

**City of Coral Gables City Commission Meeting  
Agenda Item F-3  
January 11, 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 Attorney, Miriam Ramos  
City Clerk, Billy Urquia  
Development Services Director, Suramy Cabrera  
Planning and Zoning Director, Ramon Trias**

**Public Speaker(s)**

**George Emerson  
Maria Cruz  
Pat Parker  
Cheryl Gold**

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**Agenda Item F-3 [2:35 p.m.]**

An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Section 2-100, "Residential Districts" and Article 5, "Architecture," Section 5-200, "Mediterranean Standards;" to remove the Mediterranean Bonus of height for Multi-Family 4 (MF4) properties south of Biltmore Way; providing for a repealer provision, severability clause, codification and providing for an effective date. (12 08 2021 PZB recommended approval with recommendations, Vote 7-0)

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City Commission Meeting

January 11, 2022

Agenda Item F-3 - Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code to remove the Mediterranean Bonus of height for Multi-Family (MF4) properties south of Biltmore Way.

(Sponsored by Commissioner Anderson)

Mayor Lago: Mr. Clerk, moving on to the MF discussion.

Development Services Director Cabrera: Good afternoon, Suramy Cabrera, Development Services Director.

City Attorney Ramos: Let me find the item so I can read it into the record, Suramy.

Development Services Director Cabrera: Sure.

City Attorney Ramos: Item F-3 is an ordinance of the City Commission providing for text amendments to the City of Coral Gables Zoning Code, Article 4, "Zoning Districts," Section 2-100, "Residential Districts" and Article 5, "Architecture," Section 5-200, "Mediterranean Standards;" to remove the Mediterranean Bonus of height for MF4 properties south of Biltmore Way; providing for a repealer provision, severability clause, codification and providing for an effective date. This is a public hearing item.

Development Services Director Cabrera: Thank you, Miriam. So, in February of 2021 or early 2021, the City completed a multi-year process of reorganizing, consolidating, and simplifying the City's Zoning Code. Soon after that work was completed, it came to our attention that some properties had picked up some additional development rights. This was not an intentional change, and specifically, if I could get the map up -- there we go. When you're looking at this map here, this is the Biltmore Way, right off of the -- just west of City Hall. And on the left, you have the 2007 zoning map that shows the properties in question, which are basically Blocks 8 and 10, two blocks of the MFSA properties, which became -- after the Zoning Code rewrite -- MF4. Those are the only MFSA properties that went from MFSA to MF4. And in that, MFSA picked up additional height and FAR through the Med Bonus program. So, after much discussion, Commissioner Anderson wanted to rectify what we could of this, and that's what's in front of you today, which is

basically to restore the height limits on Blocks 8 and 10. So, these blocks have always had a height of 150. Because of the Med Bonus, they picked up from 150 to 190. All we're doing now is removing the Med Bonus for height for these two blocks.

Mayor Lago: So thank you for clarifying that. Can you provide also a little clarity -- because I think there's some confusion in regards to the north and south because residents have contacted me and says, "Well, you need to do the same for the north." Can you explain a little bit?

Development Services Director Cabrera: Right. So, there's -- I've heard a lot of it also that the properties to the north of Biltmore Way should also not be eligible for the Med Bonus. However, those properties always had the Med Bonus...

Mayor Lago: So, I want to stop you here.

Development Services Director Cabrera: Available.

Mayor Lago: I want to stop you there. I want to repeat that into the record. So, the properties to the north have always been eligible for Mediterranean Bonus.

Development Services Director Cabrera: Correct.

Mayor Lago: Correct?

Development Services Director Cabrera: Yes. In the map that you saw there, those properties used to be MF2, and MF2 allowed 150 feet. It's actually a site specific that allows 150 feet, and then through the Med Bonus, to get to 190.

Vice Mayor Mena: And what are they now?

Development Services Director Cabrera: Exactly that, 150 with 190 Med Bonus. The site specifics -- that's something I wanted to clarify that I had heard somebody bring up that they kept on talking about the Biltmore section. The Biltmore section of the code did not change as the site specific. It reads today as it did prior to the code. So, MF -- and MFSA and Biltmore section are not synonymous. So, MFSA is the zoning, and the Biltmore section was the site specific.

Mayor Lago: Okay, so what we're doing here today is just basically cleaning up a minor error that occurred, an oversight that occurred, and bringing it back to its original form in the Zoning Code, correct?

Development Services Director Cabrera: Correct, for two of the blocks, the ones that went from MFSA to MF4...

Mayor Lago: And I want to be...

Development Services Director Cabrera: Correct.

Mayor Lago: Clear. So, the north side stays as it originally was.

Development Services Director Cabrera: Correct.

Mayor Lago: Right. Where is this immense amount of confusion coming from? And I want to have this conversation -- and it's okay if nobody has an answer -- but I think it's important to have this conversation over the next two or three minutes. I would like for my colleagues, for the Manager, for our Director, our City Attorney, our Zoning Director, our Clerk, where is this confusion? I met with residents for an hour and 20 minutes with Ms. Cabrera, Madam City Attorney...

Development Services Director Cabrera: Ramon.

Mayor Lago: Mr. Trias; Chelsea was there. There is this sense of confusion on the north side of Biltmore Way, where there's a demand that the Med Bonus needs to be removed.

Development Services Director Cabrera: Right.

Mayor Lago: And I would like to understand as we move forward because I'm going to call -- I'm going to pass the gavel out to the Vice Mayor and I'm going to call for a sunshine meeting to include Zoom in between first and second reading to ensure that the community can attend a meeting after 5 o'clock, after 5:30 safely, either in person or in Zoom. They can put their comments on the record. But what we need to focus on is not only returning this error -- righting this error, but we also need to focus on where is this misinformation coming from. Because I'm getting probably 30 emails -- and I've responded to them all -- along with all of my colleagues have done the same thing. Where are we failing? And I'll put the responsibility on us. Where are we failing? Where is this misinformation? How can we show these residents that they can trust that this is exactly what was prescribed before the Zoning Code was adopted or changed? I'm confused on that point. And I need my colleagues to explain to me that please.

City Attorney Ramos: I do want to note it's not exactly the same.

Mayor Lago: Okay, then clarify.

City Attorney Ramos: The FAR is not changing.

Mayor Lago: But the height, the height is.

City Attorney Ramos: But the height is. I just want to make that little clarification.

Vice Mayor Mena: No, but the north is the same.

Mayor Lago: Yes.

Development Services Director Cabrera: The north...

City Manager Iglesias: The north is the same.

Vice Mayor Mena: Which is the source of the confusion I think he's...

Mayor Lago: Yes.

Commissioner Anderson: Yeah.

Mayor Lago: Well, it's not me. It's not me.

Development Services Director Cabrera: Well, the...

Mayor Lago: We keep -- we're all getting the same...

Vice Mayor Mena: Oh, yeah.

Development Services Director Cabrera: Let me just clarify. The inadvertent -- because there were obviously many changes -- right? -- to the Zoning Code.

Commissioner Anderson: Right.

Development Services Director Cabrera: It was a huge rewrite. It went through a few years and many public meetings and a lot of input, so it's not exactly the same. However, the significant on

the height and FAR, which are what I believe everybody is -- was a significant change and that was inadvertently done was the MFSA to MF4.

Commissioner Anderson: Right. And I think part of the process of trying to address that problem, one of our initial rough drafts included from south of Coral Way and we corrected that to -- because we recognized the fact that, you know, that already had that height and there was no change. And we had another sunshine meeting on that back in May. The Mayor, myself, the neighborhood, and I know other members of the Commission have walked that area with the residents. That was in May of 2021. We did another sunshine meeting in November.

Mayor Lago: We had it here.

Commissioner Anderson: Okay. Mr. Trias was here; you were here; City Attorney was here. And we discussed many of these issues. But it comes down to the fact it was very hard for residents to understand the Zoning Code. And as I've explained it to some folks, you just can't read one little piece of it. You have to read it in conjunction because you have the site specifics, and then you have the overall. And I've done the same thing. I've taken the 2007 map to show where it was and then where it ended up. So, we really didn't change anything between Coral Way and Biltmore Way after 2007. So, the only part -- portion that we need to correct is south of Biltmore Way. It was very confusing for me as well. Okay, now it's clear. Now, the only thing that we're changing or asking to change back at this time is to bring the height down. Because to reduce development rights brings and opens up another Pandora's box of problems. So -- and the City Attorney can explain that better than I can for you. So that's where I think the confusion began.

Mayor Lago: Madam City Attorney.

