

City of Coral Gables City Commission Meeting
Agenda Item H-3
October 23, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Frank Quesada
Commissioner Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
Assistant City Attorney, Gustavo Ceballos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item H-3 [1:34:24 p.m.]

A discussion and update from staff regarding the development known as Douglas Station. (Sponsored by Commissioner Lago)

Mayor Valdes-Fauli: H-3. H-3, Commissioner Lago, discussion...

Commissioner Lago: This is just...

Mayor Valdes-Fauli: Regarding Douglas Station.

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Agenda Item H-3 - Discussion and update from staff regarding the development known as Douglas Station.

Commissioner Lago: Thank you, Mayor. I just wanted to give our City Attorney some time as per our last meeting to really get to the crux of the matter in regards to Douglas Station. I know she has a little bit of an update for us so that we can, after the update, make some sort of decision as a unit to move forward in regards to that massive project that's proposed on the Douglas Station.

City Attorney Ramos: So, our office was asked to research -- and if Mr. Ceballos wants to come up in case I miss something -- kind of the procedural history of this particular development. Back in 2017, the County decided to change their comp plan to change this particular station from what's called a community urban center to a metropolitan urban center. At the time, we did not receive a proper notice for the committee meeting, but we did receive notice of the actual meeting. At the time, staff was not concerned about the change, so we did not appear before that hearing. So, it, in fact, has been changed to a metropolitan urban center.

Commissioner Lago: Can I interject...

City Attorney Ramos: Based on that...

Commissioner Lago: Can I interject just one second?

City Attorney Ramos: Sure.

Commissioner Lago: And, I think that my colleagues need to really dig into this because this is the important fact right here. When you're talking about a community center, the zoning allowed for 125 units per acre. And when you move to a metropolitan urban center, you're talking about 250 units an acre. This type of up zoning was not done -- correct me if I'm wrong - - via the County Commission, the Board of County Commissioners, the BCC. What this was done -- it was done administratively.

City Attorney Ramos: Actually, Commissioner, let me take it back for a second. The site plan review is administrative, but the change actually did go to BCC.

Commissioner Lago: For the increase in zoning?

City Attorney Ramos: The comp plan change, yes, because it required a comp plan change.

Mayor Valdes-Fauli: It did go.

Commissioner Lago: Okay.

City Attorney Ramos: It wasn't a rezoning...

Commissioner Lago: Just want to make sure.

City Attorney Ramos: Like we're used to seeing. It was done through a comp plan change, but it did, in fact, have a public process. And that is correct. And further to that, they have a LEED bonus, which allows for an additional amount, a gold certification. And the gold permits really up to 40 stories, if they go gold LEED certified. So, it's massive. Nobody is denying that. The question is where we are in the process. So, the Zoning Code section that they proceed under, which is Chapter 33(c) of their Zoning Code for these metropolitan centers basically allows for the site plan to be administratively reviewed and then to go to what is called a Rapid Transit Developmental Impact Committee. That committee has not yet met. I have asked the County whether they would -- if that's typically a public hearing. They explained that it's not typically a public hearing, but that they would consider our request to be heard at that meeting. So, it's up to this Commission whether they wish to send a representative of the Commission. It can be a Commissioner, by vote of the Commission. It can be myself; it can be both or a staff member, as

well, or all three to go before that committee when the committee is impaneled. And, we have a commitment from the County that they will tell us when that date is.

Commissioner Lago: So, my concerns -- and I had a conversation with the City Manager and ACM Fernandez on this and just the magnitude of the project in this area. I'm very familiar with this area. It's right adjacent to Merrick Park. You have multiple projects that are coming online there, one of them being the NPI project...

Commissioner Mena: Gables Station.

