

**City of Coral Gables City Commission Meeting
Agenda Items E-6 and E-7 are related
August 22, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Vince Lago
Vice Mayor Rhonda Anderson
Commissioner Melissa Castro
Commissioner Ariel Fernandez
Commissioner Kirk Menendez**

City Staff

**City Attorney, Cristina Suárez
City Manager, Peter Iglesias
City Clerk, Billy Urquia
City Planner, Jennifer Garcia**

Public Speaker(s)

**Jorge Navarro
Maria Cruz
Gordon Sokoloff
Jessica Keller
Saralane Conde
Karelia Carbonell**

Agenda Items E-6 and E-7 are related [2:05 p.m.]

An Ordinance of the City Commission granting approval of proposed amendments to the text of the City of Coral Gables Comprehensive Plan Future Land Use Element, pursuant to expedited state review procedures (S.163.3184, Florida Statutes) and Zoning Code Article 14, "Process," Section 14-213, "Comprehensive Plan Text and Map Amendments;" to provide for additional building height up to

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Agenda Items E-6 and E-7 are related - Ordinances of the City Commission granting approval of proposed amendments to the text of the City of Coral Gables Comprehensive Plan Future Land Use Element and text amendments to the City of Coral Gables Official Zoning Code to create an incentive program within the Design & Innovation District to allow a maximum building height of 137 feet and 6 inches by providing a park open to the public.

one hundred and thirty -seven feet and six inches with parks incentives if developed pursuant to the Design & Innovation District regulations: and clarifying the Design & Innovation District as a Transfer of Development Rights receiving area; providing for a repealer provision, severability clause, codification, and providing for an effective date. (07 12 23 PZB recommended denial, Vote 3-2)

(Sponsored by Vice Mayor Anderson)

An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code pursuant to Zoning Code Article 14, “Process,” Section 14-212, “Zoning Code Text and Map Amendments,” to create an incentive program within the Design & Innovation District to allow a maximum building height of one hundred and thirty-seven feet and six inches by providing a park open to the public, providing for repealer provision, severability clause, codification, and providing for an effective date. (07 12 23 PZB made no recommendation, Vote 3-2)

(Sponsored by Vice Mayor Anderson)

Mayor Lago: Moving on to E-6. Should we take E-6 and E-7 together?

City Attorney Suárez: Yes, they’re related. E-6 is an ordinance of the City Commission granting approval of proposed amendments to the text of the City of Coral Gables Comprehensive Plan Future Land Use Element pursuant to expedited state review procedures and Zoning Code Article 14, “Process,” Section 14-213, “Comprehensive Plan Text and Map Amendments;” to provide for additional building height up to 137 feet and six inches with parks incentives if developed pursuant to the Design & Innovation District regulations: and clarifying the Design & Innovation District as a Transfer of Development Rights receiving area; providing for a repealer provision, severability clause, codification, and providing for an effective date. E-7 is an ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code pursuant to Zoning Code Article 14, “Process,” Section 14-212, “Zoning Code Text and Map Amendments,” to create an incentive program within the Design & Innovation District to allow a maximum building height of 137 feet and 6 inches by providing a park open to the public, providing for a repealer provision, severability clause, codification, and providing for an effective date. We can consolidate the public hearings for these two items.

City Planner Garcia: Okay, thank you. Jennifer Garcia, City Planner. I have a brief presentation, some slides to show. The two ordinances before you are related as they are incentivizing park space on the ground level in exchange for additional building height. So, you’ll be able to squeeze that development right so it’s a little bit higher to allow that ground floor park space. So ,this is

only going to be applied as proposed as drafted today towards the Design & Innovation District. So, this is the area that is also known as the industrial area of our city that's no longer industrial. It's south of Bird Road and it's east of Le Jeune Road. So, you can see on this map here, this zoning map, most of it is MX2. Now that bright red color, as far as heights go, currently the Design & Innovation District is required to have Coral Gables Mediterranean architecture. So the height right now is 97 feet. Now there is an option in the code that if they go before the Commission, the Commission can allow them to go to 120 feet. So I just want to make that note. And so the stories that the -- our Zoning Code has right now in Section 5-201, which is our Mediterranean Bonus section of the Code, each story is 13 and a half feet. That's been the code since the late 90s. And before that, it was 12 feet, and they couldn't get it to work. So right now it's 13 and a half feet. So that's how you get the 70 feet as a base MX2 zoning to get to the 97 feet. So again, looking at the area of the area, this is the Design & Innovation District. It's mostly built out. There's a few blocks that have a handful of potential development sites, but most of it is built out. And as we look at this area, really the main open spaces are that courtyard space that's in the Shops at Merrick Park, as well as the Underline, that linear park that's just south of Ponce and between Ponce and US-1. So what's proposed today is an additional 5 percent of open space that they -- that the developer would basically be able to increase the building height by a story, 13 and a half feet as additional. So they'll still be required to have the 10 percent open space that they're required to have now, but the 10 percent open space with the Med Bonus has some flexibility as far as being located underneath an arcade or being in the public right-of-way. So, this 5 percent is only within the private property, and it has to meet some regulations. I'll go over in just a second. So you see there's five different squares of 5 percent additional open space, and that would equate to be 137 and a half feet. So that's basically built from 97 of three stories, which have equaled the 137.5 feet. So, if a property would be interested in taking advantage of this incentive, they would meet the requirements that are on the left side. And I'll just quickly go through them. Reviewed and approved by the City Commission. Constructed and maintained privately. This wouldn't be a burden on the City to maintain and construct, obviously. Thirty percent maximum of the park can be used for outdoor dining, so it can't be used 100 percent by a adjacent abutting restaurant. It needs to be publicly accessible, contiguous, and in a prominent location. It can't be in the back of an alley. It needs to be towards a street in a prominent location. Fifty percent of that park area needs to be tree coverage to provide shade, incorporate some kind of pedestrian amenities such as benches or pathways so it's an improved park and it's not just a, you know, green space.

Mayor Lago: Can you...

City Planner Garcia: Yes.

Mayor Lago: Just go over again the issue of a portion of the park can be used for restaurant use? What is that?

City Planner Garcia: A three percent maximum they can use towards a restaurant that can have outdoor seating.

Mayor Lago: So you're talking about -- you're talking about like a setback kind of like a just a sliver of land on an area adjacent to a building. What is that?

City Planner Garcia: Well, right now there's no maximum that a restaurant that's next to an open space, they could use up that space. We want to make sure that space is going to be reserved for public use. So we don't want to have too much of it covered in tables and chairs and umbrellas. So, that right now as drafted, it's 30 percent maximum.

Mayor Lago: How much, how many percent?

City Planner Garcia: Thirty percent.

Mayor Lago: Thirty percent?

City Planner Garcia: Mm-hmm.

Mayor Lago: That's way too much, way too much.

City Planner Garcia: Okay, we can discuss lowering that as well. That's fine.

Mayor Lago: I mean, if it was up to me, I'd put zero.

City Planner Garcia: Okay.

Mayor Lago: But again, I'm willing to use a little sliver, a portion to maybe put like some tables against a wall or something that is overlooking the park, but then it's not really a park. Then it's a piece of land for a restaurant.

City Planner Garcia: I understand.

