

**City of Coral Gables City Commission Meeting
Agenda Item F-4
May 10, 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, Jr.

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Planning and Zoning Director, Ramon Trias

Public Speaker(s)

Agenda Item F-4 [10:39 a.m.]

An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 2, “Zoning Districts” Section 2-500 “Planned Area Development,” (PAD) to provide that upon City Commission approval, the maximum number of stories in any PAD shall not apply; and to create a “Height Bonus to PAD Minimum Development Standards in the Central Business District (CBD)” providing additional height with a limit of density for qualifying properties upon City Commission approval; providing for severability clause, repealer provision, codification, and providing for an effective date. (Sponsored by Commissioner Anderson) (Sponsored by Mayor Lago)

Mayor Lago: Moving onto F-4.

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[Date]

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Agenda Item F-4 – Ordinance providing for text amendments to the Official Zoning Code, Article 2, “Zoning Districts” Section 2-500 “Planned Area Development”

City Attorney Ramos: F-4 is An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 2, “Zoning Districts” Section 2-500 “Planned Area Development,” (PAD) to provide that upon City Commission approval, the maximum number of stories in any PAD shall not apply; and to create a “Height Bonus to PAD Minimum Development Standards in the Central Business District (CBD)” providing additional height with a limit of density for qualifying properties upon City Commission approval; providing for severability clause, repealer provision, codification, and providing for an effective date. Its also a public hearing item and members who wish to testify shall also be sworn in.

Mayor Lago: Mr. Clerk, do you have any public comment?

City Clerk Urquia: No sir.

Mayor Lago: Mr. Trias, has there been any changes?

Planning and Zoning Director Trias: No changes sir.

Mayor Lago: No changes. I’ll entertain a motion.

Commissioner Anderson: I just want to make one comment. The Planning and Zoning Board did suggest on this particular item that we limit it to 18 stories and that would be consistent with the high quality that we are trying to promote, and the reason for the additional height.

Mayor Lago: I have no issues with it.

Commissioner Anderson: Okay. So based upon that, I’d like to make a motion just to limit it to the 18 stories.

Mayor Lago: Vice Mayor, you had a question?

Vice Mayor Mena: I’m just trying to understand the import of that...

Planning and Zoning Director Trias: That was an interesting subtlety because once you say that there is no limit to stories, theoretically it could go beyond those 18, if somebody were to make them very tight. Planning and Zoning believed that 18 was the absolute maximum it should be, Planning and Zoning Board members.

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Commissioner Anderson: Its consistent with the intent behind this particular ordinance.

Planning and Zoning Director Trias: Which has been the practice. That's really the maximum that we have anywhere that I know of.

Commissioner Anderson: I just thought it would be clear.

City Attorney Ramos: So, what happens if height would be increased?

Planning and Zoning Director Trias: There are several regulations; one of it is height, that's one regulation; and the other one is the number of stories. So, they felt that that the flexibility on the number of stories up to 18, with a maximum of 18 stories. That was the comment that came in that meeting.

City Attorney Ramos: Okay. So just so the Commission knows. This was partially a codification of a City Attorney opinion that was issued. I did not cap the stories. It just said that the Commission at their discretion could grant different stories within the same envelope. Obviously, its up to the Commission what you want to codify, but just so you know.

Commissioner Anderson: This is...

Mayor Lago: Commissioner Anderson, if I may. I have voted against projects based on height when its excessive and when I think its out of scale. The purpose of this legislation is simple. Its to drop the density and increase on the ground floor the green space. So, if a project comes with a 20-story height, excuse me, 20-story building, a 25-story building, I'm not going to approve it. The intention of this is to allow for a project that maybe need an additional floor and it would make a much better-quality project, you can add that additional floor in height to have more green space on the first floor and lower the density. Give the developer the flexibility to provide a better product for the City of Coral Gables, not just a box that goes setback to setback. The intent here, and I've got to be very careful, because if we were going to say, hey look, every building is going to be 18 stories, not the case.

City Manager Iglesias: Let me say Mayor, the PAD process is a conditional use process, so it comes to the City Commission for approval, so all these issues are coming back for City Commission approval.

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Planning and Zoning Director Trias: The concern was...

Mayor Lago: What was your question, Vice Mayor?

Vice Mayor Mena: Well, I'm just not sure why even if its conditional its going to come to us, we are going to make the decision anyway.

Planning and Zoning Director Trias: Absolutely. That is true. That is true.

Commissioner Anderson: This is only – I want to separate this.

City Attorney Ramos: Yes, two different things.

Commissioner Anderson: I want to separate it, because this is not just the PAD ordinance. The earlier one we read was just the PAD ordinance. This particular one deals with the increased height to last taller ceiling heights.

Vice Mayor Mena: For PADs, no?

Commissioner Anderson: The MX3. If you pull up the memo.

Vice Mayor Mena: But I was asking, when you say 18-story cap, are you referring to the height bonus for PAD developments?

Commissioner Anderson: On this particular.

City Attorney Ramos: This ordinance only applies to PADs; both aspects are only in PADs.

Commissioner Anderson: Right. And if you're going to have the additional 14 ½ feet of height, the maximum number of stories on that particular one where you're reaching 205.5 feet in this distinct area of our downtown district, then we need to limit the number of stories, because if the intent is to lower the density in the central core, then we have to limit the number of floors rather than packing more floors into an envelope this tall, we are defeating the purpose otherwise.

