this,  
 4 are we in essence providing rights to the owners-- to  
 5 property owners? You know how there's been so many  
 6 lawsuits? You pass these type of items, and then they  
 7 turn around, and if we don't approve a future project  
 8 that is in the process of receiving Transfer Development  
 9 Rights, does the City then become liable for--  
 10 MR. COLLER: I don't believe so. I think that all  
 11 you're doing is increasing the sending areas. Then  
 12 there's an administrative process.  
 13 MR. TRIAS: The receiving area.  
 14 MR. COLLER: I'm sorry, the receiving areas.  
 15 MS. MENENDEZ: Right.  
 16 MR. COLLER: So whether a particular property in  
 17 the receiving area gets the TDR is going to be an  
 18 administrative process. Ramon, am I correct on that?  
 19 MR. TRIAS: Yes, unless the application requires  
 20 Planning and Zoning.  
 21 MR. COLLER: Right, unless it's a public-- right.  
 22 Many of the applications do require public hearings.  
 23 MR. TRIAS: But there's no automatic-- this is not  
 24 an automatic process at all. In fact, it requires a lot  
 25 of review, and it requires a Maintenance Plan, and then

1 Maintenance Plan, and so on.  
 2 CHAIRMAN AIZENSTAT: So if you have a historic  
 3 building that is not truly kept up or has had  
 4 violations, would that historic property be able to sell  
 5 or transfer its TDRs?  
 6 MR. TRIAS: They would have to apply to restore  
 7 the building as part of the transaction.  
 8 CHAIRMAN AIZENSTAT: So that is in place?  
 9 MR. TRIAS: Yes. That is part of the process.  
 10 MS. VELEZ: So they have to go through the City  
 11 for permission to transfer?  
 12 MR. TRIAS: Yes. It's a Staff process. It's not  
 13 a Planning and Zoning process. So you don't get to see  
 14 it. But, like I said, it doesn't happen very often.  
 15 This is something that happens once in a while.  
 16 MS. MENENDEZ: But for the new project that's  
 17 receiving the Development Rights, do they come to the  
 18 Planning and Zoning Board?  
 19 MR. TRIAS: Well, if it is a mixed-use project,  
 20 which typically would be, yes, it would. Like I said,  
 21 the last one was a mixed-use project, 2020 Salzedo, and  
 22 the FAR ended up being less than 4.3. It was less than  
 23 the maximum, but it was more than 3.5, and that was  
 24 reviewed, and that was part of the application process.  
 25 And that was some years ago. You may remember. Some of

1 a variety of things for both. Review both, in terms of  
 2 the sending and the receiving sides.  
 3 CHAIRMAN AIZENSTAT: And we're looking right now  
 4 at the receiver's specific area.  
 5 MR. TRIAS: Yes.  
 6 MS. VELEZ: In addition to the North Ponce area--  
 7 I believe the North Ponce area is a receiving area, and  
 8 the CBD.  
 9 MR. TRIAS: Yes.  
 10 MS. VELEZ: Are there any other areas in the City  
 11 that are specific receiving areas?  
 12 MR. TRIAS: No. Those are the two, and this would  
 13 be Number 3.  
 14 CHAIRMAN AIZENSTAT: Mario.  
 15 MR. GARCIA-SERRA: On two points there were  
 16 questions here. There may be a little bit of  
 17 repetition, but just to make clear how everything works.  
 18 As far as a sender site's concerned, a sender site  
 19 becomes a sender site when it gets what's called a  
 20 Certificate of TDRs. It's the City's sort of  
 21 certification that it's eligible to transfer Development  
 22 Rights. And part of the process of doing that, there is  
 23 criteria, and among the criteria are that there's no  
 24 open code violations, of course, on the property, and  
 25 also that there is a Maintenance Plan in place to

1 preserve that historic structure.  
 2 So, in other words, in order for you to get your  
 3 Certificate of TDRs to be able to sell those  
 4 Transferable Development Rights, and they're used  
 5 somewhere else, you need to have no violations on the  
 6 property. You also need to have entered into that  
 7 Maintenance Plan and Agreement, which has to be a  
 8 covenant, you know, running with the property to  
 9 maintain the historic structure at a certain level of  
 10 quality. You know, minimum level of quality. So that's  
 11 what happens on the sender side.

12 On the receiver side, any use of TDRs on the  
 13 receiver side, has to be approved by the City  
 14 Commission. I'm fairly certain that it has to go also  
 15 first through Planning and Zoning. I'm not 100 percent.  
 16 I'd have to look at the code again, but certainly, at a  
 17 minimum, any use of TDRs on the receiver side is  
 18 approved by the City Commission and subject to their  
 19 discretion.