City Attorney Ramos: The concern is that traditionally, according to our appraiser, Mr. Magenheimer, who we also used on Miracle Mile, is that where the intrinsic value is in development is in FAR. And so when you touch FAR, you open yourself up to the potential of

additional claims. As we know, every claim doesn't mean that there's, you know, real value to it, right? Anybody can claim anything. But you all need to know that there's a risk if you touch the FAR, albeit small, but there is a risk that we could get a claim. We've already gotten a threat of a claim from one of the property owners on the corridor.

Mayor Lago: Let me ask you a question. So what was the original FAR prior to the adoption of the rewrite?

City Attorney Ramos: I think it was 2.0, correct?

Development Services Director Cabrera: It was 2.0. The only thing is that they couldn't get the Med Bonus portion of it. So, what changed was that now they could get the Med Bonus on the intensity.

Commissioner Fors: Did they have -- in parenthesis -- any argument --? I guess this would be for the City Attorney. Did they pre-amendment have any argument to claim the Med Bonus, or was it very clear that there was no Med Bonus before?

City Attorney Ramos: It was very clear there was no Med Bonus because what happened was -- it's not that it said, "No Med Bonus allowed." It's that it said Med design required. So by requiring them to build Med, they were getting no bonus for building Med.

Mayor Lago: So now we're removing the Med Bonus on the south side of Biltmore Way, correct?

City Attorney Ramos: For height.

Mayor Lago: For height, yeah. But we're not -- and the FAR stays the same as it was before, correct?



Development Services Director Cabrera: If you were...

City Attorney Ramos: The (INAUDIBLE) changed now, but the development...

Development Services Director Cabrera: If you build...

City Attorney Ramos: Potential.

Development Services Director Cabrera: Med Bonus. If you don't build Med Bonus, the FAR is exactly what it was before, 2.0.

Mayor Lago: But...

Development Services Director Cabrera: If you build Med Bonus, you get the two point...

Mayor Lago: What about the north side? Does the north side get 2.0 or 2.5?

Development Services Director Cabrera: The north side went from a sliding scale with a maximum of 2.0, and it always also got Med 1 and Med 2, which put it up to 2.5, and that's how it reads today. It doesn't have a sliding scale, but it starts at 2 and goes to 2.5 with Med Bonus.

Commissioner Anderson: So, if we're removing the Med Bonus south of Biltmore Way, are we removing the .5 FAR south of Biltmore Way?

Development Services Director Cabrera: No.

Commissioner Anderson: Okay. Just want to make sure that that was clear.

Development Services Director Cabrera: Yeah. We're only exempting the height.

Mayor Lago: Okay. I'm willing to have a discussion in regards to removing the FAR.

Vice Mayor Mena: So am I.

Mayor Lago: And I'm willing to take the risk.

Vice Mayor Mena: So am I.

Mayor Lago: And I will be more than willing to pass the gavel -- oh, this is going to be the third time I do this -- or have one of my colleagues...

Vice Mayor Mena: I'm with you.

City Attorney Ramos: I think you have a volunteer.

Mayor Lago: I'm willing -- I'm not going to be -- I'm not -- I don't do well with threats and things like that. It just doesn't work well with me. So, if we made an error, and in good faith, this Commission -- which by the way -- and not this Commission. Let me correct myself. Staff -- forget the Commission. Staff kills themselves on behalf of this community. If they made an error -- guess what. I made an error 30 minutes ago. I made an error an hour ago. We make errors every day. We're human beings. No one's going to threaten us on an issue of development. And I say that right now because we have to be more thoughtful -- and I'm talking to the residents. And we had a confrontation before on certain things that we get as emails and communications that we get. I mean, we have people virtually threatening us on an item that was an error. No one intentionally did it. It happened by mistake and we're going to address it. But in regards to the City Attorney's comments, I don't have an issue at all moving forward removing that FAR and taking it back to its original number because I think that's appropriate. Now, if we vote, for example, on Miracle Mile, where we removed parking, we capped the height, and we increased the FAR a little bit, yeah, I

didn't get the 3.0 that I wanted. But I'm kind of happy with what we accomplished there. So -- but that was a decision of this Commission, and we were able to come to an agreement. And we capped height -- we really, in my opinion, solidified the future appeal of Miracle Mile and I use it as an example. So, if my colleagues are in favor of it, I'm willing to talk about it.

Vice Mayor Mena: So, yeah, I tend to agree. I've been kind of wrestling with this just from the perspective of weighing the potentiality of a claim, a Bert Harris type claim. But as I talked it through with the City Attorney and the City Manager and I -- there's two -- there's a couple of things. One is, to your point, if it was just an honest mistake -- which it was -- really an oversight more than anything, and you have to keep in context that this was part of a much broader discussion about the Zoning Code across the entire city, and this was just a very isolated thing that occurred in this area that was an oversight. It's a mistake, mistakes happen. I think, you know, if we want to incur some trust and goodwill with residents who feel like, you know, "Hey, you guys made a mistake, own it," then we should own that mistake. So, I think while the proposal -- I think you crafted -- Commissioner Anderson is good and I think a very reasonable approach because you're trying to sort of balance...

Commissioner Anderson: Right.

Vice Mayor Mena: What I just described with maybe mitigating some Bert Harris exposure, but I view it as -- and less than taking -- "taking away the FAR." I don't view it that way. I would just -- respectfully, I think maybe the way to describe it is, for however long it was Med design required, in making this change, we removed that, and that's what now arguably gives them a Med Bonus. I understand that. Why don't we just --? Can we not just reimpose the Med design required and say, "This was a mistake. We removed it. We want to leave it in place." I don't know the best way to skin it, but the point is, if we are going to end up in front of a judge with somebody asserting a claim and saying they're taking away my property rights, I want to be in a position to say to the judge, "Judge, this was an oversight. They owned this property for the last 10 years..."

Mayor Lago: And we're reverting back...

Vice Mayor Mena: Was the same thing that was in place for all of those ten years. We removed it as part of an oversight. We caught wind of it, we addressed it, and we put it back to what it was; no harm, no foul. That's where you want to be in a place. And a judge may buy it, a judge may not, but I think at least you're operating in good faith and saying we're just trying to go back to what it was to begin with to address an oversight.

Commissioner Anderson: One other thing to think about too, it costs more to build Med design.

Mayor Lago: Of course.

Commissioner Anderson: So if we're not imposing it, we're taking away a cost, right?

Mayor Lago: True.

Vice Mayor Mena: So I don't know if the best way is to -- if the goal is what we're describing and our colleagues are on board, is it re-instituting the Med design requirement? Is it some other way of eliminating not only the height, but the FAR as well? I don't know the...

City Attorney Ramos: So, in either event...

Vice Mayor Mena: Administratively, the best way you think to...

City Attorney Ramos: One way or the other...

Vice Mayor Mena: Achieve the desired result.

City Attorney Ramos: They have to go back to the drawing board because the title did not include the FAR reduction, so we're going to come back on first reading anyway.

Commissioner Anderson: Right,

City Attorney Ramos: So, you know, staff can discuss the best way to get there and bring it back to you on first.

Mayor Lago: Okay, so with that...

Vice Mayor Mena: The other point -- just one final point, Mayor, sorry. I meant...

Mayor Lago: No, no, of course. No, no, please do.

Vice Mayor Mena: To mention this.

Mayor Lago: I thought you were done.

Vice Mayor Mena: The -- as you weigh the Bert Harris exposure, and as I thought it through, the thing that sort of got -- if we end up in a lawsuit and are forced to reach some sort of resolution, I think what you're proposing now -- in other words, the .5 FAR is probably the worst case scenario in that lawsuit anyways. You know, in other words, if you lose the lawsuit...

City Attorney Ramos: But for attorney's fees. That's the only...

Vice Mayor Mena: Plus the attorney's fees, right.

Mayor Lago: Yeah.

Vice Mayor Mena: Let's set aside the attorney's fees for a moment. But okay, you lose, and you have to give them the FAR, which is what we're saying we're willing to do hypothetically anyway.

Commissioner Anderson: Hypothetically anyway.

Vice Mayor Mena: Yeah, but so...

Mayor Lago: I don't think in this case the residents will mind the attorney's fees.

Vice Mayor Mena: So, my point is, it's not a huge exposure from that perspective.

Commissioner Anderson: Was there anything else changed other than FAR and the height? Is density the same?

Development Services Director Cabrera: The density's the same.

Commissioner Anderson: As it was before? There's no changes in the...

Development Services Director Cabrera: This was always high density by the comp plan so...

Commissioner Anderson: Okay. Just trying to make sure we...

Development Services Director Cabrera: Exactly. That's why...

