



City of Coral Gables
CITY COMMISSION MEETING
November 9, 2010

ITEM TITLE:

Resolution of the City Commission of Coral Gables, Florida providing for an amendment to a previously approved mixed-use project (approved via Resolution No. 2008-58) referred to as "Gables Gateway", located on property legally described as Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida; providing for an amendment to the previously required attainable/affordable housing condition; providing for an alternative condition of approval; providing for severability, repealer, codification, and an effective date. See Exhibit A – Amended Resolution.

DEPARTMENT HEAD RECOMMENDATION:

Approval of the requested amendment to Condition D.3. of previously approved Resolution No. 2008-58 regarding attainable/affordable housing providing for a payment in lieu per the property owner's letter of November 4, 2010 attached as Exhibit B. Approval is subject to the following:

1. Prior to issuance of a building permit or April 29, 2011, whichever occurs first, the property owner(s), successors or assigns shall allocate \$100,000 dollars to the LBW Homeowner's Foundation, Inc. for the delivery of affordable/attainable housing units within the MacFarlane Homestead Historic District. Said contribution to the LBW Homeowners Foundation Inc. will be made pursuant to an agreement between the property owner and the LBW Homeowner's Foundation Inc. whereby the contribution amount will be deposited in an interest bearing escrow account and only be released for the funding of affordable housing initiatives. Allocation of the funding by LBW Homeowners Foundation, Inc. shall be subject to City review and consent.
2. Prior to issuance of a building permit or April 29, 2011, whichever occurs first, the property owner(s), successors or assigns shall contribute \$200,000 dollars to the City.
3. The Restrictive Covenant which was previously executed and recorded in the Public Records of Miami-Dade County at Official Records Book 27071, at Page 3052, shall be amended to indicate this amended condition of approval. With 30 days of approval of this Resolution, the property owner, its successors, or assigns shall submit an Amendment to Restrictive Covenant for City Attorney review and approval. Failure to submit the draft Amendment to Restrictive Covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft Amendment to Restrictive Covenant is extended in writing by the City Attorney after good cause as to why the time frame should be extended has been demonstrated by the property owner.

The modification requested via this Resolution shall become effective upon the date the payment in lieu monies identified in above condition are paid. Failure to provide payment by April 29, 2011 renders this Resolution null and void. These provisions are provided in Section 4 of the Amended Resolution.

BRIEF HISTORY:

In April 2008, the property owner of Lots 1-23 and Lots 76-88 of Block 17, Industrial Section (intersection of LeJeune Road and Ponce de Leon Boulevard secured site plan approval from the City Commission (via Resolution No. 2008-58 - attached as Exhibit A) for a 281,176 square foot mixed use project consisting of retail, office, restaurant uses and 230 multi-family residential units. The applicant has submitted a full set of building plans to the City, which has been signed off by all Building Department disciplines and at this time a building permit has not been granted.

Pursuant to State Statutes, regional priorities and the 2008 City Comprehensive Plan, the City was mandated to address its attainable/affordable housing needs. The City completed an Affordable Housing Study in 2006 as analysis and background in advance of drafting attainable housing strategies, which included inclusionary zoning, linkage fees, payment in lieu or other programs to meet the City housing needs. As a part of the recent 2010 approval of the City's Comprehensive Plan (CP), the (CP) Policy providing for attainable housing was amended to defer establishment of a City program till 2011. The updated Policy provided below was accepted by the State as a part of the final Comprehensive Plan review.