City Manager Iglesias: If I may say this is a little bit self-controlling, because you're capping density, and so, then floor height is really controlled by what 8-foot floor...is not

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used anymore. So, I think there are a lot of issues, plus the fact that this is conditional use, and this PAD comes back to the City Commission. So, I think there are a lot of things here that govern that really take care of a lot of these issues already.

Commissioner Anderson: Right. I know. And this is just for clarity.

Planning and Zoning Director Trias: And again, that was a concern that came from some of the members of the Planning and Zoning Board, that was a discussion.

Commissioner Anderson: It was a 6-0 vote, if memory serves me correctly.

Vice Mayor Mena: 6-0 vote to support the item as written, no?

Commissioner Anderson: It was 6-0 with the height limitation.

Vice Mayor Mena: Is there any vote on the height limitation of 18 stories, did they vote on that?

Planning and Zoning Director Trias: No. I don't believe so. It was just as written, yes.

Commissioner Anderson: Planning and Zoning vote board at their March 1st meeting recommended approval with conditions, vote 6-0 for the proposed comprehensive plan zoning code text amendment to limit the maximum number of stories to 18 and require high quality design for the first three stories. That's page 1 of the staff memo.

Commissioner Fors: Is there any downside or is it not good practice to specify an exact number of floors and not let the other factors control it? Just out of curiosity.

City Attorney Ramos: This is nuanced. There is a chart with number of floors. The opinion that I rendered various years ago, was in regard to a particular project and the idea was, whether the Commission could give relief from that story limitation in a PAD because it made for a better project, as long as they stayed in the same envelope. I concluded that that was permissible in a PAD, if the Commission wished. The Commission doesn't have to. The idea was to codify that opinion. So, it just allows you the wiggle room, which I believe you have already, by the way, to grant relief and say, if you want to have tiny little stories and have 20 in the building that's 100 feet, as long as its 100 feet, its 100 feet, you can play with the stories. That is your prerogative.

Commissioner Fors: So, if we codify the 18 feet then we would lose...

Planning and Zoning Director Trias: Stories.

City Attorney Ramos: Stories.

Commissioner Fors: We codify the 18 stories we would lose the discretion...

City Attorney Ramos: Correct.

Commissioner Fors: To do 18 stories and three inches.

City Attorney Ramos: Correct – 19 stories.

Planning and Zoning Director Trias: 19 stories.

City Manager Iglesias: There is a height limitation; there is an intensity limitation on the FAR; there is a density limitation by lowering density to do this, and there is also a conditional use which comes back to the Commission for the PAD, so think there are a number of controls already.

Commissioner Fors: Right. Okay.

Commissioner Anderson: It does, but we're going from, and if you take a look at the memo on page 2, look at the chart; current number of stories allowed is 16 with Med Bonus too. And instead of going to no limit, you were specifying 18. So, it's actually an increase of two.

Planning and Zoning Director Trias: So, the practical issue is this, there is a 16-story site specific in many places. Through the PAD in the past, we've allowed an interpretation that that didn't apply, so some buildings, one or two, have 18 stories. Its very unlikely that you could do more, much more than that within the maximum height. You could do maybe one more story, maybe 19 perhaps, if you make it really tight. That was the nature of the concern. Its not whether you can do 25 stories, because that just doesn't fit. It was one more story maybe, if you made the ceiling heights very low.

City Manager Iglesias: Which means a lower quality building.

Planning and Zoning Director Trias: Which is a lower quality of building. That was the concern and that's the nature of the discussion.

Vice Mayor Mena: We talk about the lower quality of building. I understand the point you're making, but its not a lower quality of building to the city per say. It's a lower market product.

Planning and Zoning Director Trias: Yes.

Vice Mayor Mena: There is a lot of talk about affordability in the Gables, right, and having units that are at a more affordable price, and it may be that a given project, not the one we're talking about, that related to the opinion that the City Attorney referenced, wants to have a product that maybe does have – doesn't have the high ceilings and is at a lower price point. I'm just not sure why we want to give up the flexibility on a project-by-project basis, this is ultimately conditional use. There are already limiting factors in place with density and height. I just would rather retain the ability of this Commission and future Commissions to assess each case and decide whether or not it makes sense in that instance; and I don't think, so to me, I'd rather just leave it as is without that additional requirement.

Planning and Zoning Director Trias: And that's a policy choice.

City Manager Iglesias: The form has not changed; the form stays the same.

Vice Mayor Mena: Right.

City Manager Iglesias: So really – and the intensity stays the same, the FAR, and the density is lowered. So really its hard to perceive where that can be a problem.

City Attorney Ramos: But more importantly right now, you could grant them 30-stories if they wanted to make them six inches tall. By doing this, you're capping yourself at 18.

Planning and Zoning Director Trias: The Building Code also has some regulations.

City Attorney Ramos: Theoretically.

Commissioner Anderson: I just lean on trying to be clear, so people don't waste their time on projects that are not going to succeed through the process.

Commissioner Menendez: I'm following – I agree with Vice Mayor Mena, I think the community, the focus and the task we're given is to better manage density and height, and I think as its written right now, we are able to do so. I think at the end of the day that's the focus of the community and I'm comfortable with the ordinance the way it's written.

Mayor Lago: Commissioner how do you feel?

Commissioner Anderson: We'll move it as written.

Mayor Lago: Okay. Do we have a motion?

Commissioner Menendez: I'll move it.

Vice Mayor Mena: Second.

Commissioner Anderson: I did move it, move it as written

Commissioner Menendez: I'll second.

Mayor Lago: I would love to move my own motion, but I can't.

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Fors: Yes

Vice Mayor Mena: Yes

Mayor Lago: Yes

(Vote: 5-0)