Commissioner Anderson: Discuss all the bases.

Development Services Director Cabrera: That's why that MFSA became MF4 and not MF3 because it is high density in the comp plan.

Mayor Lago: So, Madam Commissioner, as per the City Attorney's comments, we will defer this item to the next Commission meeting.

Commissioner Anderson: Yes.

City Attorney Ramos: Not even a deferral. It's going to be a brand-new item.

Mayor Lago: Okay, fine.

City Attorney Ramos: Brand-new item.

Mayor Lago: But I would -- but I'm going to pass the gavel, and I'm going to make a motion requesting that prior -- the next Commission meeting is on the 24th, correct?

City Attorney Ramos: Yeah.

Mayor Lago: Prior to...

City Clerk Urquia: 25th.

Mayor Lago: Do we have enough time? I don't know if we have enough time to do all the adequate noticing that's required. Maybe it has to be before...

City Attorney Ramos: The 25th actually.

Commissioner Anderson: 25th.

Vice Mayor Mena: Maybe between first and second.

Mayor Lago: We could still do it between first and second, whatever staff deems appropriate. Either we could have it before the next Commission meeting or we could have it between first and second reading.

City Manager Iglesias: Mayor, we also have the sunshine meeting on the park, so I would say between the first and second.

Mayor Lago: Okay, let's do it between first and second reading if my colleagues approve. Let's have a sunshine meeting after 5 o'clock in person along with Zoom to discuss all these issues, how we got here, and where we're headed as per the Commission's request. Will anybody...?

Commissioner Anderson: Yeah, that and, you know, a clear, you know, simple, simple...

Mayor Lago: Yes.

Commissioner Anderson: Presentation for the residents that -- like building blocks.

Mayor Lago: Exactly.

Development Services Director Cabrera: The Planning and Zoning presentation was that map.

Mayor Lago: Ms. Cabrera...

Commissioner Anderson: You're right.

Mayor Lago: By the way...

Development Services Director Cabrera: That's it.



Mayor Lago: I saw your Planning and Zoning presentation. You did a very good job.

Development Services Director Cabrera: Thank you.

Commissioner Anderson: Thank you.

Mayor Lago: I just want you to know that. You did a very good job.

Commissioner Anderson: I appreciate it.

Mayor Lago: And it was spot on. It was concise, and you explained it to a level that anyone could really understand it. And that's why I started talking about how could people be confused when you were very clear about the north part of the Biltmore Way. So, I need a second on that motion if possible.

Commissioner Anderson: I'll second it.

Mayor Lago: Unless you want to add something else to it.

Commissioner Menendez: Yeah, I just -- yeah, I -- sorry. I've been listening and I agree with the direction we're headed. What I find interesting is we have spent months, and for some of you, more than a year hearing how so many residents want buildings to be Mediterranean style. And now we're faced with a situation where the incentives for Mediterranean are in play. It's almost like from one month to the other, it's a different flavor, strawberry then chocolate. Then you don't know, then it's tutti fruity. To answer the Mayor's question because, just like all of us, we receive emails, we receive calls. And on other issues, I've had residents approach me on the sidewalk, when I'm taking a walk, "Could you clarify this issue for us?" And in two cents, I explained it from my perspective, and they go, "I thought so. I thought we weren't getting a clear picture from others." So, just for the folks out there that -- I know zoning and these types of issues are

complicated, but if you do have questions, if you're not clear, feel free to reach out to the City Attorney's office, City Manager's office, or us as the elected officials. We'll guide you towards the right answer, a clear answer, a factual answer, even with charts and graphs and everything else. But be wary that there are that small minority of people in our community -- you know, we come to Commission meeting with an agenda. And unfortunately, there are some people out there in the community have their own agenda, and their own agenda is to muddy the waters so that we have to continuously battle on issues that don't require a battle, that with a discussion, peaceful, civilized discussion with our residents, we can get where we need to get to as a community. So, just be wary of what you're told and what you hear out there. It's not all factual. And we can do better as a community.

Mayor Lago: And if I could add something to that because I'm so happy you mentioned that. I received an email from three residents, probably about a week ago. We immediately expected a meeting in the first floor. Ms. Cabrera was there; our City Attorney was there, like I mentioned before. And we had an hour and 20 -- and I requested that the City -- look what we're relegated to. Look what we're relegated to. We're relegated to having our City Attorney take minutes and count the time that we spend. And that was where I witnessed the confusion about North Biltmore Way, and the fact that when we told them have faith, we're going to do the right thing, we're going to bring this before -- you want a sunshine meeting? I'll grant you a sunshine meeting; don't worry. There was that -- there was still that apprehension. So, we need to be very, very careful about emails, mass emails that are sent out that on many occasions are not 100 percent correct, that push people into a fervor and then they call, and they -- you know, they're concerned, and their blood pressure rises. And this Commission has the best interest of the City at heart, but sometimes we have a difference of opinions, and that's why we discuss it in the sunshine. So, you hit the nail right on the head. And this is a prime example of the City doing the right thing, and we're going forward and we're accountable. We're accountable, but we all make mistakes. Like I said, I made one an hour ago. And you know, we're a better community than most. And we have to continue, like you said, to be civil, to be respectful.

Vice Mayor Mena: So, the only thing missing -- not missing, but with respect to the Mayor's proposal -- and I don't -- you don't necessarily have to answer now, but I guess the proposal that you come back with on first reading, we'll need a little guidance on the best way to achieve the stated objective.

City Attorney Ramos: Right.

Vice Mayor Mena: To me, it would seem to make logical sense that if you're taking the approach that was just described, we made a mistake, we're trying to go back to what it was, just go back...

City Attorney Ramos: Go back to requiring...

Vice Mayor Mena: To what it was.

City Attorney Ramos: Med -- right.

Vice Mayor Mena: And if going back...

City Attorney Ramos: So, going back to requiring Med versus the other.

Vice Mayor Mena: And if you just go back -- if you say -- you know, you go back to requiring it, it was never the intention to remove that, fine. If you think there's another way to do it, I'm open to it.

Commissioner Anderson: So, what if we just turn it back to the labeling that it had before? This was essentially a re-labeling from MFSA to MF4.

Vice Mayor Mena: But what are the other implications of that? I guess that'll be the question.

Commissioner Anderson: Yeah. I don't know.

Development Services Director Cabrera: Going back to the MFSA label?

Commissioner Anderson: Um-hmm.

Development Services Director Cabrera: I wouldn't recommend it.

City Manager Iglesias: I think...

Commissioner Anderson: Oh.

City Manager Iglesias: We've gone away from that. I do think that we can handle it effectively, either by creating the Mediterranean requirement or by removing the FAR because we have re-labeled all these areas, and I think that...

Development Services Director Cabrera: Yeah.

City Manager Iglesias: To be more consistent with that, then we can either take those two options that we've discussed -- lower it from 190 to .5 to 150, remove the FAR from 2.5 to 2, or create -- the option two would be create it as a Mediterranean required option that would do the same thing.

Vice Mayor Mena: I just think it puts you in a cleaner position...

Commissioner Anderson: Right.

Vice Mayor Mena: More defensible position to say...

Development Services Director Cabrera: Yeah.

Vice Mayor Mena: Before this got passed, it was like this; after it got passed, it's still like this.

Development Services Director Cabrera: Right. And I think I -- I think maybe Peter and I are thinking along the same line from what he said. But I think -- I'm pretty clear. I want to discuss it with Miriam and Peter, but I think there is a way to take care also the FAR.

Mayor Lago: Okay.

Development Services Director Cabrera: And Commissioners, just to -- Commissioner Anderson, on the MFSA, the MFSA was probably the most schizophrenic zoning that we had in our code because you can have anything from, I don't know, a four-plex to a high-rise.

Commissioner Anderson: Okay, well...

Development Services Director Cabrera: It was -- that's why...

Commissioner Anderson: You're the one that...

Development Services Director Cabrera: That's not -- that wasn't a good...

Commissioner Anderson: No, no, it's fine. You're the one down in the trenches applying this stuff. That's why I'm asking you the question.

City Manager Iglesias: It varied too much, Commissioner, from rowhouses to that. So, it was something that...

Development Services Director Cabrera: Yeah.

Commissioner Anderson: Okay.

City Manager Iglesias: I think is more defined, and that was just...

Commissioner Anderson: More restricted.

City Manager Iglesias: A very minute, but you know, very, very site specific too that was missing.

Mayor Lago: Mr. Vice Mayor, you're the Chair of the meeting. So, I'd like to see if I can get a second on that motion.

Commissioner Anderson: I said second.