Mayor Lago: So, you know, these are things that we need to consider. I'm in favor of this legislation because of certain points that you've made that I think are important because, very simple, as long as the FAR's not increased, as long as the density and intensity are not increased, you're just basically shrinking the building to be able to put a park. So, either way, the building's going to be built for one reason or another. People have development rights in the city. What we need to do is put more green space, and you know, more amenities at the first floor so it's not a concrete jungle. Because this building or any area of these areas here, you're talking about setback to setback. And that's what I'm trying to get away with. And years ago, we talked about expanding the amount of percentage we have of green space and open space on the ground floor. We wrote that legislation, it passed, and it's changed the dynamics of the way that buildings look. But this is another level, another level to really push it to the next...

City Planner Garcia: Yes.

Mayor Lago: To the next opportunity.

Commissioner Menendez: I have a quick question. I'm sure I'll have maybe more questions later. Could you show that image, the aerial photograph? That one.

City Planner Garcia: Oh, the diagram?

Commissioner Menendez: That's fine. Either -- or the other one. I mean, the clearer picture, not with the...

City Planner Garcia: Okay.

Commissioner Menendez: Because I remember that area, obviously, I think was the motor pool, the City's motor pool originally, that whole area. And going back 5, 10, 15 years, what green space was there that was accessible? Do we know what green space was there that was accessible to the public? Because my recollection was there are a lot of little shops, I was thinking it was a little movie theater, foreign films, but I don't remember there being necessarily a green space available.

City Planner Garcia: I can verify that, but I don't remember ever seeing in the older aerials any kind of dedicated public space.

Commissioner Menendez: And I agree with residents that area does need green space. And I guess this is an effort to create something that perhaps was never there, but something that, you know, the residents who live there have been asking for.

City Planner Garcia: Right.

Commissioner Menendez: That's the way I look at it. I'll let my colleagues ask other questions, but I just wanted to put that out there as in terms of one way to look at it.

Vice Chair Anderson: From the time that I was on Planning and Zoning and first looked at an aerial of this spot, I saw the parcel that's proposed here at this time. And it was, you know, it looked like it was a park because it was just empty. But it was -- I found out that it was already permitted for a hotel and the hotel was going to go lot line to lot line. So this was fortunately purchased by somebody else. That didn't happen. And now we have an opportunity to envision it in a different way. So there was a very early on meeting, sunshine meeting with the residents in that area and they were shown the massing options. If you take the FAR and put it on top of the

building as opposed to building what you standardly do there like the hotel was. And they unanimously chose to have some space. Mayor, and that...

Mayor Lago: I was there. I was there, it was a sunshine meeting. Sorry, Vice Mayor, I was there.

Vice Chair Anderson: No, no, go ahead.

Mayor Lago: And probably, I don't know, would you say about 20, 25 people showed up from, you know, different neighborhoods in the community? And the individuals provided two different examples. As of right by the code or providing this legislation with an open space. And I didn't see one resident that was against the open space, just the benefits of it. Let's see.

Vice Chair Anderson: So, you were saying that the amount of outdoor dining should be zero? Mayor?

Mayor Lago: Listen, I'm flexible, but I just think that 30 percent of the park shouldn't be covered in outdoor dining. I just think it's excessive.

Vice Chair Anderson: Well, you know...

Mayor Lago: Let's talk about that.

Vice Chair Anderson: Yeah, we'll talk about that.

Mayor Lago: If you're going to do outdoor dining, you know, you have tables. Tables need to be on a solid surface. So, it's going to be a concrete pad of some sort that's going to cover up the green, the green actual beauty of the park. Does that mean that I'm against, let's say, that this park --? Like you were to -- you can -- can you put that picture back, the one you had? You see where the land, the green space basically abuts the building? If you're going to tell me you need like a little walkway there, where you're going to put some tables over to be in the park, I don't have a problem with that. Fine, it is what it is, it's okay. You know, but I don't -- 30 percent of the site shouldn't be covered for a restaurant. I just think that that takes away from the whole point of putting a green space. Again, maybe my colleagues disagree.

Vice Chair Anderson: Do you think 10 percent is a reasonable number?

Mayor Lago: I'd have -- I defer to you, you're the sponsor, and the -- and staff to show me different numbers. But those are things that we can finalize later. It's not anything that would stop the -- stop moving forward or a vote.

Vice Chair Anderson: Okay.

Commissioner Menendez: I don't disagree with the Mayor in terms of keeping it, the essence of what that space is to be park-like. I mean, I guess the title says public parks incentive, so not public outdoor dining incentive. So, you know, I lean towards that a little bit.

City Planner Garcia: Yeah, that's fine. We can discuss that further.

Vice Chair Anderson: Yeah, I'm sorry to stop you in the middle of your presentation.

City Planner Garcia: No, it's okay. I was going to finish up the criteria.

Vice Chair Anderson: That gave them some food for thought in the meantime before they come up and present.

City Planner Garcia: Yeah, absolutely. So, as I said, let's see, the pedestrian amenities, the maximum width to depth ratio is one to three, so you can't have a little sliver of park space that's 10 feet wide along the entire property. It needs to be more or less a square shape. So, one to three maximum. It has to be consistent with the goals, objectives, and policies of the comp plan. Both sides of the abutting rights-of-way need to be improved. So, it's going to more or less match and be consistent with the urban fabric that's there and not just a new product, a new building in a neighborhood. And then additional public benefits as seen fit by the City Commission. And then a landscaped rooftop, so not only ground floor will be required to be able to have additional height, but also the rooftop would be required to be landscaped as well to kind of further incentivize the extra green space in the area. So, the middle column is additional open space, so 5 percent additional open space, again, in addition to the 10 percent that's already required, 5 percent additional would get plus the 13.5 feet would be 110.5 feet. Additional 10 percent would be plus 27 feet, which would be the 124 feet. And the maximum you can have is an additional 15 percent, and again, additional after the 10 percent requirement would be additional 40.5 feet, which would be 137.5. So, this...

Commissioner Fernandez: Madam Vice Mayor, I have a question. Regarding the landscaped rooftop, is there a specific percentage? I know they'll probably have equipment up there as well.

Vice Chair Anderson: Pickleball courts.

Commissioner Fernandez: Right. But that -- would that be...

Vice Chair Anderson: (INAUDIBLE). There is I don't think currently a percentage required because of the facilities involved. You know, you have a pool.

Commissioner Fernandez: Right.

Vice Chair Anderson: You have a pickleball court. The purpose of all the greenery is to benefit the viewer from below and people as well to give them a little bit of some green to look at.

City Planner Garcia: Just to go on, the comprehensive plan text amendment would include a little sentence saying that the 100.5 feet maximum of 12 stories with the park -- public parks incentives. That would be under the commercial mid-rise intensity as well as the industrial use. And then we're adding in some TDR language as well to be consistent with the zoning code. The zoning code currently allows that area to be a receiving site to help promote historic preservation. It's currently allowed in the mid-rise, but not in the industrial land use. So, I will go back to this slide for any discussions.

Vice Chair Anderson: Yeah, I'd like to also see the presentation from the developer.

Jorge Navarro: Good morning, Mr. Mayor, Vice Mayor, Commissioners, Jorge Navarro, with offices at 333 Southeast Second Avenue. I'm here with my clients Eduardo Taula and Jose Bocchetti. Eduardo and Jose are the owners of the 4241 Aurora Street project. It's the vacant land that the Vice Mayor was referring to, which is directly across the street from Nordstrom and Merrick Park. This is a site that was previously approved for a hotel. And as the Vice Mayor was mentioning, and I've worked on a lot of these projects in this area, the way the code works is essentially we could build property line to property line and put an arcade. The way the math has worked out over the years is that the arcade essentially amounts for your open space. And this is an area that while it's very walkable and pedestrian friendly, it really is underserved from a public parks perspective. The closest parks you have are on the other side of Bird Road. You have to cross Le Jeune, way into Le Jeune, and on the other side of US-1, and it's a densely populated area. So, before we embarked on this project, over 14 months ago is when we first started working on this project, to my client's credit, he had a neighborhood meeting. We had a sunshine meeting with the Mayor and Vice Mayor at the time. And the idea was to present two alternatives.