20 MR. BEHAR: Ramon.

21 MR. TRIAS: Yes.

22 MR. BEHAR: In your opinion, based on the existing  
 23 conditions of the many multiple buildings that are--  
 24 there, and I don't foresee those high, you know, 13,  
 25 16-story buildings ever coming down, at least not in my

1 it hasn't been submitted, but that was discussed as one  
 2 of the options. And, as a result of that, that's why  
 3 this was developed, yes.

4 CHAIRMAN AIZENSTAT: Maria, do you have any  
 5 comment?

6 MS. VELEZ: Yeah. I would like to have more  
 7 information, as well. I see that there are a lot of  
 8 parcels. Some of them are smaller than others, and I  
 9 would like to see more information coming forth.

10 CHAIRMAN AIZENSTAT: Such as which sites are  
 11 eligible--

12 MS. VELEZ: Yes, which ones?

13 CHAIRMAN AIZENSTAT: --To be receivable within  
 14 with the area?

15 MS. VELEZ: Yes. And my concern would also be  
 16 that once-- if we do this, then another area will come  
 17 by and say, the block next door has similarly zoned  
 18 properties and they'll say, "Well, why can't we also get  
 19 this particular benefit?"

20 MR. GRABIEL: The only positive in this area, if  
 21 you want to call it that, is that you only have existing  
 22 buildings that range from 12 to 16 story buildings. I  
 23 don't think there's too many other areas in the City of  
 24 Coral Gables that have that density.

25 MR. TRIAS: Right. Right.

1 lifetime, but what sites are available for new  
 2 development, that is-- because there are some  
 3 restrictions. You got-- don't we have minimum lot sizes  
 4 in this area, as well?

5 MR. TRIAS: Yes. Although, as you know, there's a  
 6 size specific regulation of 150 feet that has been  
 7 interpreted by the City Attorney's Office as to apply  
 8 regardless of the parcel size in some instances. So  
 9 that-- to me, that's one of the issues that provides  
 10 some limits to what may happen. Clearly we follow the  
 11 Zoning requirements. To go over 45 feet, you would have  
 12 to 20,000 square feet if you follow the typical Zoning  
 13 requirements. The only additional issue is those size  
 14 specific regulations.

15 MR. BEHAR: All right. In principle, I'm not-- I  
 16 don't have too much of a problem, but I think we need to  
 17 know more. I mean, I think I need to-- I need to know  
 18 which sites really are applying. You know, obviously,  
 19 this is more-- something that's more specific that came  
 20 in. And I don't think it's going to be that easy for a  
 21 site to receive TDRs, but I think maybe we need to get a  
 22 little bit more comfortable with-- you mentioned there's  
 23 a project that came to see you.

24 MR. TRIAS: Yeah. Like I said, this goes to  
 25 options. I wouldn't describe it as a project, because

1 MR. BEHAR: You know, the second is that, like  
 2 Ramon said, Biltmore Way is a very wide street. So in  
 3 theory, it could support something like that, but I  
 4 would like to know which parcels would be available to  
 5 receive something like that. What are the criteria that  
 6 we have for each of those requirements?

7 MS. MENENDEZ: Yes. I think a refresher on how  
 8 these TDRs work would also be very helpful as far as the  
 9 Staff Report. These don't happen often enough, so I  
 10 think that would be beneficial to us all.

11 CHAIRMAN AIZENSTAT: Julio.

12 MR. GRABIEL: Yeah. I live three blocks from  
 13 there, so I run through this street all of the time.  
 14 It's an important street. It's short. There's only  
 15 four blocks, but I really-- it's like a funnel. It's  
 16 got residential to the west, residential to the south,  
 17 residential to the north. But, at the same time, it's a  
 18 very important connector to the Downtown--

19 CHAIRMAN AIZENSTAT: Corridor.

20 MR. GRABIEL: Yeah. The traffic in the morning--  
 21 there is bumper to bumper all of the time, but the  
 22 street is not a beautiful street. As wide as it is, I  
 23 think as the City we should-- as Planning, we should be  
 24 looking at what can we do to make that street more  
 25 beautiful. I mean, landscaping, median, something that

1 will make it a special place. So anything that we can  
2 do to actually help promote that, I think we should take  
3 a look at it. If TDRs is the way of doing it, I'm very  
4 much in favor. But I agree with my fellow members that  
5 I think we need a little bit more.

6 CHAIRMAN AIZENSTAT: So are you suggesting somehow  
7 that if there's a TDR receiver site-- if they can turn  
8 off cell phones, please. Thanks.

9 If there's a TDR receiver site, then you would  
10 like to look at a contribution into the City to beautify  
11 that that area as part of it?