City Clerk Urquia: She did.

Vice Mayor Mena: Alright.

City Clerk Urquia: Commissioner Menendez?

Vice Mayor Mena: By the way, I -- just to back up for a second, was there any public comment on the item that we need to address? Or because we're not voting on it...

City Attorney Ramos: You always can take it. You're not taking final action on this item and the item is changing significantly, so...

Vice Mayor Mena: Anybody, Mr. Clerk, who's signed up to comment?

City Clerk Urquia: Yes, sir.

Vice Mayor Mena: How many people?

City Clerk Urquia: Three.

Mayor Lago: Mr. Chair, would you like to take...

Vice Mayor Mena: (INAUDIBLE).

Mayor Lago: A quick vote on my sunshine meeting request and then we move on?

Vice Mayor Mena: Is it just a request for a sunshine meeting or is it also...

Mayor Lago: Yes.

Vice Mayor Mena: The directive to (INAUDIBLE)...?

City Attorney Ramos: No. You're not voting on the ordinance because the ordinance is changing significantly.

Vice Mayor Mena: Right. Okay, that's fine.

City Attorney Ramos: Just a sunshine meeting.

Vice Mayor Mena: Let's take a vote and then we'll open it up to comment.

Commissioner Menendez: Yes.

Commissioner Anderson: Yes.

Commissioner Fors: Yes.

Mayor Lago: Yes.

Vice Mayor Mena: Yes.

(Vote: 5-0)

Mayor Lago: Thank you. You're getting used to that. You're doing a good job.

City Clerk Urquia: So, the first speaker on the public comment is Ms. Maria Cruz.

Mayor Lago: Ms. Cruz, welcome back. Ms. Cruz.

City Clerk Urquia: She's not unmuting so I'll go to the next one.

Mayor Lago: We'll come back to her. Next one.

City Clerk Urquia: Mr. George Emerson.

Mayor Lago: Mr. Emerson, the floor is yours.

George Emerson: Thank you. I don't know if you -- oh, you can see me, okay.

Mayor Lago: Yes, sir.

Mr. Emerson: In a little bit of a shock after watching you guys then seeing me, myself. My name is George Emerson. I live here in beautiful called Coral Gables. I'm our vice president for our condo. I'm adding my voice to those who've requested postponing today's vote. And you guys did a great job of debating it. I was ready to say other things, but you've addressed my concern. You know, the neighborhoods that are impacted by this amendment, they need to be planned holistically. That's the only thing I didn't hear mentioned. But I assumed you'll be looking at that, at the issue holistically as much as possible. In other words, today's amendment didn't include north of Biltmore and Coral Way. We'd like to see everything included. So, thank you for your



time and thank you for a very interesting discussion. I'm impressed by the diversity of views, the respect for each other, and the fact that you are really willing to wrestle with this and do what's right. Thank you.

Mayor Lago: Thank you, Mr. Emerson. So, before we move on to the second person, that is a testament to the confusion that we're facing. We have a resident who I've spoken to on multiple occasions -- very nice gentleman -- who was asking now -- and correct me if I'm wrong, Ms. Cabrera and Madam City Attorney. He's asking for us now to take property rights away from the north -- from North Biltmore because they don't want a Mediterranean Bonus, even though that Mediterranean Bonus existed prior to the adoption of the new Zoning Code.

Development Services Director Cabrera: Correct.

Mayor Lago: And that is what I want to have really memorialized iron-clad in the sunshine meeting. I don't know how to explain it. And I think I fail and I'm failing right now again because we spent an hour and 20 plus minutes -- and you were there -- speaking to three residents and they -- there's been this -- someone has perpetuated that the north part of Biltmore Way did not previously have a Med Bonus, and now it's become the truth; it's become fact. So, you just heard this gentlemen, after having a conversation amongst the Commission here, state the same thing.

Commissioner Anderson: Don't we already have buildings there...

Mayor Lago: Of course.

Commissioner Anderson: Or on Coral Way that have been built with a Mediterranean design, you know, per the prior code that serve as a testament and an example that that's what the building rights were at that time? On Segovia and Coral Way, isn't there one?

Development Services Director Cabrera: I don't know if those buildings are 190 feet because honestly, I can't tell the difference between 150 and 190 feet from the street. I really can't.

Commissioner Anderson: True, true.

Development Services Director Cabrera: So, I don't know if Ramon knows. I wouldn't doubt that the Med buildings there are 190. It is allowed by the Code. It was allowed by the Code. And I said that in the Planning and Zoning meeting. And I know there's a concern about the historic building on the north side of Biltmore Way, and that going from 150 to 190 -- supposedly going from -- even I'm saying it now -- supposedly having changed -- upzoned is putting that building in danger. The building is -- the development rights of the property next to it are the same today as they were back then for height and FAR. There is -- that always got a Med Bonus. And I don't know...

Vice Mayor Mena: Was there a change...?

Development Services Director Cabrera: I also said that any demolition goes to the Historic Preservation Board. So, somebody coming in and demolishing that because now they got these additional development rights and they're going to buy all those properties and tear down the historic building, that's just not realistic.

Vice Mayor Mena: Was there any change in the number of floors even?

Development Services Director Cabrera: No. I mean, our code doesn't...

Vice Mayor Mena: (INAUDIBLE) height by feet, and I understand FAR didn't change.

Development Services Director Cabrera: No, I think it's still...

Vice Mayor Mena: But anything else?

Development Services Director Cabrera: 16 stories, right? That didn't change.

City Attorney Ramos: Right. And I'll add to that, the setback too. You can come up, Ramon. I think it was a 10-foot setback next to the (INAUDIBLE) building.

City Manager Iglesias: We have had a number of letters indicating that there's a geology problem in this area and that building next to a historical building would demolish the building, number one, and that we need a geology test. There is no geotechnical issue. Sea level rise is not destroying the rock structure. There's no technical merit to that. And building next to historical buildings is done all the time, and there are techniques to monitor that building and make sure that nothing happened. So, there is no geotechnical requirement there. The rock structure is not un-supporting to these small buildings that relatively -- that we're doing there. You recall Brickell City Center and Panorama right at the mouth of the Miami River. so, there is -- so I'm not sure how these things are perpetuating, but there is no geotechnical problem there. It's -- and there is no issue with dealing with a building adjacent to a historical building. There are many ways of doing that. You monitor the -- you seismograph the buildings. You deal with the geotechnical issues. This is done all the time. And I don't know where this is perpetuating, but there's no technical merit in what they're saying, and it's not necessary.

Commissioner Anderson: Well, it's also not a zero lot line lot. We have a 10-foot setback. There's windows on the side of that historic building that Historic Department can take into account at the time.

City Manager Iglesias: But Commissioner -- Commissioner Anderson, if you are zero lot line, you can sheet pile. You can seismograph the building.

Development Services Director Cabrera: Yeah.

Commissioner Anderson: I understand.

City Manager Iglesias: There's a number -- there's so many ways...

Development Services Director Cabrera: I've done it in Downtown...

City Manager Iglesias: Of doing it.

Development Services Director Cabrera: Miami next to a really old building and built right up against the lot line.

Commissioner Anderson: I understand, but...

Development Services Director Cabrera: It's done.

Commissioner Anderson: Irrespective of that, you know -- and I had a meeting with Mr. Trias, and we covered the setback issue there, and there's 10 feet so...

Unidentified Speaker: Yes.

Commissioner Anderson: If there's 10 feet there, it's really a nonissue. We'll still (INAUDIBLE) the building, put the seismograph on it, make sure that, you know, it's not done recklessly, and it's done correctly.

City Manager Iglesias: You can build at zero and do it correctly.

Commissioner Anderson: I understand.

City Manager Iglesias: Not a problem.

Commissioner Anderson: I understand, but we're not suggesting that that's what would happen.

Mayor Lago: So...

Development Services Director Cabrera: I just want to say it in a different way. North of Biltmore Way was MF2. MF2 specifically in the Code said that MF2 was -- could get Med Bonus, okay?

Commissioner Anderson: Alright.

Development Services Director Cabrera: Now it's MF4, and it's allowed to get Med Bonus. So, it specifically said MF2 properties can have a Med Bonus.

Vice Mayor Mena: So what else changed? Why did it change?

Development Services Director Cabrera: Nothing. I'm just trying to say that about the -- north of...

Vice Mayor Mena: No, but...

Development Services Director Cabrera: Biltmore Way.

Vice Mayor Mena: But we need to -- what I'm saying is to get to the bottom of this confusion and to be able to give a straightforward answer to the people who are concerned about the north side, we've sort of focused in on height and FAR today, and that's fine.