Mayor Lago: Do you have a date? Excuse me, Mr. Navarro. Do you have a date for that sunshine meeting?

Mr. Navarro: Yeah, I do.

City Attorney Suárez: Mayor, can I make a comment, please?

Mayor Lago: Of course.

City Attorney Suárez: So, this project is not before you today.

Mayor Lago: I know.

City Attorney Suárez: What's before you is the legislation. So, I just want you all to be aware that you should reserve judgment on this project because this will come back before you in a quasi-judicial hearing. So -- and you shouldn't be considering this project today or any variations. I understand it's being shown to you for illustrative purposes as to what the legislation can do or accomplish. And you should consider it in that capacity, but you should not be considering the project or making any judgments about this project.

Mr. Navarro: And as your City Attorney mentioned, we hope this legislation moves forward. I'll go into our outreach efforts and how that went. But we were presenting our full project, obviously, for your consideration. At this time, we just want to show you kind of what we presented to the neighborhood in June of 2022, when we first moved forward with a project that currently was designed under this code. And I'll just show you this (INAUDIBLE). What you see here is in the outline, that outline reflects what your current zoning code will allow, which is essentially the building will go from property line to property line. What we've been able to accomplish is we're not increasing FAR, and actually this text amendment, which is important, and I want to note, actually makes you reduce the density. So, we went from 180 units that we were thinking of building to down to 80 units, so over a 50 percent decrease in density. We're not increasing the FAR. Essentially, what we're doing is allocating what you could build today from an FAR perspective and just moving it to a portion of the property. And what that does, it gives you a better building massing, a less bulky building. And it also frees up the ability at the ground level to provide open space, public park space, that people could enjoy. This is just one illustrative concept of how this could be applied. It's something that we have implemented into our plan and revised it. And it's led to, as I said, a reduction in density. We are providing, instead of 10 percent covered open space, we have 30 percent open space on this property. So, this ordinance will allow you to create this much needed open space and also reduce density. As I said, we embarked on a community outreach. We've had numerous meetings with stakeholders, business owners, tenants, residents of this area, either through meetings, which we've had two very well attended meetings, or even individually, we've got a lot of calls from residents that we've explained it to. And the overarching request and feedback that we received from this community was, A, they want to see less density. Two, they wanted more green space and open space to be able to enjoy the outdoors, walk their pets, have their children play. I think your Planning director mentioned, really, even though it's called Merrick Park, the only areas that you have as open space are the hardscaped areas within the mall, which are the majority of them used for outdoor dining. So, there really is no usable passive or recreational open areas for the residents. And another thing which actually reminded me on one of your items earlier today that was discussed regarding construction staging, when these buildings are built property line to property line, the roadways within this area have to be used for staging. And what happens is that half of the road in the parking get fenced off and it creates almost a circulation issue internally here. What this allows us to do, and this struck a chord with many residents as a positive thing, is that we'll be able to stage on site now on that open space, put all our machinery and equipment in there while we're under construction so we don't have to use as much of the right-of-way as you normally would have to use in this area. I'm happy to report, and we're continuing to speak and meet with residents. And many of them wanted to

come today. I think, obviously, it was late in the day, but they -- we have 40 petitions from the residents and neighbors that we've spoken with and the business owners in the area that I'd like to submit into the record. I know there was a few here this morning that spoke, but really, it's been very well received, and I think it's an opportunity to create a public benefit and amenity for this area that right now doesn't exist. So, we hope we could count on your support. We're very thankful for all the time that the neighbors in this area have taken to meet with us over the last 12 months on this, and we look forward to hopefully coming back with you to present our actual project under this proposed legislation as opposed to your current regulations in the future. So, thank you very much for your time.

Vice Chair Anderson: Mr. Navarro, have you had an opportunity to speak to your client about reducing the amount of dining area?

Mr. Navarro: Yeah, definitely. That's something that we definitely would consider. Our -- you know, our thoughts are that this is going to be a public park and we're working to, you know, hopefully dedicate that to the City. We understand that it's the City's intent that this is going to be for the benefit of the residents, that not the entirety of the park is used. So, we could definitely work on the flexibility to provide some outdoor dining in that area, but not to the extent you see across the street in Merrick Park. And we could definitely, between now, and hopefully, second reading, reduce that percentage and we could work with staff to see what the appropriate percentage is.

Mayor Lago: So, Madam Vice Mayor, if I may, just really quickly.

Vice Chair Anderson: Sure.

Mayor Lago: If this were to get approved, and your project were to get approved, my vision, like I've said before, and we're trying to do this right now, we're coming with Publix, we've been working on it -- the Manager and I have been working on it for almost, what, four years now?

City Manager Iglesias: Yes, Mayor.

Mayor Lago: It's potentially going to be a 20,000 square foot park. We just got one for the Codina project. I think it's like 12, 13,000 in front of Mercedes-Benz, it's a corner lot. Talking about this project, I know you have another client, I don't want to mention his name, that it's a big piece of land, big parcel of land in the downtown. So, what I would like to see is to have, you know, six or seven parks in the downtown that never existed before and be able to have individuals step out. Remember, someone who was talking about a heat island effect before. Ms. Gold was talking about it. That's how we're going to deal with heat island effect.

Mr. Navarro: Yeah, no, and that's actually...

Mayor Lago: We'll deal with it with putting trees, with putting green space where people can walk and figure out ways, you know, so a little bit of ingenuity to find opportunities. I would like to see here an actual green space. Maybe you can have a fountain, which can be used -- a small fountain in the corner, which can be used for where you have your -- you're going to have a beautiful piece of art, a beautiful piece of art there. And you can have some beautiful oak trees. You can have an area where people can sit down and relax, maybe have a lunch, maybe come down from the building, you know, something that is truly not a promenade or a plaza, but something that is actually a green space where people can walk a dog and have a moment of solitude if they'd like. So, if we were able to have six or seven green spaces in the downtown, I think it would be a game changer for individuals' quality of life. And I would like to see it as green as possible.

Mr. Navarro: We understand. I mean, one of the benefits, not only in terms of amenity or parks, but as you mentioned, heat island effect, and the fact that this area does not have a lot of shade trees, we're committed to putting those shade trees. We want to make sure it's a usable space. It's gotten quite hot here in the summers. So we're committed to all that, and we're very excited because I think our project has been well received, and this legislation will not just apply to this project, but other projects hopefully would partake in it. And obviously it's got a substantial density reduction, but hopefully they partake in it, because I think, you know, this almost operates as its own downtown area. You're near the Metrorail, it's one of your largest shopping centers, and there's not a lot of parks in it, but there's a lot of people. And one successful thing about every urban area is that you have parks, so hopefully we set the blueprint and other people follow.

Commissioner Castro: When did the sunshine happen? What was the date of it?