Policy HOU-1.1.4. By 2011, the City shall amend its zoning code to provide for affordable/attainable housing programs to address the City's fair share of regional affordable housing needs. This may include partnerships between the City and other local governments, affordable housing agencies, etc. The City shall examine a multi-pronged approach to address the City's fair share of affordable housing which may include the following:

- *Set-aside or unit delivery requirements.*
- *Inclusionary zoning incentives.*
- *Linkage fees.*
- *Creation of affordable housing trust fund.*
- *Affordable housing credits.*
- *Waiver of City building fees, impact fees, etc.*
- *Initiation of an expedited building permit and/or development review system.*
- *Utilization of federal, state, regional and county programs including but not limited to the following: Florida's State Housing Initiatives Partnership (SHIP), federal Community Development Block Grants (CDBG), and federal affordable housing tax credits.*

In advance of a formal City program, the City required major residential developments dedicate a portion of their units for attainable housing as a part of conditional site plan review process. Condition D.3. of Resolution 2008-58 included the following attainable housing condition for the Gables Gateway project:

D.3. Attainable (affordable) housing. The project shall provide 35 attainable (affordable) housing rental units on-site, subject to the following:

- a. *Expedited permit review incentive for providing attainable (affordable) housing:*
 - i. *The applicant may utilize an expedited building permit review process whereby building permit plans will be reviewed and approved by a private provider as permitted by Florida Statutes which also provide that the City Building Official retains the final authority to review plans of any disciplines, or the applicant may utilize an expedited parallel City building permit review. Either of the above options requires submittal of City comments for all disciplines within 30 calendar days after a submittal of completed plans. The applicant shall submit revised plans satisfying City comments within 30 calendar days of receipt of the City's comments. Any additional City comments and applicant resubmittal of plans for each round of comments are subject to a 20 calendar day turnaround.*
 - ii. *Zoning review shall be concluded concurrently within 30 calendar days of the initial submittal of a complete set of building permit plans, provided no changes are completed for the project which substantially varies from the previously provided Preliminary Zoning Analysis (PZA), dated 01.24.2008. If changes are completed which substantially vary from the PZA, the 30 calendar day review shall be void as determined by the Development Review Official.*
- b. *Attainable (affordable) housing requirements:*
 - i. *Priority shall be given to the City of Coral Gables' senior citizens, residents, and public*

- sector workforce.
- ii. *The applicant, its successors, or assigns shall provide a minimum of 15% of the residential units to be set aside exclusively to households whose income does not exceed 100% of the City's median income, based on the data and methodology established and adjusted annually (January of each calendar year) by the U.S. Department of Housing and Urban Development (HUD).*
 - iii. *The maximum rental rates for these attainable (affordable) units shall follow the maximum rental rates for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income. This provision shall remain in effect for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.*
 - iv. *The management and all corresponding costs associated with this program, including, but not limited to administration, monitoring, enforcement, etc., shall be the sole responsibility of the applicant, its successors, or assigns. The property owner shall submit an annual report to the City's Planning Department by January 1st of each year advising as to compliance with these provisions. All provisions contained herein shall be controlled via a restrictive covenant that is effective for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.*
 - v. *Should the project convert from rental to owner-occupied units within the fifteen (15) year timeframe, the maximum sales price of the attainable (affordable) units shall follow the maximum sales price for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income, and all other provisions herein shall continue to apply.*
 - vi. *Failure to satisfy any or all of these requirements shall result in enforcement measures and/or penalties as prescribed in Article 7 of the City's Zoning Code.*

The property owner's submitted a preliminary proposal on September 27, 2010 to the City to modify this condition (see Exhibit C). Subsequent to the preliminary proposal, the property owner's representative met with the LBW Homeowner's Foundation, Inc. to discuss the proposal. The final proposal, outlined in the November 4, 2010 letter, attached as Exhibit B provides for a payment in lieu, allocating \$100,000 dollars to the LBW Foundation for the delivery of affordable housing units and provides \$200,000 dollars to the City.

A copy of previously approved City Commission Resolution No. 2008-58, adopted on April 29, 2008 is attached as Exhibit D.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
N/A		

PUBLIC NOTIFICATION(S):

Date	Form of Notification
N/A	

OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
N/A		

APPROVED BY:

Department Director	City Attorney (If Applicable)	City Manager
		

EXHIBIT(S):

- A. Amended Resolution No. _____
- B. November 4, 2010 Letter – Final Property Owners Proposal
- C. September 27, 2010 Letter – Preliminary Property Owners Proposal
- D. Resolution No. 2008-58 – Gable Gateway Approval (April 29, 2008)