Development Services Director Cabrera: The stories are the same.

Vice Mayor Mena: The density.

Development Services Director Cabrera: The density's the same.

Vice Mayor Mena: So what -- so why did it change?

Development Services Director Cabrera: Density and F...

Planning and Zoning Director Trias: Yeah, the height...

Vice Mayor Mena: Why'd it change from MF2 to MF4? And what's the difference if you're telling me it's exactly the same.

Planning and Zoning Director Trias: Because...

Development Services Director Cabrera: A label.

Planning and Zoning Director Trias: Because we...

Development Services Director Cabrera: Pretty much.

Planning and Zoning Director Trias: Thought we were clarifying the Code and making it simpler by having the same on both sides of Biltmore Way, and clearly that had a consequence that we're dealing with right now, a difference in height. That's what we thought.

Vice Mayor Mena: So, for the next meeting, when we come back with the requested proposal, in addition to the map, which is helpful, if you could do a very simple chart that shows before and after, but not just FAR and height, every, you know basic requirement from setbacks to height to stories, et cetera. If you could just lay them out so that we could see before it was X now it's Y.

Because again, I want to be able to give people a straight answer. I'm clear on the Med Bonus aspect, and I'm clear on the height by feet and the FAR, but is there something else that I'm missing? Because otherwise, it seems like there's nothing to worry about on the north side.

Mayor Lago: Exactly.

Commissioner Anderson: I would appreciate that too because then we're going in with 20/20 vision on every single issue.

Planning and Zoning Director Trias: Well, the City Manager also requested that we show the existing conditions, all of the buildings, so everybody can understand the context already.

Mayor Lago: And by the way, we will have a sunshine meeting. It will be on Zoom. It will be videotaped. All this will be provided, and we will show it again, and it will be another feather in our cap when we bring this item back for first review. And we'll be able to state it on the record again and clarify any concerns. Can we have the second individual who is ready to speak and see if Ms. Cruz is available again? Thank you, Ramon. Thank you.

City Clerk Urquia: Ms. Maria Cruz.

Maria Cruz: Alright. You finally unmuted me. Listen, may I suggest that all of you watch the video of this section so you can see why we are confused. You heard Suramy say there were no changes. Then she talked about significant and insignificant changes. Then we talked about only the height. Then now we're talking about the FAR. Then we're talking about density. Do you understand why we're confused? There's no straight answer. Were there changes? Yes or no. Well, you know, maybe some insignificant changes. Oh no, no, the next breath she said there were lots of changes. Were there or were there not? Listen to the video. I'm not going to say any more. Watch the video. Listen to...

Mayor Lago: Ms. Cruz.

Ms. Cruz: The conversation, and then you'll understand.

Mayor Lago: Ms. Cruz, before you hang up.

Ms. Cruz: Yes.

Mayor Lago: Okay. We have been requested to have a sunshine meeting. The sunshine meeting will happen. We have been asked to defer the item. We are not deferring it. We're going to restructure the item and bring it back on first reading. We have clarified the item and broken it out into south and north of Biltmore Way. We've been very clear. The Commission has asked on multiple occasions, what is the difference in North Biltmore Way? And it's very simple. It's just the label. There is nothing different as per staff's statement clearly on the record. And Suramy Cabrera would like to say something else on that.

Development Services Director Cabrera: So the reason why I qualified my response...

Mayor Lago: Yes.

Development Services Director Cabrera: Is because everybody's hanging on every single word.

Mayor Lago: Yes.

Development Services Director Cabrera: And obviously, there were changes. The Zoning Code was very complicated. It had setbacks, step-backs depending on the height, depending -- it was all over the place. There were FARs all over the place. All of that was simplified. That was the whole point of that process.



Vice Mayor Mena: Sure.

Development Services Director Cabrera: That's why I'm saying that.

Vice Mayor Mena: But -- yeah.

Development Services Director Cabrera: But that was intentional. Everybody understood that.

Vice Mayor Mena: Yes.

Development Services Director Cabrera: Everybody was clear about it. This was the whole point of that exercise. What was not a point of that exercise was to give a Med Bonus for only height and intensity for MFSA properties that became MF4. It doesn't even affect the other MFSA properties. That's what was an unintentional change.

Vice Mayor Mena: Right.

Ms. Cruz: But once again, please watch the video so you think if it's...

Mayor Lago: Ms. Cruz.

Ms. Cruz: Confusing for you all how confusing it is for the rest of us.

Mayor Lago: Ms. Cruz, I've already watched the video. We're clarifying it on the record in a Commission meeting, the elected officials along with our executive team. I do not want to continue rehashing and making it even more muddy. Commissioner Menendez, you wanted to say something, please.

Commissioner Menendez: Sorry. Just as I sort of spoke towards the community, I speak towards staff when we were talking about the park referendum earlier. And we talked about simplifying the information. I think it's important that all of us, including the elected officials, when we communicate changes, things that we vote on, that we understand that the community wants to understand it, and we need to do everything possible to present it in ways that they can at least focus on those things that to them are important. So, clearly, height, density, FAR -- those are the -- some of the key points. So I think, you know, it's a two-way street. We should do everything possible -- and I know we are and -- to try to communicate information in a way that serves the public in the way they want to be served as well. So I think if we can work together, we'll get there. It's just -- it's a process.

Mayor Lago: Thank you. Mr. Clerk.

City Clerk Urquia: Ms. Pat Parker.

Mayor Lago: Ms. Parker.

Pat Parker: Hi. Thank you so much for -- I'm Pat Parker. I live at 720 Coral Way, and I also work in the Gables. And I really appreciate all the work that the Mayor, the City Commission, and staff have done. We know you're fantastic. And I appreciate you deferring and postponing the meeting, that's super. The other thing we wanted to do is I pulled from your website the difference between the former zoning in MF4 and the current zoning in MF4, and the difference is the FAR in the former zoning was 2.0. In the new MF4, it's 2.0 or 2.5 with the Med Bonus. And our area does have the Med Bonus. The density went from 60 units to an acre to 60 units an acre or 75 units an acre with Med Bonus. Mediterranean should be required. That's all part of Coral Gables. The setbacks are 10 feet, except that we're on the alley. Both the buildings that will be built were on the alley, so the back setback is only five feet if you have an alley there. And the open spaces -- I don't understand, it says 25 percent or 5 percent elevated levels facing the street. I don't exactly know what that means. So when did MF -- when did the MF4 district come out? That's my

question. When did that get voted on? And I know you said sunshine meetings. Nobody that I've talked to knows about it, but it doesn't mean that it didn't exist. When did we go from MF2 to MF4?

Mayor Lago: So, Ms. Parker, I'm going to have Ms. Cabrera come up here. But you and I met for almost an hour and a half on Friday.

Ms. Parker: Right.

Mayor Lago: And we went over all these items one by one by one. We have called for a sunshine meeting. We've had Ms. Cabrera qualifying, and she will clarify your questions again. But at one point, I don't know how else to explain it.

Ms. Parker: Well, again, you were focused on -- when you said it's always been 190, I looked it up. You were correct. With the Med Bonus, it was 190. That's not a problem. But when she said that there is no difference between MF2 and MF4, your website says there is. So, I mean, I don't know whether I can trust (INAUDIBLE).

Mayor Lago: But let me have Ms. Cabrera respond.

Ms. Parker: But also, before we do that, the other thing I don't want to lose is you talked -- and I loved it -- the downtown, you were looking for lower density and more green space in downtown Miami. And we're asking would you give us the same...

Mayor Lago: Well, downtown Coral Gables.

Ms. Parker: Downtown Coral Gables.

Mayor Lago: Downtown Coral Gables.

Ms. Parker: I'm sorry. We're asking that you give us the same benefit in our area because we have beautiful mature trees that will of course be knocked down to new construction. Can you preserve, at least for us, similar to what you're doing in downtown Coral Gables?

Vice Mayor Mena: But Ms. Parker, we can't take away the existing property rights. So...

Ms. Parker: How can you do that in Coral Gables downtown?

Vice Mayor Mena: Say that again, I'm sorry.

Ms. Parker: How can you do it in Coral Gables downtown?

Vice Mayor Mena: Well, we're giving additional height.

Commissioner Anderson: It's an incentive program.

Vice Mayor Mena: So...

Commissioner Anderson: Which...