Commissioner Lago: Gables Station, which is right on US 1. That's over 500 units that are going to be coming to market probably in the next year to a year and a half. This is a seven-acre parcel, which is 40 stories and will have 11 stories of parking. You're talking about over 1,400 residential units, 280,000 square feet of office space and 68,000 square feet of retail. What are my concerns? The amount of pressure that you're going to be putting on an already-overburdened area. We're talking about US 1. We're talking about all the -- all the areas around Bird Road and the neighboring community, which is of Merrick Park and the McFarlane area. So, you're talking about added pressure onto infrastructure, an immense amount of traffic. By the way, there's going to be a restricted amount of parking spaces. There's going to be less than half -- I think there's probably around 700 parking spaces for the entire project. So, you're going to see a significant proliferation of rideshare opportunities, which I'm in favor of rideshare opportunities. I'm in favor of TODs. I think we need transit-oriented development, but I don't want hundreds of Uber and Lyft drivers parking, you know, on the street, you know, taking away parking from the people who go visit, let's say, Ponce, the people who go visit Merrick Park. It's going to be a litany of issues and problems that I foresee in the future since the fact that there's limited parking and just way too much development. If you look at the other transit hubs that are being redeveloped or proposed for redevelopment, it's half the amount of development, literally half. I'm in favor of a development occurring on the site. I think it's a great opportunity to increase ridership on the Metrorail, but I think that the height of 40 stories along with almost

1,500 units is unwarranted. I think it's going to invade our quality of life, and I think that we, as a community, need to step up and not only attend this hearing, but we need to -- if we don't get the result that we deem appropriate, I think that we should potentially look into some sort of legal action against the County.

Commissioner Mena: Yeah. My -- just to...

Commissioner Lago: And that's my opinion.

Commissioner Mena: Understood.

Commissioner Lago: Again.

Commissioner Mena: Miriam, I don't think you mentioned -- if you did, I apologize -- but I think you mentioned it to me at my pre-agenda that there is this committee meeting that people can attend and that they've told you there can be public hearing. But then, the outcome of that hearing can also be appealed to the...

City Attorney Ramos: The County Commission.

Commissioner Mena: Commission.

City Attorney Ramos: That is correct, by what is called an aggrieved party.

Mayor Valdes-Fauli: Correct.

Commissioner Mena: Have we figured out who constitutes an aggrieved party?

City Attorney Ramos: Mr. Ceballos was looking into that. There doesn't seem to be a clear answer. It might be one of those where we make the argument.

Mayor Valdes-Fauli: Okay.

Assistant City Attorney Ceballos: (INAUDIBLE) aggrieved party.

Commissioner Lago: That may be in our benefit.

Commissioner Keon: We're a self-identified aggrieved party.

Commissioner Lago: Yeah.

City Attorney Ramos: Well, I think that there's enough objective articulable criteria...

Unidentified Speaker: Yeah.

City Attorney Ramos: That we could state that makes us aggrieved, unlike Homestead...

Commissioner Mena: Right.

City Attorney Ramos: You know.

Commissioner Lago: Again, because don't forget, part of the infrastructure that's going to be used there to circulate the thousands of people that are going to be moving into this project are -- is going to be the Coral Gables Trolley, which goes into the Douglas Station.

Commissioner Mena: Right.

Commissioner Lago: You know, our FreeBee, other types of transit opportunities that we put out there so people don't use cars.

Commissioner Mena: So, to me, I mean -- look, to me, that's our recourse, right, is somebody go to the committee meeting or...

Mayor Valdes-Fauli: Right.

Commissioner Mena: A few people go to the committee meeting, or several residents, whatever, whoever wants to go, and then appeal it to the Commission and see if you get traction with the Commissioners. At the end of the day, it is, you know, their decision. And I think what we can do is try to, you know, appeal to them to see if there's a willingness to reconsider the scope of the project.

City Attorney Ramos: And it's important to note...

Mayor Valdes-Fauli: I would like to...

City Attorney Ramos: That the County maintains an interest in the land. It's a lease to the developer. This is not privately-owned land. It's County-owned land.

Commissioner Mena: Right.

Mayor Valdes-Fauli: It is County-owned land. And I think the future of our city, our community, I think -- or I hope is infill. I mean, coming into the middle of the City, and Commissioner Lago, you're very familiar with our opposition to the extension of the freeway, 836. And this is County land. They are following their procedures. They are established procedures. We are a municipality among the 35 that are in the County. They have their rules. And as long as they follow the rules, we have a right to appeal. We have the right to whatever.