Mr. Navarro: It was in June of 2022, and then we had a follow-up neighborhood meeting. It was not a sunshine meeting. It was just we followed up with the community. One of the things -- and I don't want to get into the project, but we were discussing different heights that we were contemplating. And the project's a lot smaller than what it used to be in terms of height, so that was one of the things we had a follow-up meeting with the community. I'll tell you the exact date. These are just like actual noticed meetings that we had. We've had numerous discussions individually. So, the sunshine meeting was in June of 2022.

Commissioner Castro: Did the Commission attend?

Mr. Navarro: The second meeting was...

Vice Chair Anderson: It was noticed and whoever wanted to attend could attend, and I went and the Mayor went.

Mr. Navarro: It was last month.

Mayor Lago: Mr. Clerk, will you do me a favor, please?

Mr. Navarro: Our neighborhood meeting...

Mayor Lago: Excuse me one second.

Mr. Navarro: Sure.

Mayor Lago: Can you do me a favor, please, before I get a public records request? I'm requesting that meeting have it sent over to my colleagues here when we noticed that meeting, we sunshined that meeting, please.

City Clerk Urquia: Yes, sir.

Mayor Lago: Thank you. Just send it to my colleagues because the public records request will come anonymously.

Unidentified Speaker: Just send it over.

Mr. Navarro: And the -- our other meeting with the community was June 2nd of this year.

Vice Chair Anderson: Okay, so...

Mr. Navarro: And we noticed that meeting as well to the community, both meetings. This was not a sunshine, but we still provided notice to everybody. We wanted to make sure we got as much people out. We probably had 15, 20 people at the second meeting.

Commissioner Castro: And the responses were all?

Mr. Navarro: They were all positive, yeah. I mean, the issues, like I said, were -- density was one of the issues. I think a lot of these projects that have been built in this area are being built around 500, 600 square feet a unit. So, we're packing a lot of units within a space, and they wanted us to try to work to reduce the number of units, do larger units. So, what we've done is we've changed the concept to a more high-end concept, and this height allows us to achieve that. The other thing was a lack of open space. Everybody's been -- you know, this is actually, even though it's a private piece of property, it's really the only vacant land in the area, and it's a green space, so if you go out there, people are walking their dogs there at five o'clock. Our first neighborhood meeting that we had actually was right across from this property. And while we were talking, people would come over with their dogs to see what was going on because people use that. A lot of people think it's just a park, but it's not. So, at least we're preserving, you know, some feature that the community enjoys as part of this. And it's not meant to be, you know, a hardscaped area. It's meant to be like a green space that people could actually enjoy. And the last thing was staging,

and it didn't hit me until today, that wait a minute, we're going to have our own private staging area on site. So, yeah, it's been very well received. Like I said, we've been able to get 40 petitions signed. Not a lot of people come out for these meetings, unfortunately. We've tried to talk to as many people as possible. I could tell you we've spoken to pretty much everybody that's abutting us in that area, even the business owners and the property owners there, and they're all very supportive of it.

Commissioner Fernandez: As far as the Planning and Zoning Board, there was no recommendation from the board, correct?

Vice Chair Anderson: Yeah, we had a member absent, too so...

Commissioner Fernandez: And we had a vacancy.

Mr. Navarro: Correct, yeah, Commissioner. I think we had a short board that night because there was a vacancy as well.

Commissioner Fernandez: Correct.

Vice Chair Anderson: Right.

Commissioner Menendez: What was the vote?

Mr. Navarro: 3-2.

Vice Chair Anderson: It was 3-2 in favor.

Commissioner Castro: I cannot -- I...

City Attorney Suárez: So, just to clarify though for the E-6, it actually comes to you as a recommendation of denial because the state statute does require a recommendation one way or another. So, when it's a 3-2 per our code, it is now a recommendation of denial.

Commissioner Fernandez: I think you need four affirmative votes.

City Attorney Suárez: (INAUDIBLE) four votes on a motion, so that's why that one shows on the agenda as recommendation of denial. And then the 3-2 vote on the zoning code text amendment is no recommendation, because again, you need four affirmative votes.

Vice Chair Anderson: Right, so the point is three were positive, two were negative, you know, but because you didn't have enough members on the board present and voting...

Commissioner Fernandez: Right, you need four votes one way or another.

Vice Chair Anderson: Right, so you need four votes one way or another. So...

Commissioner Fernandez: As far as these issues, are they supposed to come up before -- is it a five o'clock meeting? I remember the Commission at one point had passed a resolution I think it was in 2021.

City Attorney Suárez: So, there was a lot of discussion back and forth on that.

Commissioner Fernandez: I know it went back and forth and I couldn't -- last night I was trying to figure it out and I couldn't remember what the...

City Attorney Suárez: It came to Commission several times, and my recollection is that nothing was (INAUDIBLE)...

Commissioner Fernandez: It was the Vice Mayor's item, I remember that.

City Attorney Suárez: You all retain your authority when you deem it necessary to set an item, you know, to request that it be set at a certain time, but there was no official policy.

Vice Chair Anderson: Based upon the recommendation, I mean, I should say the emails that I've received, there wasn't the level of concern I felt necessary to hold a five o'clock meeting on this. If it had, you know, a Paseo type of response or a Plaza type of response, by all means, I would request it at 5 p.m. setting.

Commissioner Fernandez: Right, my concern more than anything is we are setting a policy for a general area, and I would like to see a little more community input, because the sunshine meeting was held on site, correct? It wasn't held -- there was no community meeting by the Commission.

Vice Chair Anderson: There was a sunshine meeting noticed for the entire Commission to attend. Whoever wanted to attend can attend. Not everybody has time to go. It was done on location to make it convenient for the residents that live next to this site so...

Mr. Navarro: It was done at 6:30 p.m. Both meetings were held at 6:30. I think the second was actually -- which was not a sunshine -- it was just, you know, we've really been -- and I've got to give credit to my client. He has gone out of his way to make sure that he's trying to speak with as many people as would speak with us. Like you said, not everybody is as active or involved, but the ones that we have spoken with, we've made sure to have these meetings at night, we have open lines of communication with them.

Commissioner Fernandez: And I don't disagree, and I don't think the burden should really be on you because your project is not what we're considering today.

Mr. Navarro: Correct.

Vice Chair Anderson: Correct.

Commissioner Fernandez: What we're considering is a general change. You shouldn't be making the argument on behalf of the City. If this is something that the City's proposing to change, the City should be making this presentation and not...

Mr. Navarro: Well, the reason -- I'm just here to support the ordinance because the way that we approached it, which is a little different than I've approached previous applications was we wanted to show two options, like this is what the proposal is, and this is what we could do today. We had to redesign our entire site plan, right, based on this ordinance. It wasn't like -- you know, we had to go back to the drawing table. So we wanted to, before we started the process, see if we had support, right, for this project, because obviously Eduardo and Jose want to be a good community neighbor. They're building a project on the other side of Nordstrom 2. They're heavily invested in that area, both personally and professionally and civically. So, you know, I'm here to really support -- ask for your support for this ordinance because based on my commitments that we've made to the residents, we want to make sure we deliver what we have said that we would try to fight for.

Mayor Lago: So, yes, ma'am?

Commissioner Castro: I like the idea, but I don't feel comfortable voting on this today until I speak to residents myself.

Vice Chair Anderson: Okay.

City Attorney Suárez: Just to clarify, this would come back on second reading. We're on first reading today.

Mr. Navarro: And we'd be happy to join you and host another sunshine meeting between now and first reading.

Mayor Lago: Let's direct the conversation through the Mayor.

Mr. Navarro: Oh, sorry, Mayor.