Vice Mayor Mena: It's an exchange for additional height. They can build a unit -- a building with lower units per acre. But I want to address a small part of what you said on your first round of comments, just to be clear. You said, "Well, it's just Coral Gables. It should be Mediterranean anyway." And I just want to be clear that there's a Mediterranean Bonus that applies. It applied before, and it applies now, and I think it sounds like you're clear on the fact that if you avail yourself of that Med Bonus, you get to go to 190 both before and after in your particular zone, which is the north side of Biltmore Way, in between Coral Way and Biltmore Way. Is that --? Do you understand that?

Ms. Parker: Well, the vision of Coral Gables -- and Coral Gables initially was all built, you know, Mediterranean and all of our houses were all Spanish. We always tried to do Mediterranean. That seems to have dissolved a little bit. But that's what makes Coral Gables very different. If our buildings begin to look like Brickell, we've got a problem.

Vice Mayor Mena: No, I understand that.

Ms. Parker: Coral Gables was always known -- so...

Vice Mayor Mena: I understand that, and we can...

Ms. Parker: It's a shame you have to bribe builders to do it. But just when staff says there's no difference and there is a difference -- I'm not questioning the fact that we had 190. Vince, you made that very clear, and I looked it up and everything was perfect. But there is differences between MF2 and MF4 and nobody seemed to know when that happened. I listened to all the meetings you did with the Craft Center and with Downtown Coral Gables. I listened to everyone. Never did I hear it was crossing Le Jeune. And you know, you said, "Well, we had sunshine meetings." Nobody I know had been invited to the sunshine meetings, and I know you're going to correct that, which is perfect, but really -- and yeah, I know nobody wants their property rights taken care of, but City -- the citizens have property rights too, you know. Right now, I mean, selfishly, I have the most beautiful view of the Biltmore, which will disappear and other things, and I selfishly can't say you have to do it for me because you're not going to. And the other building is going to wreck my view from the office, but it's not that great a view anyway. But what we have to do is look at the whole -- what do we want for Coral Gables? What do we want the Biltmore Section -- which Greenway looks over, the beautiful houses on Greenway. If you look at the south, it's gorgeous trees and everything else. A lot of that's going to disappear. And you know, when I sold -- I've been selling real estate for 43 years. They were just duplexes there, and now all of a sudden, they can build big buildings. So, I know you can't change everything,

but when did you change? You know, we looked at the maps, but none of the maps had dates on them. When did you change from MF2 to MF4?

Vice Mayor Mena: So, it was when the Zoning Code was updated. Ms. Cabrera can answer that. Look, I understand your points about Mediterranean. The -- and we can have a whole discussion about Coral Gables and Mediterranean, but it's never been required that all buildings be Mediterranean. And I understand the sort of what you're saying when you use the word "bribe." It's not a bribe; it's a bonus program.

Ms. Parker: (INAUDIBLE) bribe.

Vice Mayor Mena: And the very reason that bonus program was initiated many, many, many, many, many years ago now was because property owners were allowed to build buildings that were not remotely Mediterranean by the Zoning Code going back decades. You started seeing these glass buildings on Alhambra and other parts of downtown. And the idea behind the Med Bonus was to get away from that.

Unidentified Speaker: Right.

Vice Mayor Mena: And so that's the zoning that's been in place now for many, many years, including on Biltmore Way. And so, you're -- there's two conversations here. One is, what, if anything, was changed? And I hear you question on that, and I've asked Ms. Cabrera when we talk about it at the next meeting to have a very clear chart that goes through each item and tells you what's the difference between MF2 and MF4. So, we'll have that for you so that that's clear. But the real question is, was the change that was passed, is it going to yield larger developments on the north side of Biltmore Way? That's what people are concerned about.

Ms. Parker: Well, according to your chart, it does. According to your chart and density...

Vice Mayor Mena: What aspect of it -- what aspect of the chart is it that you believe allows more development on the north side of Biltmore Way?

Ms. Parker: Well, I'm reading it from your website. It says that...

Vice Mayor Mena: Yes.

Ms. Parker: Density is 60 units unless you have Med Bonus, which you didn't have the benefit -- now you can go to 75 units.

Vice Mayor Mena: You did have the benefit. That's the part you're not understanding, ma'am. Before, on MF2, you did have Med Bonus.

Development Services Director Cabrera: Yes.

Ms. Parker: Right.

Development Services Director Cabrera: And the Code...

Ms. Parker: But you didn't have the number of units. You didn't have the density increase. I'm looking at your former...

Vice Mayor Mena: That's what Med -- that's what the Med Bonus program does, ma'am. The -- so you could -- my point to you is, it used to be 60 without Med Bonus, up to 75 with, and it's still that.

Ms. Parker: Well, then your chart is wrong on your website. Because it says formerly, the density was 60 units. I can only read what you have. And the FAR was 2.0, and then now you have 2.5

with Med Bonus. So, either your chart's wrong, which is possible, but that's all I can go by because I don't...

Vice Mayor Mena: So...

Ms. Parker: (INAUDIBLE).

Development Services Director Cabrera: So...

Vice Mayor Mena: So, the core requirements, which are 60 units or 2.0, are the same. And you were always allowed to do a Med Bonus. So, I don't know if you're looking at the Med Bonus...

Ms. Parker: No, I'm looking...

Vice Mayor Mena: Page or not.

Ms. Parker: At your chart. It's a chart. Can you see it? It's your chart from your website.

Vice Mayor Mena: Yes. Okay.

Ms. Parker: Okay.

Vice Mayor Mena: I don't know where you got this chart from.

Ms. Parker: From your website.

Vice Mayor Mena: Right, I understand.

Ms. Parker: I got it from your website.



Vice Mayor Mena: I understand. There's a lot of things on our website, so I'm not sure exactly where that chart came from.

Ms. Parker: It's one that shows the MF4, MF2, MF3. And we were MF2 before, okay. So, formerly, if you look at the formerly -- just from the former MF2, which we were, the density was 40 units per acre, 50 units with Med Bonus. Then on this one, it changes -- the charts don't even equal. So, if you take MF2...

Vice Mayor Mena: And that may be part of the confusion, to your point. Here's what I'll commit to you. We've asked, again, for all of this to be very clearly clarified before we take any further action before the next meeting. So, I would ask you if you can to please join us again. And as we just did with the south side of Biltmore Way, or as we gave a direction to do at the next meeting, if there is something on the north side of Biltmore Way that inadvertently was changed as it relates to property rights relating to height and density, et cetera, we will correct it.

Ms. Parker: Okay.

Vice Mayor Mena: But it's our understanding sitting here today -- and we've asked them to bring it very clearly at the next meeting -- that the item you're showing on that chart did not change. And I understand it's on that chart, but that chart is not the actual Zoning Code, and it's not the actual Comp Plan. And so, we need to look at what that actually said because it's my understanding sitting here today, based on the documents I have, that it was always 60 units, 2.0 without Med Bonus, and 75 units, 2.5 with Med Bonus and it continues to be.

Ms. Parker: Yeah. And on the chart...

Vice Mayor Mena: So, if that's wrong...

Ms. Parker: On the chart...

Development Services Director Cabrera: So...

Ms. Parker: In MF2, it says 40 units per acre, 50 units with Med Bonus. That's what they said was the former MF2. So, your charts...

Commissioner Anderson: Okay.

Ms. Parker: Don't even match each other.

Commissioner Anderson: Well, the chart might even have been part of a presentation, but not the actual ordinance that was passed so...

Vice Mayor Mena: That's what I'm saying.

Commissioner Anderson: We need to clarify this.

Vice Mayor Mena: Right.

Ms. Parker: Okay. I appreciate that.

Vice Mayor Mena: That's why we need to clarify it, and we'll have that for you at the next meeting, I assure you.

Development Services Director Cabrera: Right.

Ms. Parker: Perfect. Thank you.

Development Services Director Cabrera: And if I could just...

Vice Mayor Mena: Suramy.

Development Services Director Cabrera: Say one thing. The old Zoning Code, MF2 density was by the Comp Plan. So, you'd have to go to the Comp Plan to read what the Comp Plan said.

Vice Mayor Mena: I think we're getting to the bottom of why there's confusion.

Planning and Zoning Director Trias: Mr...

Development Services Director Cabrera: Well, that's why we changed it, to make it simpler. Now it's in a table.

Ms. Parker: I think...

Development Services Director Cabrera: It's all there in a table now, but it's more confusing.

Ms. Parker: Yeah, but I think everybody needs to know what it was versus what it is because they think there's huge changes. And if there's not huge changes, then you've got to explain it because there's two buildings...

Vice Mayor Mena: Correct.

Ms. Parker: That are going to come up.

Development Services Director Cabrera: So, I'm going to read it to you.

Vice Mayor Mena: That's the...

Development Services Director Cabrera: I'm just going to read it.