But, I'm very much against suing the County for their doing -- following their procedures, what they should be doing. I think it doesn't behoove us to sue the County. I think it's contradictory and I think it's counterproductive to our interests. And, it behooves us to work closely with them to the extent that we can, but this does not concern Coral Gables from a legal point of view. Yes, they are at the edge of Coral Gables. It is at a Metrorail station. If they were talking about University Station, which is smack in the middle of Coral Gables, that's a different thing and that would impact us. And, I'm sure that we got a chance to appeal -- to appeal to whatever -- but in this case, I think we should appear in that committee meeting, in that Commission meeting, and we should reserve our right to appeal whatever decision they make there. But, I would reject the discussion of legal action at this point.

City Attorney Ramos: In addition, I need to state our office has not found a legal cause of action at this time.

Commissioner Lago: And, that's why I was very careful when I made my comment. I said, listen, that's my opinion, and I put that on the record. If you feel comfortable, Mayor -- and I mostly agree with you, but on this issue, I have to disagree. Because when you're talking about putting 1,500 units, you could have 3 -- 4,000 residents moving a block away from the City of Coral Gables and you're only providing 700 parking spaces for those individuals? And I think that those 700, I think there's only 400 for the residents that are living in these towers. I think the other 300 are going to go for people who are visiting the office and retail establishments that are there. I think you're falling way short. You're hoping that people use either other forms of transportation, the Metrorail being that one. But again, like I mentioned to you in the previous meeting, we, as elected officials, the TPO, which used to be the MPO -- and I don't care how you -- how many times you name it over and you hide by different names, it's still a failure. We have failed as a community to deliver on real transportation initiatives throughout Miami-Dade County. The Metrorail only takes you one way and one way back. It's not like you have access to this entire community. So, yeah, I am in favor of TODs. I think we should have more TODs. I think we should have development on this site. But, why do other sites get 125 units an acre

and the City of Coral Gables gets 250? To me, I think that's excessive and I think that that's going -- there's going to be significant spillover, which is going to affect the quality of life here for the residents of the City of Coral Gables. And I'm not going to take -- stand for that one bit, because I'm already getting phone calls from people in this community that are telling me how could you allow this project to be approved. I have to explain to them, no, I did not; it's the County. And, then their next question is what are you going to do about it to reduce its magnitude and scale.

Commissioner Mena: Alright, look, I agree with you, Commissioner Lago. I just -- I have to defer to the City Attorney that there's no...

Mayor Valdes-Fauli: Yeah.

Commissioner Mena: Legal grounds to go further than that. But, I a hundred percent agree with you as far as let's push at that committee meeting. Let's appeal to the Commission.

Mayor Valdes-Fauli: Right.

Commissioner Mena: I think there has been a lot of, let's say, negative publicity following the project sort of coming out in the Herald and everything. So, hopefully, the County Commission is sort of feeling a little bit of, you know, that reaction and, you know, we can try to get them to reconsider the scale of the project. As you said, I think you're in favor of some kind of development there...

Commissioner Lago: I am.

Commissioner Mena: It's just an issue with the scale of this one. So...

Commissioner Lago: I'm in favor that it be...

Commissioner Mena: Yeah.

Commissioner Lago: That it be considered like the other hubs -- transit hubs, where you get 125 units an acre.

Commissioner Mena: Right.

Commissioner Lago: I think it's perfectly appropriate...

Commissioner Mena: Right.

Commissioner Lago: As you continue to expand the TODs up and down the Metrorail, up and down US 1. But to put 1,500 units, I think that's...

Commissioner Mena: Yeah, I agree with you.

Commissioner Lago: That's going to put us in a position where you're just going to -- overcapacity and you're going to put way too much pressure on...

Commissioner Mena: I think we got to make that case...

Commissioner Lago: The system.

Mayor Valdes-Fauli: Alright.

Commissioner Mena: Through the appropriate channels and process that they have...

Mayor Valdes-Fauli: Through the proper channels, right.

Commissioner Mena: And then...

Commissioner Keon: Okay.

Commissioner Lago: So, with your consent...

Commissioner Mena: Yeah.

Commissioner Lago: With your consent -- the Commission's consent, do we -- can we move forward and appear at that meeting, at the County meeting and somebody, if anybody would like to come and speak on behalf of the Commission, the Mayor, my colleague...