Mayor Lago: No, no, I just wanted to -- it's not for you, it's for everybody.

Mr. Navarro: Oh.

Mayor Lago: Keep a little bit of order. So, we can always have -- we can always vote on first, and we've done it before where we can have a community meeting between first and second.

Mr. Navarro: Yeah, we'd be happy to. I mean, we made a lot of friends there, so we're happy to have another sunshine meeting. It'd be great. And you can hear the residents, you know, we could hear what they have to say. And I'm just going to submit these. These are the ones we've been able to get. We're, obviously -- it's actually good because we wanted to continue our outreach, so I think this makes total sense.

Mayor Lago: Thank you. Mr. Clerk.

Commissioner Menendez: So, if -- sorry, Mayor.

Mayor Lago: Go ahead.

Commissioner Menendez: Through the Mayor.

Mayor Lago: Go ahead.

Commissioner Menendez: So, if we approve it first reading and say it cannot come back for a second until the sunshine meeting takes place, we can put those restrictions on?

City Attorney Suárez: Certainly, the Commission can direct whatever they feel is the best course of action.

Commissioner Menendez: Because I -- you know, I agree with my colleagues. I mean, it's an important vote, and I guess we all want to be comfortable that what we vote on is something that we got, you know, direct feedback, you know.

City Attorney Suárez: Is there any possibility to defer it until the sunshine meeting? Would you feel comfortable?

Commissioner Menendez: I think we should vote on this.

Vice Chair Anderson: I think we can vote. We can have a sunshine meeting in between. We still have to come back and discuss. You know, it would be nice if we can have the sunshine meeting and discuss the percentage of the park space being used for (INAUDIBLE).

Mr. Navarro: We can come up with another seating plan in the meantime as well to kind of just show -- I know that, Mr. Mayor, you said you prefer to have it pushed back, which I think makes sense. You don't want it like right in the front of the park. You know...

Commissioner Fernandez: Taking over the park.

Mayor Lago: Let's -- let's...

Vice Chair Anderson: Well, what I was going to suggest is continue this discussion at the sunshine meeting and determine what the percentage is and get the input from the residents. That's my suggestion, but we can continue to move things forward and get the sunshine meetings scheduled in between. We were unable to schedule sunshine meetings, recall, during the summer because...

Commissioner Menendez: Right.

Vice Chair Anderson: You know, there was the unavailability of folks during the summertime to do sunshine meetings and other activities and presentations, et cetera. So, we wanted -- I wanted to get this forward so we're not continuing to delay matters for no reason, but we can get the sunshine meeting scheduled now because I think the essentially moratorium you proposed is over.

Mayor Lago: Yeah, so let me -- thank you. Thank you, Vice Mayor. Mr. Clerk, how many public speakers do we have?

City Clerk Urquia: Five, Mr. Mayor.

Mayor Lago: Okay, can we close the public comment and hear from these individuals, please?

Commissioner Castro: Can I say something real quick?

Mayor Lago: Go ahead.

Commissioner Castro: Okay, as beautiful as it looks, residents don't want more height, so that's something that right now I'm unable to...

Vice Chair Anderson: I suggest we go to the sunshine meeting and you listen to the residents.

Commissioner Castro: Absolutely.

Vice Chair Anderson: And after you listen to the residents, you will make that determination as to whether or not you want to fill the entire space with building or give them the park.

Mr. Navarro: Yeah, unfortunately, there's no way to do both. We wish, but there isn't. But definitely...

Vice Chair Anderson: No, there isn't.

Mr. Navarro: I think, look, you might change your mind after you hear from some of the residents.

Mayor Lago: Let's...

Commissioner Castro: Definitely.

Mr. Navarro: Thank you very much. I appreciate it.

Mayor Lago: Thank you.

Commissioner Fernandez: And through the Mayor, the last sunshine meeting, or the sunshine meeting, was held in June of last year, so it was held during the summer.

Mayor Lago: So, the great thing about it, like I said, we're going to have, in between first and second, another sunshine meeting. You can have as many as you like, in between first and second reading. I welcome it. You know, I've never shied away from a sunshine meeting. There's one today at five o'clock that I called for to discuss the millage rate. So, if you want to call a sunshine meeting, which the Vice Mayor, this is her item, I'm more than willing and I look forward to it. And I'll be there just like I was in the other one in June. Mr. Clerk, if we may.

City Clerk Urquia: First speaker is Maria Cruz.

Maria Cruz: Mrs. Maria Cruz, 1447 Miller Road. I have several issues. First of all, a few years ago, very few years ago, if you don't count the pandemic years, we paid \$600,000 for somebody to come here, an expert, and clean up the comp plan and go over everything that now every other meeting we're coming with amendments to the comp plan. So I'm confused. I thought we had come up with what we wanted, and we approved it, but now we keep amending. So I guess \$600,000 down the drain. That's number one. Number two, so what he's saying, they already have a plan. They're already moving ahead because they think this is going to go through. So we're going to tell them, yeah, first hearing or first whatever it's called, and we're going to continue letting them do it. And what happens if, and then what would happen is what has happened before. We spend this much money, we spend this much time, now we can't go back. And we've already get them to the point where they keep spending money so they can come back and say, "Oh, now what are we going to do? We spent thousands of dollars." That's that take. The other take is, you know, Mr. (INAUDIBLE) was here, and he opposed both, by the way, and he's a neighbor. So it was not a unanimous thing. The other thing is, I'm very confused. And for the first time today, I think I have to agree with the Mayor. You know, we have two slivers of

land, and the big park is going to be on the roof. So if I'm going to go park, I walk my dog, I have to go properly dressed to get in that building, get in the elevator, go to the roof. By the time I get to the roof, my little doggy has done his thing on the elevator. And that's not a park. Come on, guys. That is not a park. A park has to be accessible to people. Ground floor. That's what we consider park.

Vice Chair Anderson: Mrs. Cruz...

Ms. Cruz: Okay.

Vice Chair Anderson: It's on the ground floor.

Ms. Cruz: Well, not what I saw there.

Mayor Lago: It is, it's on the ground floor.

Vice Chair Anderson: It's on the ground floor. The additional...

Ms. Cruz: The (INAUDIBLE) is on the ground floor?

Vice Chair Anderson: Yes, it's on the ground floor.

Ms. Cruz: Then what was it that I saw there?

Vice Chair Anderson: The green pieces were a demonstration of the additional space over and above the cove.

Ms. Cruz: Oh, interesting, but the park was slivers of space.

Mayor Lago: So, let's do this...

Ms. Cruz: It was not that big, right?

Mayor Lago: But let's do this. Let's concentrate on the comment and then we'll respond after.

Ms. Cruz: Okay, thank you. I was supporting you so, okay, I think that in order to be considered public space, green park, it should be -- I take it back. I thought that was a park on the top. It should be available to people, and it should be big enough so it can count, not little slivers of park. Thank you.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Gordon Sokoloff.

Mayor Lago: Dr. Sokoloff. It's always a pleasure. Yes, sir.