Vice Mayor Mena: That's exactly the goal.

Development Services Director Cabrera: I'm going to read it. MF2, maximum density. The density provided in the Comp Plan with architectural incentives. That's what it used to say.

Ms. Parker: Right.

Vice Mayor Mena: And then the Comp Plan said what?

Development Services Director Cabrera: 60, 75. It depends. If the Comp Plan is -- if it's high density, 60/75. If it's low density -- it's depending on the density.

Mayor Lago: So would that be...?

Development Services Director Cabrera: This one specifically was that.

Planning and Zoning Director Trias: In the MF2 that is in the North Ponce area, yes, it was the 40 and the 50. In this area, the height is a different Comp Plan, so that may be the confusion.

Vice Mayor Mena: We're only talking about this area.

Planning and Zoning Director Trias: That may be the confusion.

Development Services Director Cabrera: Yeah, but we...

Vice Mayor Mena: Let's make that clear.

Development Services Director Cabrera: Because if I say, "Oh, yeah, it was 60/75," and then somebody says, "Oh, well, this other area here..."

Vice Mayor Mena: But that's not the area in question.

Development Services Director Cabrera: No because you have to...

Vice Mayor Mena: We're talking about...

Development Services Director Cabrera: Look at the Comp Plan. You have to look at the site specifics which this area...

Vice Mayor Mena: But it's also...

Development Services Director Cabrera: Is under so...

City Manager Iglesias: We will be happy to explain that in a sunshine meeting.

Mayor Lago: Well, the -- what we have here -- and it's very clear. The reason why we embarked on revamping the Zoning Code was to avoid this type of confusion.

Vice Mayor Mena: Right.

Ms. Parker: Right.

Development Services Director Cabrera: Yeah.

Mayor Lago: Okay, that's number one. Number two, we did that, but we errored, and we're going to fix it. But Commissioner Menendez was right. Now, we have to conduct ourselves in a certain way, all of us, with civility and not continue to perpetuate that there's something nefarious going on and that nothing wants to be changed, and that we're not being transparent, and the continued over and over drum beating and emails, and you know, that doesn't work. There's a lot of work to be conducted. And like I told everybody on emails, we're going to have a sunshine meeting. We're going to revert back to the previous standards in the Zoning Code, and that's where we're headed. Now, I'm asking you in the same vein as Commissioner Menendez did, let's work together.

Ms. Parker: Good.

Mayor Lago: Let's attend this Commission -- let's attend this sunshine meeting, and let's have a discussion. The error, the oversight, has already occurred. We can harp on it and waste an hour and a half of time pounding the air, or we can say, what is the roadmap to correcting the issue and moving forward. And that's what I would like to see the City focus on, along with our partners. And in this case, our partners are the residents of that area.

Commissioner Menendez: By the way, if I may, before the sunshine meeting, if you all are able to prepare, we received a simple chart, 2019, 2022. Very helpful.

Ms. Parker: That's great.

Commissioner Menendez: From Ramon through the City Attorney's office. If there's a way to do a simple one-pager that everybody can understand, if that could be made available prior to the sunshine meeting, I think we take away 50 percent of the heated emotions going into that meeting.

Development Services Director Cabrera: Now, do you only want it for these four blocks? Because the problem is that some FSAs became MF4; some became MF3. That was the whole point because there are MFSAs that -- and by the way, MFSAs could get additional density by the Med

Bonus. They just couldn't get intensity and height. So, the density question is the same now as it was then. It's governed by the Comp Plan. The Comp Plan did not change. But if you are -- for example, these two blocks that we're talking about are high density, so when you go to the Comp Plan, the requirements are very different than other MFSA properties that became MF3. So, it's - - there -- it's not that -- like it was very complicated before because you had to be going back between the Comp Plan, the site specific, the MFSAs that...

City Manager Iglesias: I think what we need to do is deal with the problem at hand.

Mayor Lago: Yeah.

City Manager Iglesias: Let's deal with...

Vice Mayor Mena: Biltmore Way.

City Manager Iglesias: These four blocks.

Development Services Director Cabrera: Biltmore Way.

Vice Mayor Mena: We're talking about Biltmore Way.

Development Services Director Cabrera: Okay.

Vice Mayor Mena: The south side and north side to eliminate the confusion.

Development Services Director Cabrera: Understood.

Commissioner Menendez: That's where the (INAUDIBLE).

Development Services Director Cabrera: And then there's if it's across from a single family, then you limit it to 40. I mean, there's a lot.

Mayor Lago: And by the...

City Manager Iglesias: It's...

Development Services Director Cabrera: So, it's like property by property.

Mayor Lago: Yeah.

Development Services Director Cabrera: Pretty much.

Mayor Lago: And by the way -- and I just want to...

Commissioner Anderson: Property by property.

Mayor Lago: Put something on the record because I'm having a conversation -- you know, imagine I'm texting residents while we're having this conversation. And I'm saying very clearly, I was going to do this no matter what. It's just a shame that everyone fails to trust the City and causes so much anguish. You have no clue the amount of time that is wasted on this. And I say wasted because just the Commission, staff pushing and having to do all this. We'll answer all the emails. We'll do it, but this was moving in the direction anyways.

Commissioner Anderson: Yeah, we already had made the...

Mayor Lago: We spent over two hours talking about this.

Vice Mayor Mena: Yeah.



Commissioner Anderson: We already made the motion we were going to move forward and...

Mayor Lago: Two hours, and it's the insistent of the -- still that we're not -- that the north part of Biltmore Way was still -- that we're not saying the truth about the north part of Biltmore Way.

Development Services Director Cabrera: No, I would like to remind you that there were a lot of discussions about FAR in multifamily prior to the 2021 Code change. So, that was conscious. It was part of that process. And the Commission was the one that decided to put FAR in there because our consultant had actually recommended that in the multifamily construction that there be no FAR.

Commissioner Anderson: Correct.

Development Services Director Cabrera: So, the changes in anything else were intentional. Now, if we want to open that up again and revisit that, that's something different. What was unintentional was the two blocks that were MFSA and became MF4 and were able to pick up the Med Bonus for intensity and height, not density or anything else. They had that before also. It's just those two...

Commissioner Anderson: Right.

Development Services Director Cabrera: Rights.

Commissioner Anderson: Right. That's why I asked that question because...

Development Services Director Cabrera: Is that clear?

Commissioner Anderson: Because there's folks out there that believe that the density changed. Okay.

Mayor Lago: Okay. Moving on.

Commissioner Anderson: Moving on.

Mayor Lago: Yes. Oh, we have one more.

City Clerk Urquia: So, Ms. Cheryl Gold had already spoken about this item during the public comments, but she wanted to make an additional comment to clarify something.

Mayor Lago: Okay. Will you do me a favor? Hold on, before we move on to Cheryl Gold. I want you to memorialize this moment and show the Commission on one item, which would never happen before any other Commission, that we're allowing people to speak not once but twice, unlimited time. Ms. Gold, the floor is yours for a second time on this issue.

Cheryl Gold: Thank you, Mayor Lago. I'm going to keep my comments very brief, and I appreciate your letting me speak because I wanted to respond to what I just heard. First of all, I want to thank the Commission and you in particular, Mayor Lago, for leading -- your openness to revising the text amendment to include FAR. Excuse me. So, I appreciate that, and I think all the residents do, especially the ones that live south of Biltmore Way. I would like Ramon to verify -- because every piece of paper we have says that the density did increase from 60 to 75 units per acre when they allowed the Med Bonus to be added to the south of Biltmore to the Old MF...

Vice Mayor Mena: That's true for the south. Ms. Gold, that's true. We already talked about that earlier. I don't know if you missed that part.

Development Services Director Cabrera: No, actually, they were allowed the Med Bonus intensity before also.

Ms. Gold: I didn't...

Development Services Director Cabrera: The only things that they were not allowed were height and the FAR. But the units per acre, they were allowed the Med Bonus for the units per acre.

Ms. Gold: South of Biltmore Way?

Development Services Director Cabrera: Yes.

Ms. Gold: Well...

Development Services Director Cabrera: The MFSA -- I'll read it to you because I think it's important...

Ms. Gold: (INAUDIBLE).

Development Services Director Cabrera: And this is why I think it was...

Ms. Gold: The paper we have shows the former MFSA at 60 and the MF4, when you added the bonus, to 75. So, this -- I'm sorry, Mayor Lago and the Commissioners. This is what adds to the confusion. We have multiple different papers that say there was an increase in density in the switch from MFSA to MF...

Mayor Lago: Ms. Gold.

Ms. Gold: But I don't...