12 MR. GRABIEL: Absolutely.

13 MS. MENENDEZ: I think that's a great idea.

14 MS. ANDERSON: Yeah. It definitely needs it.

15 CHAIRMAN AIZENSTAT: I'm sorry?

16 MS. ANDERSON: It definitely needs it. It's not  
17 walkable. You don't have the shade along the streets.

18 MR. GRABIEL: I tried to get to Downtown Coral  
19 Gables walking on the street, and I gave it up after the  
20 third time.

21 MR. TRIAS: And I want to say that we have  
22 attempted to do some Planning and Zoning, and this  
23 hasn't been a priority, for whatever reason, in terms of  
24 funding to do any kind of capital project, but if you  
25 want to revisit that idea, I think that's really a great

1 opportunity.

2 MS. MENENDEZ: Yes.

3 CHAIRMAN AIZENSTAT: I think, from what you said--  
4 go ahead.

5 MS. COLLER: I want to correct a statement that I  
6 made earlier. I'm looking at Section 3-1006, and I  
7 think, consistent with what Mario said, it looks to me  
8 like there is a recommendation from the Planning and  
9 Zoning Board, and approval of the City Commission for  
10 the receiving site. So it's not administrative. It's  
11 when somebody comes forth and wants to utilize that TDR,  
12 they have to come to you all, and then they come to the  
13 -- I think that's consistent, and I apologize to the  
14 Board. I thought it was administrative, but it is not.

15 MR. TRIAS: And I guess typically-- I mean, every  
16 project-- I mean, the only project that I can remember  
17 was a mixed-use project that wouldn't come to you  
18 anyway, and this was just one of the different aspects  
19 of the project. Typically that's what I would expect in  
20 a TDR situation.

21 CHAIRMAN AIZENSTAT: I think, from what you've  
22 heard, and from the Board Members here, does anybody  
23 want to make a recommendation to go ahead and continue  
24 this item? Is there a motion?

25 MR. COLLER: Ramon, is there any urgency about

1 this item getting to the Commission? I mean, it might  
2 be. I don't know where this is coming from.

3 MR. TRIAS: The Mayor asked me about it during the  
4 Commission meeting yesterday, and I was very happy to  
5 tell him today you were going to look at it, and he was  
6 very happy. That's the best way I can describe it.

7 MR. BEHAR: You know, I like it. I like it in  
8 principle what it could do especially for this area, but  
9 I think that we need to look at-- I would feel more  
10 comfortable if I knew exactly what sites, you know, are  
11 available to receive that. Right now, I think that's  
12 the consensus that I'm hearing from my colleagues.

13 So, again, I'm not opposed, but I'd like to get  
14 more information. So I will make a motion to continue  
15 it until we get more information to address some of the  
16 comments that were--

17 MS. ANDERSON: I'll second that. And I'd like to  
18 see more information, Ramon, regarding the actual  
19 effect. I mean, what is the lot size that would be  
20 warranting receiving that, because if what we're doing  
21 is we're allowing them to do exactly what they're  
22 allowed to do under 3.0 by amassing a number of lots, I  
23 don't see the benefit. If it's helping a small lot  
24 achieve something that's going to keep with the  
25 character of the area, then that's something different.

1 MR. TRIAS: I mean, certainly we can get more  
2 information, but let's be realistic in the sense that we  
3 are not designing every project, and design has a big  
4 role to play in this thing. And the effect is going to  
5 be relatively minor at the end of the day, but  
6 significant to the parcel that gets the TDR. So that's  
7 the best way I can describe it.

8 MR. BEHAR: Ramon, I agree. The benefit will  
9 outweigh the negative because I truly believe it. I  
10 just think that-- I mean, I don't know if the Board  
11 feels any different, but I think -- you know, I'd like  
12 to know what sites would qualify really for this. And  
13 it could be something very simple.

14 MS. ANDERSON: And can you limit it to, you know,  
15 just the ones facing Biltmore Way, you've designated the  
16 entire block.

17 MR. TRIAS: We can provide more information.

18 MR. BEHAR: But I don't have a problem on both  
19 sides, because when you look at the as-built, the  
20 existing contextual area, you know, you already have--  
21 for example, I could be fronting the golf course.  
22 There's no reason why, you know, it wouldn't be  
23 applicable there.