Gordon Sokoloff: Hi, greetings again. Yeah, I was prepared to speak more about the one item agenda that was taken off, which was the MX2.5, but this is sort of coupled into it, I believe. So, it is sort of like a developer -- and by the way, I like his plan. I like the idea of scaling it down and less than 100 units down to -- you know, I think that was good, but it's not about that. It's about changing the comp plan and the zoning plan for the City of Coral Gables which affects all residents, not just the people in this one little area. I live not far from Merrick Park. And by the way, I've always commented that I think the most beautiful organic and compatible structure in the City of Coral Gables is Merrick Park. It's only three stories. And so all these giant buildings are going up all around it. The infrastructure of our city can't necessarily sustain all of it. And there's less and less green space like the developer mentioned. You know, the Ponce Park is the closest park next to it. So, a small postage stamp park that's part of this project, I don't think is going to cut the mustard for the residents in the area. I think a sunshine meeting advertised to all the residents for any change to the comp and zoning code is merited here. And I think it should be done before a first vote of the first reading, so that everyone is fully informed going into this. I want to echo on what Maria Cruz said, Plater-Zyberk came with over a half million dollars spent on doing a zoning code rewrite just a couple of years ago. You know, why wasn't that kind -- I'll take one of those, thank you. Why wasn't that --? Why weren't those plans suggested back then? I mean, it just seems to me that a developer comes in with a plan and we're actually trying to rework the entire zoning code to accommodate his plan. It's not supposed to work that way. I think it works the other way. That's one of the things I like about, you know, what I saw at the Planning and Zoning Board at that one meeting where residents sort of were running the show. They basically said, you know, abide by the plan, abide by the code, something that all residents have to do when they go to the Board of Adjustment. They have to show a hardship. You know, developers don't have to do that. And here, this Commission is poised to change the code to accommodate, you know, developers. I don't think that's right. Thank you.

Vice Chair Anderson: Mayor, may -- if I just clarify some...?

Mayor Lago: I was going to respond also, Vice Mayor. But it's just -- there's a word that's used, Doctor, that I think that we need to -- with all due respect -- that we need to be a little more careful when you use it. It's called accommodating. I'm not accommodating anybody. I have to make a policy decision based on what I think is what I think is in the best interest of the City, just like all my colleagues have to. We may have differing opinions in how we proceed, but we have to make a decision here, and I don't want to talk about this project. Whether we want to do the project as of right, as of right, setback to setback, no green space, as per the code, with the following prescribed height, the following FAR, the following intensity, and the following density, or do we want to grant 17 feet -- is it 17 feet? 17 feet, 18 feet? Or do you want to grant 18 feet, basically pushing the building a little taller and allowing for a smaller park on the first floor. If -- when I

went to the -- when we did the sunshine meeting, which Billy, the Clerk, just sent to all the Commissioners now for our review -- it's in each one of us emails -- I sat down with the residents and every single resident that was there when it was shown two different projects said, "I would prefer to have more amenities on the ground floor and have a park in the first floor." So, I understand what you're saying, that you want this, you don't want the -- but we're not accommodating anybody. We're trying to make a decision which will make the City, in our opinion, maybe my colleagues to the left and to the right would disagree with me, but do you think the City would be much more beautiful? You think so? Or maybe we don't build a park. Maybe we just build some pickleball courts. And we build some pickleball courts there and we -- and then the pickle -- I'm pretty sure the whole pickleball -- the whole pickleball gang will be in favor of it so...

Vice Chair Anderson: Pretty expensive pickleball courts.

Mayor Lago: Pretty expensive pickleball courts.

Vice Chair Anderson: So, just...

Mayor Lago: But that's just my opinion.

Vice Chair Anderson: So just -- because I wanted to -- I wanted to clarify. This is not to accommodate the developer. This is to accommodate what the residents in the area have asked for, okay. They want some park space there. They have nothing. So, in an effort to provide some park space for that area, you know, we went there and had the sunshine meeting to determine whether it was worth the effort to do this. I mean, this particular ordinance has gone through a number of iterations, and you know, for instance, I said, "No, I want 50 percent canopy coverage from day one. I want shade there, not little lollipops that I have to wait 20 years." I'll be gone by the time those things come to fruition. This is an effort to make our city a better place, not to accommodate developers. Now, with reference -- or the question as to why didn't the Plater-Zyberk foresee the need for park space there. That exercise, and the City Manager will correct me where I'm -- maybe don't have a full memory of it, was a purpose for reorganizing the zoning code itself. That was the major first step because you could go for parking over here and over there in that section and park space over there. It was a mess for anybody to figure out where to find things, okay? And then there were some inconsistencies between sections where you had conflicts. Mr. Withers was on the Planning and Zoning Board at the time when we were doing that exercise. Is there anything I missed, City Manager?

City Manager Iglesias: That is correct, Vice Mayor.

Vice Chair Anderson: Okay, so that's what it was for. It wasn't for redrawing comp plans, you know. Had I been able to vision it 20 years ago, had it been around 20 years ago, by Lord, I would

have suggested the City to purchase that green space and let's make it a real park, a nice big dog park with a pickleball court.

Mayor Lago: Vice Mayor, do you remember when we had that conversation, when we had the residents there? A lot of the residents were like, "Wait a minute, this is not a City park? This is not a City green space?" I go, "No, it's not a City green space. This is going to be built. There's property rights." We live in America. You know, people can build as per the code. Fine, build it as of right, go vertical, and then the only area where people can stand is on the sidewalk, and then people can sit on the sidewalk.

Vice Chair Anderson: That's it.

Mayor Lago: And they'll just stay on the sidewalk. And we're just trying to find something as per what -- the conversation we had with the residents. And some of those residents are here that were at that meeting. So, again, that's the great thing about it, we can vote on it, vote it up or down, and we move forward.

Commissioner Menendez: I just want to add that, you know, having grown up here in Coral Gables since way too long, but good years, living near Ponce Circle Park, back in the day, Ponce Circle Park was pretty much it in that area. And I wish the City perhaps 10, 20, 30 years ago, 40 years ago, would have purchased land when they had the opportunity. But I remember the argument was it's too expensive. Fast forward now, it's really too expensive so...

Mayor Lago: And it's only going to get more expensive.

Commissioner Menendez: And the thing is, we're trying to balance -- because I remember when we approved that project next to Merrick Park that had the hotel elements in it, and I remember the comments was, "Where's the green space? We want more green space in that area." So, it's an incredibly difficult balancing act to be able to create green space where there isn't green space on land that the City doesn't own. So, it's almost you have to give up something that is dear in order to get something that is dear in return. So, I wish it was an easy decision. I wish it was like you pass a magic wand and we'll have everything we want, but we all know in the real world, it's a matter of give and take and you try to find the best solution going forward, but that's why we have difference of opinions. We take that into consideration, and we hope we do the right thing. And that's why I think a sunshine meeting is important.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Next speaker, Mr. Mayor, is on Zoom, is going to be Jessica Keller.

Mayor Lago: Ms. Keller.

Jessica Keller: Good afternoon. This is Jessica Keller. I wanted to thank Rhonda for talking to me about this item in advance of the meeting. Subsequently, I made a public records request so I could review what parcels that remain for development so I can understand the overall impacts and not the specific impacts to the development that we discussed earlier. I support parks and green space, but as you know, I'm also committed to transportation demand management, which this city is surely lacking. It would be helpful if you showed us what other parcels remain to be developed so we can make a fully informed decision. Thank you.

City Clerk Urquia: Next speaker also on Zoom is Saralane Conde.

Mayor Lago: Ms. Conde, good afternoon.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: She's not unmuted, Mr. Mayor. I'll move on to the next speaker.

Saralane Conde: Wait, wait, wait. Hello?

Mayor Lago: Hi, yes.