City Attorney Ramos: So, if the Commission would like to appoint a representative, they may. Alternatively, we can just invite the entire Commission and have our office appear as well.

Mayor Valdes-Fauli: We should name a representative.

Commissioner Lago: But, I don't represent the entire Commission's -- I don't represent the entire Commission's opinion, so I don't want to be the one speaking on behalf of the Commission.

Commissioner Keon: Well, then...

Commissioner Mena: I think you represent...

Commissioner Lago: No. I don't have a -- I would love to speak on behalf of the Commission, if you grant me that, you know, that ability. But, I want to make sure that I'm delivering...

Mayor Valdes-Fauli: Okay.

Commissioner Lago: The entire Commission's...

Mayor Valdes-Fauli: You're delivering...

Commissioner Lago: Opinion.

Mayor Valdes-Fauli: Our concern, but I would not mention litigation in this case.

Commissioner Keon: Yeah. I don't think...

Mayor Valdes-Fauli: I am not with you...

Commissioner Keon: Because I don't think you...

Mayor Valdes-Fauli: When you mentioned the threat of litigation.

Commissioner Keon: You have anything to litigate. I think you have an opportunity to persuade.

Mayor Valdes-Fauli: Would you like to go, Commissioner...

Commissioner Lago: Yeah, maybe you should go.

Mayor Valdes-Fauli: Keon?

Commissioner Lago: You should go speak.

Mayor Valdes-Fauli: Yeah. You're a very good speaker.

Commissioner Lago: I think you'd do very well.

City Attorney Ramos: More than one of you are welcome to go.

Mayor Valdes-Fauli: Yeah.

City Attorney Ramos: We just have to notice it; that's all.

Commissioner Keon: That's okay. Mike works downtown. I'll call him and tell him (INAUDIBLE).

Commissioner Lago: My concern -- my big concern is, once you build 1,500 units, you can't just take them away.

Commissioner Mena: Right.

Commissioner Keon: Right.

Commissioner Lago: And, then when those -- and then that's when you have those big concerns of why are there hundreds -- but I imagine, we have ten Uber drivers parking in Cocoplum Circle and look at the phone calls that we're getting from people. Imagine if you have hundreds...

Mayor Valdes-Fauli: No, we're getting phone calls from one person.

Commissioner Lago: No, I've gotten a few. I've gotten a few phone calls.

Mayor Valdes-Fauli: Okay, from two people.

Commissioner Lago: But I'm saying -- the point is...

Commissioner Keon: Yeah.

Commissioner Lago: When you have hundreds of Uber drivers that are going to be driving in that area to meet the needs, I think it's a problem.

Commissioner Mena: Yeah. I think if the message...

Commissioner Lago: Especially an area that is so congested already that, you know, it's a gridlock.

Commissioner Mena: But, I'm perfectly comfortable with you speaking on our behalf. I agree with the Mayor that the message should be what you just said, which is we believe that the scale of this project is beyond what our residents think...

Commissioner Keon: We have the capacity to...

Commissioner Mena: Is appropriate. And, we think you should stick to the 125 per acre or whatever you typically do...

Commissioner Keon: Yeah.

Commissioner Mena: And that's what we're asking, you know, in a nutshell. I'm perfectly comfortable if -- with you delivering that message. And you know if I can go, I will try to go with you as well. I don't know when it's occurring, but...

City Attorney Ramos: We don't have a date.

Commissioner Mena: Right.

City Attorney Ramos: I think that I'll do is I'll just send the date to everyone and we'll just notice the meeting and whoever wishes to appear can appear.

Mayor Valdes-Fauli: Okay.

Commissioner Lago: Perfect.

Mayor Valdes-Fauli: Alright.

Commissioner Mena: I think, perhaps, more important is then the Commission meeting on the appeal.

City Attorney Ramos: Assuming that the committee doesn't -- look, the developer also knows people aren't happy.

Commissioner Mena: Right.

City Attorney Ramos: So, maybe the site plan looks a little different when it goes to this committee.

Commissioner Mena: Right.

Mayor Valdes-Fauli: Okay.