24 MS. ANDERSON: Right. But on the opposite side,  
25 you start to step down--



1 MR. BEHAR: But that's why you have the transition  
 2 in the City. That's where the transition is appropriate  
 3 to have your transition between the high density and the  
 4 lower density.  
 5 MR. VELEZ: But we still have some tall buildings  
 6 facing onto Valencia. We have several tall buildings  
 7 facing--  
 8 MS. ANDERSON: You have Laroc which is 13.  
 9 MS. VELEZ: We have Laroc. You have Biltmore,too,  
 10 which is 13.  
 11 MS. ANDERSON: Yes. We're not up to 15 there.  
 12 MR. TRIAS: If I can direct you to the Table that  
 13 we have on Page 3, this Table has all of the small  
 14 parcels listed, and it shows the number of floors and  
 15 the building area, and the lot size. It doesn't give  
 16 potential, but it gives you a sense of the parcels that  
 17 we have.  
 18 MR. COLLER: The only other thing I wanted to add  
 19 is there is expressed criteria in this section when you  
 20 want to evaluate a particular project, and one of the  
 21 criteria is the extent to which the application is  
 22 consistent with the Zoning Code and City Code, otherwise  
 23 applicable to subject property or properties, including  
 24 but not limited to density, bulk size, area and use, and  
 25 the reasons why such departures are determined to be in

1 MS. ANDERSON: No.  
 2 CHAIRMAN AIZENSTAT: Call the roll, please.  
 3 THE SECRETARY: Maria Velez?  
 4 MS. VELEZ: Yes.  
 5 THE SECRETARY: Rhonda Anderson?  
 6 MS. ANDERSON: Yes.  
 7 THE SECRETARY: Robert Behar?  
 8 MR. BEHAR: Yes.  
 9 THE SECRETARY: Julio Grabiel?  
 10 MR. GRABIEL: Yes.  
 11 THE SECRETARY: Maria Menendez?  
 12 MS. MENENDEZ: Yes.  
 13 THE SECRETARY: Eibi Aizenstat?  
 14 CHAIRMAN AIZENSTAT: Yes.  
 15 I do want to take a second and thank Mario very  
 16 much. You were eloquent and you really explained it  
 17 well. Thank you.  
 18 MR. GARCIA-SERRA: Always happy to help.  
 19 MS. ANDERSON: Thank you, Mario.  
 20 MR. COLLER: So the next item--  
 21 MR. BEHAR: Before they leave--  
 22 CHAIRMAN AIZENSTAT: I just want to thank you all  
 23 Boyscout Troop 419 for coming.  
 24 (Thereupon, the Boyscout Troop exited the room.)  
 25 CHAIRMAN AIZENSTAT: Go ahead. If you could read

1 the public interest.  
 2 So there is the opportunity, when you do get a  
 3 receiving site, to consider essentially what appears to  
 4 me to be a compatability issue.  
 5 CHAIRMAN AIZENSTAT: Right. Well, we have a  
 6 motion and a second.  
 7 MR. COLLER: So are we deferring this to the  
 8 next--  
 9 MR. BEHAR: Continuing it, right?  
 10 CHAIRMAN AIZENSTAT: We are continuing it. Well,  
 11 your motion, Robert, was to continue it to the next  
 12 meeting?  
 13 MR. BEHAR: Continue it to the next meeting.  
 14 MS. ANDERSON: And I second it.  
 15 CHAIRMAN AIZENSTAT: And, Ramon, you went ahead  
 16 and understood what the Board was asking of you to bring  
 17 to the next meeting?  
 18 MR. TRIAS: Yes. Yes. Basically, the way I see  
 19 it is that you want a little more information that is  
 20 maybe more mapped out or some more clarity.  
 21 MR. BEHAR: Yes. Yes.  
 22 CHAIRMAN AIZENSTAT: Just the clarity as to what  
 23 would transpire within that area, the receiving sites.  
 24 MR. TRIAS: We can provide that for you.  
 25 CHAIRMAN AIZENSTAT: Any other discussion?

1 the next item in.  
 2 MR. COLLER: Agenda Item E-4, an Ordinance of the  
 3 City Commission of Coral Gables, Florida providing for  
 4 text amendments for the City of Coral Gables Official  
 5 Zoning Code, Article 3, Development Review, Division 10,  
 6 "Transfer of Developmental Rights," providing a  
 7 procedure to transfer development rights in return for  
 8 conveyance of open space to the City, providing for a  
 9 repealer provision, providing for a severability clause,  
 10 codification, and providing for an effective date.  
 11 Agenda Item E-4, public hearing.  
 12 MR. TRIAS: Mr. Chairman, this is also related to  
 13 TDRs. This is the opposite. This is about the sending  
 14 sites. So, as we had discussed before, the sending site  
 15 is only one category right now, Historic buildings. So  
 16 what this would do is create a second category which is  
 17 Open Space. Meaning, that if there's a parcel that is  
 18 going to become a City park, that parcel had the ability  
 19 to be a sending site of TDRs to some receiving area  
 20 somewhere else. That is the request. And if you have  
 21 any questions, I'll be happy to address them.  
 22 CHAIRMAN AIZENSTAT: Thank you.  
 23 MS. ANDERSON: Is there a minimum size for the  
 24 park?  
 25 MR. TRIAS: The way that this is phrased is that