Ms. Conde: Okay, sorry about that. No, I just wanted to say that it really does sound like a good project, the one that we just heard, and it's not very far from where I live. But I also wanted to say that I do agree with Gordon Sokoloff. You know, it seems that there are always a lot of projects that are going through the board -- the Commission to be voted on, to go above and beyond what the plan was. And I agree, I think that's a little bit of a problem, you know. You know, it hasn't -- it's not like that plan was made in 1965, it's a very recent plan. So, I think that in general, it would be good to stick with it. And, you know, of course, I understand that we would like some green space, and I agree with that. But I just wanted to reiterate that I do agree about us having to stick with the plan that we paid for in general. And, oh, and one other thing is, you know, we do have a lot of -- downtown, we do have a lot of heat islands. And I was just wondering on some of the streets, are we thinking of, you know, putting some trees because I know that Miracle Mile is fantastic. I really think that Giralda is just wonderful. A lot of the streets downtown are quite shady. And I know we've made the effort all over the City and yet there are some streets that are really heat islands and also along Ponce de Leon, when you're trying to wait for the trolley, you're waiting in the heat. So, I was wondering if that would be a plan of putting in some trees along those sidewalks, and that's all. Thank you.

Mayor Lago: Thank you, Ms. Conde.

City Clerk Urquia: Next speaker, Mr. Mayor, is a telephone number. I believe it to be Ms. Karelia Carbonell.

Mayor Lago: Ms. Carbonell, good afternoon.

Karelia Carbonell: Hi, good afternoon, everyone. This is Karelia. I live on 532 Altara Avenue. And there are a few -- there are four points I want to say before I actually make my comment but they're quick. One is the sunshine meeting. I keep hearing about a sunshine meeting for the Commissioners. I always considered a sunshine meeting to be open to the public. And it seems that it was only to the Commissioners. I live in the area, and I have heard from other residents. Then they never -- never heard of the sunshine meeting. I live on the residential side, but it does impact our neighborhood with, you know, the density. The second thing is that, with all due respect with Mr. Navarro, I mean, he's there speaking on this issue when his project is actually going to be positively impacted. So, again, not to, you know, quelch his ability to speak, but you know, please take into account that that project, this is being changed, the zoning, particularly for that particular project. Number three is P&Z denied this change. And number four is, you know, I'm all for green space, and when the City has opportunities to protect green space, they don't take up on it, just like the Garden of Our Lord. That is a perfect green space already there in the community, and it was not protected. At least it's not being protected right now. So, for me, I live in the area, and I continue to stand by the fact that adding more feet to development in return for green space is already in the code. According to the zoning in that area, as of right, there's 97 feet. And developers do get extra feet, 120 feet -- up to 120 feet with -- to include a green space. Now, whether that green space is small or large, I mean, that is all up to the Commission as well. You all have the power to be able to dictate what that green space can look like. So there's already a mechanism to add green. So, I'm all for green space. I'm all for parks. I'm all for gardens. But not at the cost of more density, more height, more burden on infrastructure services, et cetera. So, please take into consideration all those things. This is not -- shouldn't be taken, you know, lightly as just, you know, just a change. This impacts a lot of things. So, thank you for taking my call.

Mayor Lago: Thank you.

City Clerk Urquia: That's it, Mr. Mayor.

Mayor Lago: All right, we'll close the public comment. Does anybody else have any other further comments they'd like to make?

Vice Chair Anderson: Well, I had a couple of questions for Mr. Navarro if you could assist us here. A couple of concepts in the zoning code, one's called open space and one called green space.

Mr. Navarro: Yes.

Vice Chair Anderson: Regarding the project, not this project, but the lot as it's currently zoned, how much is required to be open space versus green space?

Mr. Navarro: So, currently under the code, the way that it's zoned, you would be required 10 percent open space and 75 percent of that can be covered. So, it could be part of your arcade or a covered courtyard within a building, a paseo. It's currently the way that your code reads is you're allowed 10 percent open space, 75 percent of that can be covered.

Vice Chair Anderson: So, essentially, only 2.5 percent of it is open space to the sky.

Mr. Navarro: Correct.

Vice Chair Anderson: All right. And is any of that required to be green space?

Mr. Navarro: Yes, I think it's -- well, I think it could be hardscape just to be open to the sky.

Vice Chair Anderson: Okay, how much of it is required to be green?

Mr. Navarro: I think you're required -- it's just a dimension of -- it has to be five feet wide. By the way, your Planning director...

City Planner Garcia: It doesn't specify actually.

Mr. Navarro: It doesn't specify.

City Planner Garcia: Yeah, it has to be ten feet deep, and I think a certain square footage, but it doesn't specify the actual planting and greenery.

Vice Chair Anderson: Okay, so you're talking about a 10 by what is the actual amount of area that...?

City Planner Garcia: Depending on how large the property is.

Vice Chair Anderson: Depends on how large the property is. Take this one...

City Planner Garcia: As long as 10 percent is met.

Vice Chair Anderson: Use this one as an example. So, we have a chance to educate everyone here on the Commission as to the actual amount of open space on the ground floor level and how much of that is required to be green open space.

City Planner Garcia: So, if they're required to have how much open space?

Mr. Navarro: So, on this...

City Planner Garcia: (INAUDIBLE) property.

Mr. Navarro: I have the zoning legend for you, but I just think from practical experience -- and I've done six or seven projects in this area, all with the same zoning -- I'm thinking at all of them, I don't believe not one of them, except for the landscape tree grates in the right-of-way have one ounce of grass.

Vice Chair Anderson: Okay.

Mr. Navarro: These are all paved areas, they're hardscaped areas. And the majority of this is met with the covered colonnade, which is allowed to encroach up to the property line and that area makes the majority of the open space. So, I can't recall a project that we've worked on with the exception of the one on the south side of Merrick Park, which is a senior living facility that had a small, very small dog park for that project. It was a private dog park, I believe. But the majority of them are just met through hardscape.

Vice Chair Anderson: So, it's hardscape, maybe you have that hedge around the base of it.

Mr. Navarro: Correct. Some of them have some tree -- some small landscaping.

Vice Chair Anderson: Some kind of bush. Okay, so as opposed to what's proposed here, how much can you do the comparison on the...

Mr. Navarro: Yeah so...

Vice Chair Anderson: Green space versus open space.

Mr. Navarro: So, our current open space that's required, which could be completely hardscaped, is 2,950 square feet. That's what's required. We are at 30 percent open space, but just the park by itself would be approximately 5,000 square feet. So, we're almost doubling the amount of open space, and all of that is green as opposed to a completely hardscaped feature.

Mayor Lago: And also, you're reducing the density by half?

Mr. Navarro: Over 50 percent.

Mayor Lago: 50 percent.

Mr. Navarro: And right now we went from 180 units down to 80 units.

Mayor Lago: So, let me ask you a question just to be clear. For some reason they keep portraying that you're getting more development rights. As per the code, what can you build in regards to FAR?

Mr. Navarro: We can build up to 4.375.

Mayor Lago: What are you building in regards to FAR?

Mr. Navarro: 4.375.

Mayor Lago: In regards to units, how many units can you build by the code?

Mr. Navarro: So, there's unlimited density in this area, and I'm sure there's a plan somewhere where you could cram all 500 square foot units in there. But our original plan, we originally started meeting what actually functionally fits would be 180 units.

Mayor Lago: Okay, and you're down to 80?

Mr. Navarro: 80 units.

Mayor Lago: How much intensity could you put in that building?

