



City of Coral Gables
CITY COMMISSION MEETING
April 8, 2008

ITEM TITLE:

Ordinance on First Reading and Resolution (Adoption of Resolution will occur at which time Second Reading occurs). Consideration of Application No. 12-07-042-P, consisting of the following two (2) items:

1. **Ordinance on First Reading.** An Ordinance of the City of Coral Gables, Florida repealing Ordinance No. 1515, relocating a dedicated easement for public use from Lot 10 to 9, Block 17, Industrial Section (Gables Gateway); providing for a repealer provision, a savings clause, a severability clause, providing for codification; and providing for an effective date.
2. **Resolution.** A Resolution of the City Commission of Coral Gables, Florida approving an amendment to a mixed-use site plan, for the proposed mixed-use project referred to as “Gables Gateway”, located on property legally described as Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida; and including required conditions; and providing for an effective date.

CITY MANAGER/PLANNING DEPARTMENT RECOMMENDATION:

The Planning Department recommends approval of the MXD site plan for the proposed “Gables Gateway” mixed use project subject to conditions of approval contained in the Ordinance and Resolution. The recommendation for approval is based on the findings of fact provided in this memorandum and associated supporting documents.

The proposed Ordinance is provided as Exhibit A, and the proposed Resolution as Exhibit B.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board on 03.12.08 recommended approval of the MXD site plan and alley relocation reviews (vote: 5-0) with the conditions of approval recommended by Staff.

Please see the attached Staff reports and minutes (Exhibits C and D) for additional information.

BRIEF HISTORY:

At its 02.13.08 meeting, the Planning and Zoning Board deferred the “Gables Gateway” application at the request of the applicant, in order to secure additional time to discuss attainable (affordable) housing issues.

At its 03.12.08 meeting, the Planning and Zoning Board continued consideration of the item, at which time it recommended approval of Staff’s recommendation, including a revised recommendation for attainable housing, as follows:

“Recommend approval of the Planning Department’s recommendation as provided in the February 13, 2008 Staff report, including the condition on attainable housing, with incentives [i.e. reductions

in City fees (excluding impact fees), expedited permitting, etc.] for only this project to achieve the delivery of attainable housing, as determined by City Staff and/or the City Commission.”

Since the 03.12.08 Planning and Zoning Board meeting, City Staff (including the Building and Zoning Department, City Manager’s Office and the Planning Department) have been meeting with the applicant to discuss the incentives available to the applicant with the intent of having the applicant provide affordable housing units. Planning Staff has the ability, in advance of a formal citywide program, to require major residential developments receiving increases in density, changes in zoning, changes in CLUP, PAD, MXD and/or conditional use reviews or “discretionary reviews,” to dedicate a portion of their units to attainable (affordable) housing.

City Staff and the applicant have agreed that expedited permitting is the appropriate incentive whereby the applicant will deliver, monitor and administer 35 affordable rental units. Therefore, Staff’s recommendation for the attainable (affordable) housing condition is as follows:

Attainable (affordable) housing. The project shall provide 35 attainable (affordable) housing rental units on-site; subject to the following:

- 1) Expedited permit review incentive for providing attainable (affordable) housing:
 - a) The applicant may utilize an expedited building permit review process whereby building permit plans will be reviewed and approved by a private provider as permitted by Florida Statutes which also provide that the City Building Official retains the final authority to review plans of any disciplines, or the applicant may utilize an expedited parallel City building permit review. Either of the above options requires submittal of City comments for all disciplines within 30 calendar days after a submittal of completed plans. The applicant shall submit revised plans satisfying City comments within 30 calendar days of receipt of the City’s comments. Any additional City comments and applicant resubmittal of plans for each round of comments are subject to a 20 calendar day turnaround.
 - b) Zoning review shall be concluded concurrently within 30 calendar days of the initial submittal of a complete set of building permit plans, provided no changes are completed for the project which substantially varies from the previously provided Preliminary Zoning Analysis (PZA), dated 01.24.2008. If changes are completed which substantially vary from the PZA, the 30 calendar day review shall be void as determined by the Development Review Official.
- 2) Attainable (affordable) housing requirements:
 - a) Priority shall be given to the City of Coral Gables’ senior citizens, residents, and public sector workforce.
 - b) The applicant, its successors, or assigns shall provide a minimum of 15% of the residential units to be set aside exclusively to households whose income does not exceed 100% of the City’s median income, based on the data and methodology established and adjusted annually (January of each calendar year) by the U.S. Department of Housing and Urban Development (HUD).
 - c) The maximum rental rates for these attainable (affordable) units shall follow the maximum rental rates for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City’s median income. This provision shall remain in effect for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.
 - d) The management and all corresponding costs associated with this program, including, but not limited to administration, monitoring, enforcement, etc., shall be the sole responsibility of the applicant, its successors, or assigns. The property owner shall submit an annual report to the City’s Planning Department by January 1st of each year advising as to compliance with these provisions. All provisions contained herein shall be controlled via a restrictive covenant that is effective for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.

- e) Should the project convert from rental to owner-occupied units within the fifteen (15) year timeframe, the maximum sales price of the attainable (affordable) units shall follow the maximum sales price for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income, and all other provisions herein shall continue to apply.
- f) Failure to satisfy any or all of these requirements shall result in enforcement measures and/or penalties as prescribed in Article 7 of the City's Zoning Code.

Please see the attached Staff reports and minutes provided as Exhibit C and D for additional information.

LEGISLATIVE ACTION:

| Date: | Resolution/Ordinance No. | Comments |
|-------|--------------------------|----------|
| | | |

OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

| Date | Board/Committee | Comments (if any) |
|----------|---------------------------|--|
| 02.13.08 | Planning and Zoning Board | Deferred application at the request of the applicant. |
| 03.12.08 | Planning and Zoning Board | Recommended approval of MXD project with conditions (vote: 5-0). |

PUBLIC NOTIFICATION(S):

| Date | Form of Notification |
|----------|---|
| 01.31.08 | Property Owner Public Hearing Courtesy Notification to all properties within the Southern Industrial MXD District and within 1,500 feet of the district boundary. |
| 01.28.08 | Published ad giving Notice of Public Hearing. |
| 03.10.08 | Memorandum to City Clerk requesting advertising of Ordinance and Resolution heading. |
| 04.04.08 | Posted City Commission memo and exhibits on City web page. |

APPROVED BY:

| Department Director | City Attorney (If Applicable) | City Manager |
|-------------------------------------|-------------------------------|--------------|
| Eric Riel, Jr. Planning Director | | |

EXHIBIT(S):

- Exhibit A: Ordinance - Easement relocation.
- Exhibit B: Resolution - MXD site plan review.
- Exhibit C: 03.12.08 Planning Department Staff report with attachments.
- Exhibit D: 03.12.08 Excerpts of Planning and Zoning Board meeting minutes with attachment.
- Exhibit E: Staff's 04.08.08 PowerPoint Presentation.