Mayor Lago: Ms. Gold.

Ms. Gold: Want to belabor this, okay? I will...

Development Services Director Cabrera: Okay, so...

Mayor Lago: Ms. Gold, I'm going to answer you -- I'm going to answer your statement again, which is what we did with staff that I think Ms. Cabrera has gone over it three times. We'll go over it a fourth time. Okay, you had a...

Development Services Director Cabrera: I'll just read it.

Mayor Lago: You had a Comp Plan -- you've already read it once; it didn't work.

Development Services Director Cabrera: No, I'm going to read what was not included in the MFSA. So, it was that all res -- they all had to comply with Article 5, Division 6, which is the Med Bonus. However, the bonus intensity and height shall not apply. That's it. If you go to the density in MFSA, it says...

Vice Mayor Mena: Wasn't Med Bonus -- wasn't Med design required?

Commissioner Anderson: Yeah, but without a bonus.

City Attorney Ramos: That was my understanding from staff. Right, but elsewhere, wasn't density limited to 60 for MFSA? Mr. Trias, didn't this...

Development Services Director Cabrera: 60...

City Attorney Ramos: Come up in the 701...

Development Services Director Cabrera: Or whatever's in the Comp Plan, whichever is less.

Planning and Zoning Director Trias: Yes.

City Attorney Ramos: Okay, so that's what it is.

Planning and Zoning Director Trias: The 60...

Development Services Director Cabrera: That's where it comes from.

City Attorney Ramos: Yeah.

Development Services Director Cabrera: That's what I was going to read next.

City Attorney Ramos: Yeah.

Development Services Director Cabrera: So, it depends where you are in the Comp Plan.

Mayor Lago: Okay, so I don't know how you're going to do this, and it may require an immense amount of patience. You may have to print it out. You may have to certify it, time stamped with a document from the City, under oath, blood -- a blood oath. I'm just...

Ms. Gold: It's just it was very confusing (INAUDIBLE).

Mayor Lago: No, no, but wait.

Ms. Gold: It was.

Mayor Lago: No, but I'm answering that question about the confusion. I don't know how you're going to do this. I'm being facetious, but I don't know how you're going to do this. You're going to have to give a document out at the sunshine meaning and at the first reading so that people can take with them so that it is like the Bible, like it is the facts, the truth, you know, what's in the dictionary, what's the definition, explaining it, tiering it down to a point where people understand. Because Ms. Gold, we've had three callers back to back after you have explained it, I have explained it, Fors, Anderson, Mean, Menendez. We've all explained it. There is no change. You have to refer to the Comp Plan. And people are still not only confused -- by the way, some people...

Development Services Director Cabrera: In MF2.

Mayor Lago: Some people are confused. Some people are confused, and some people are enjoying this moment. And some people are enjoying this moment, which is the truth. They're enjoying the fact that, you know, they can -- that it's confusing, but this is hundreds of hours being spent on this issue that, as I told somebody on text message right now, you do understand that the Commission cannot speak unless we're under the sunshine law. We have to wait for meetings like this to talk about our actions and what we're planning on doing. You saw how quickly this came together when I mentioned the issue of the FAR. Anderson, Mean, Fors, Menendez were like, let's go, let's roll. Let's draft this. The only thing that stopped us was the City Attorney that says, "Wait a minute. We need to draft a new ordinance." So, I'm just being honest with you. I don't know how we're going to fix this. I know we're going to fix it, but I don't know how we're going to educate people so people can get away from the fact that we're reverting back to the old Zoning Code. Commissioner Menendez, please.

Commissioner Menendez: I have a suggestion.

Mayor Lago: Please, I'm all ears.

Commissioner Menendez: Based on the last resident that spoke, besides the comparison, I used the year 2019 to 2022 for the north side. It's probably smart that we do it for the south side as well because, at that sunshine meeting, the whole discussion is going to pivot back to the south side, so we might as well be prepared to have a comparison as to what happened when the changes occurred.

Development Services Director Cabrera: Right, but the sunshine...

Commissioner Menendez: Just that way...

Development Services Director Cabrera: Meeting is about the changes to the south side.

Commissioner Menendez: Right, but there's...

Development Services Director Cabrera: Right? Okay.

Commissioner Menendez: You understand it's open to the public.

Development Services Director Cabrera: Because now we want to look at the FAR also.

Commissioner Menendez: Yeah.

Commissioner Anderson: Yes.

Commissioner Menendez: But it's going to be -- we -- in government, we need to anticipate where the discussion's going to go. And I think, you know, just be prepared to do it. And I agree with the Mayor, if we can provide a simple form document that folks can look at and help them to

understand what's happened and what's not happened, that goes a long way of just bringing the temperature down in the room.

Development Services Director Cabrera: For these four blocks, that's what we'll do.

Planning and Zoning Director Trias: So, Mayor, they have four blocks to explain. I think we can do that.

Mayor Lago: I know you can.

Planning and Zoning Director Trias: I think we can do that. But the lesson that is learned from this discussion is how incredibly complicated the Code was and it still is, and that's just a fact. The fact is that we do have a very complicated code and it takes many people to make a conscious effort to understand it. So, that's what I've learned from this experience, and we just try to simplify it.

Mayor Lago: So, we have our marching orders, correct? Mr. Clerk, do we have anyone else that would like to speak?

Ms. Gold: Mayor Lago...

City Clerk Urquia: (INAUDIBLE).

Ms. Gold: Excuse me. I had one last thing to say.

Mayor Lago: Go ahead, go ahead.

Ms. Gold: Okay. I think when you said you wanted to know where the confusion may have started, I had requested from Ramon Trias, after the Zoning Code change was approved by the



Commission, to give me exactly what Commissioner Menendez is asking for, a before/after chart and all the maps; the Comp Plan maps, the zoning maps, and this before and after of the MF2 to MF4 and the MFSA to MF4. I am going to forward to all of you what I was given by Ramon Trias. It omitted the before on the MF2, and that's why there's still confusion today. There's nothing about the 190 foot anywhere. It's all about 150. So, you know, in one place, it talked about the 190, but it only talked about it with the MFSA. But the whole thing was omitted of the before for the MF2. I think it would be helpful before everybody prepares a new before and after -- which I requested back in February and the maps that coincide with it -- that I forward to all of you and share with all of you what we were given as residents that we then used as a basis for understanding what had happened. And I think this might help clarify it for you.

Mayor Lago: Well, I -- Ms. Gold, I understand what you're saying. Just a quick question: are you going to be in town next month?

Ms. Gold: I'm in town all the time. I'm here, but I...

Mayor Lago: Perfect. Alright, so I -- and I just want to make sure you're in town for our sunshine meeting, and I just want you to please do me a favor and let's try to focus on resolving the issues at hand and moving this forward. I don't want to dwell too much in the past. The past is the past. I want to move forward. We've spent way too much time and City resources addressing this issue, okay?

Ms. Gold: Well, it's a matter of quality of life and property values and safety and people, so I think it's worth the investment of everyone's time, frankly. You did it for the Craft Section residents. You did it for Miracle Mile. Biltmore Section never got their due, so...

Mayor Lago: Okay, but again, the issue at hand, like I tell you, is that I've never in my life encountered this much misinformation or this much lack of understanding of the existing Zoning Code and where we're headed. So, I don't understand -- and we've had three people speak where

we're still not able to get to the bottom of how to make certain people understand where we stand in regards to the north and the south side of Biltmore Way. And that's why I'm hoping that a sunshine meeting with Zoom and with all the proper staff there will appease the concerns and the misinformation that people are facing.

Commissioner Anderson: I'd like to move forward on this. Instead of -- let's clear out all the misinformation. The staff has plenty of time now to study the four blocks and have a concise, fresh, and reviewed presentation for our sunshine meeting so...

Mayor Lago: Perfect. We're ready to move forward?

Commissioner Anderson: Yes.

Commissioner Menendez: I would like it that whatever they're going to present, that it's presented perhaps to you, Mayor, for your input...

Mayor Lago: Perfect.

Commissioner Menendez: Before it goes out publicly because sometimes that extra set of eyes helps...

Mayor Lago: I look forward to it.

Commissioner Menendez: A great deal.

Mayor Lago: It's a great idea. Alright, Mr. Clerk, obviously, we don't need to take a vote on this. Moving on. Before we move on, I want to thank Ms. Cabrera and Mr. Trias and your staff for doing a wonderful job, being accessible, spending hours meeting with residents and meeting with

concerned individuals. You have said no to nobody, and that means a lot because I've been in those meetings, along with the City Attorney staff. Thank you very much.