Mr. Navarro: So, we could do 180 units with ground floor retail. We have a mixture of uses in this building, which has been one of the discussions, and not to have a pure residential building, which you see all throughout. There is an office component, which we'll hopefully one day present to you, but this building is growing 18 feet, and we're dropping the density by half and providing three times the amount of open space that's required today, and 5,000 square feet of that is going to be an at-ground publicly accessible open space that the developer is building on his own dime.

Mayor Lago: Last question. If you add up all the square feet in the box in your building, every last piece of square foot, are you asking for more square feet than the code allows, or are you providing less square feet than the code allows?

Mr. Navarro: We are not asking for one square foot more than what the code allows.

Mayor Lago: Why am I asking all these questions? Because a few minutes ago I was voting in favor of extending my term for 20 minutes -- for 20 months, which I've been saying for months I'm not. There's a lot of misinformation. We've got to get a handle of the blogs and all this kind of stuff, these scare tactics that, you know, get people nervous. These individuals are proposing to build less than what is allowed by the code currently. All they're doing is taking 17 feet of additional height, which is literally like a floor and change. You can't even notice a difference.

Mr. Navarro: It's not even on the whole site either. It's on...

Mayor Lago: I know, it's on the back.

Mr. Navarro: 60 percent of the site only.

Mayor Lago: So, literally it's a floor. When you're looking up, you'd have to count every single one of the floors. And they're just transferring square feet so that they can open up 5,000 plus square feet on the first floor to have some sort of green space, something that's livable, something that's not concrete, something that actually works. If we could get that, the next person, the next developer adjacent to do the same thing, we could start connecting green spaces and making them even bigger. That was my goal and that's the goal. So, if not, just build it setback to setback. Just build it from here to here, save the 17 feet, and you know, there's no park. So, I just want people to understand that we have to try our best to get away from the fact that, you know, something is happening that is like not in the best interest of the City. That's not the case, far from the case. You have to look and understand the intensity, the density, the unit count, how many square feet is allowed, what is the FAR. If you look at all those things, then you can say, listen, I understand it's too much, too much, and we're not willing to proceed. The public benefit is not worth it. Are all these numbers correct, or are they off?

City Planner Garcia: That with TDRs, yeah, 4.375 FAR, so that's a ratio based on the...

Mayor Lago: Yeah, I...

City Planner Garcia: Size of the square foot of the property.

Mayor Lago: But I'm asking are the numbers that he said correct?

Mr. Navarro: We're not asking for any additional FAR.

City Planner Garcia: Oh, no. We can't. Yeah, that's not part of the amendment. The amendment is just based on height.

Mayor Lago: Yes.

City Planner Garcia: That's all we're changing the comp plan and the zoning code for.

Mr. Navarro: And one of the reasons this building is designed this way -- because this process has taken us much longer than we would have gone the other process. In order -- and I think there was a project right across the street that was very celebrated for reducing density, leaving density on the table. In order for that to happen, you have to create a high-end product, so it has to be a product that you're going to be selling 100 less units than you would the other way. So, the quality

of this development, the quality of the park, everything is going to be super high-end, but this building, in order to say we're going to leave 100 units on the table, you know, we've got to create a really high-end product, and that's what we've done here.

Mayor Lago: And I think also you forgot to mention, or maybe you did, by reducing it by 100 units, you're also reducing the traffic.

Mr. Navarro: Correct. And that was a big item for the neighborhood. And it's been a big item all around town. Obviously, it's in an area that you got Coral Gables High School there. Every building has always tried to put the maximum amount of units you can. This is a developer who's tried to be thoughtful, tried to meet, tried to provide a public benefit. And also, I mean, we're talking about a substantial reduction in density. I mean, this is not somebody who's trying to add development intensity. He's taking it away and providing a public benefit and this is the mechanism for being able to do it.

Mayor Lago: And deeding -- and you're willing to deed the land just like we did with Codina, just like we're doing with Publix, just like we're doing with the other spaces. You're willing to deed it to the City?

City Attorney Suárez: No, I believe the ordinance as drafted says it's privately owned but dedicated for public use.

Mayor Lago: Well, we talked about it.

Mr. Navarro: Yeah, yeah.

Mayor Lago: I'm asking a question.

Mr. Navarro: We don't have an issue dedicating it.

Mayor Lago: So, that's why I asked the question. And I know that I could -- that you would be more than amicable to make it a public asset for the community to own.

Mr. Navarro: And I think Maria had mentioned that too, that we want to make sure, look, this is not a private amenity. This is not like something that is just a private park. This would be open at the sidewalk level and dedicating it ensures that it's a public benefit. Because our idea is that this is really not just for our project. We have our amenities on the rooftop. This is really something for the community. It's going to be a public park.

Mayor Lago: So...

Commissioner Fernandez: Through the Mayor, just a question, because I'm a little confused. It seems like we're discussing a project and not what we're supposed to be voting on. And whether we agree with the project or not, that's not even a point to discuss today because whatever proffers you're willing to make as far as the land is not in this legislation.

City Attorney Suárez: So, to clarify that point, it was -- it's in the ordinance. The ordinance says that the...

Mayor Lago: It is.

City Attorney Suárez: Construction and maintenance of the park shall be owned privately and reserved for perpetual public use with -- and then it had the language about the outdoor private dining, which I understand might change.

Mayor Lago: Trust me, have faith -- I've been running meetings for two months -- for two years, and I've been on this dais for 10 years. I know what I'm doing, and I'm asking questions, and I'm following the rules as I've been instructed by the City Attorney. So, moving on...

Mr. Navarro: But to Commissioner Fernandez's point...

Mayor Lago: But hold on.

Mr. Navarro: I'm sorry, I wanted...

Mayor Lago: My point is very simple, very simple. We have a very, very long agenda here today. We haven't even gotten to Commission agenda items. And we have a five o'clock time certain. We're two -- we're an hour and 50 minutes away from that. Are we ready to make a vote on this today, or do we...?

Commissioner Fernandez: I would like to hear the answer to my questions. Because if I ask you a question, I cannot vote on something if I don't have the answers to my questions. But you've spoken for at least 20 minutes on this item about all the great work you've done. Stop and listen, and we'll have more time to discuss items.

Mayor Lago: He's already answered your question.

Commissioner Fernandez: He asked to finish the answer.

Mr. Navarro: So, you asked about the commitments that we've made. Obviously, this is illustrative, right? This ordinance is illustrative. We're showing you what could be done. There is a density limit in this ordinance. So, if you want to participate in this ordinance, you essentially have to cut your density in half. We've done the math and that's a very important point because I

think something that you wanted to mention, how does this have teeth in that respect? You have to cut the density down because the density number is now reduced lower than what it currently is.

Mayor Lago: And just like you said, it's not about speaking for 20 minutes. It's about reading the ordinance and understanding it. That's what it's all -- all he just said is repeating the same thing that's in the (INAUDIBLE).

Commissioner Fernandez: And you have repeated everything everybody has said to sound like the smartest person in the room. Just listen, let us all hear. We all have questions.

Commissioner Menendez: I am not the smartest person in the room, but I do have a question and a comment or a comment and a question. Take it for what it is. Comment, when we have the sunshine meeting, can we do a side-by-side visual comparison of what can be done now, including height, density, everything, and then what could or would happen with a change? I think visually it's important. We went through a lot of items, which I kept up with, but I think for the public and for our benefit, it's good to have a side-by-side. What can't --? And my other question is actually...

Mayor Lago: Can I ask you a question?

Commissioner Menendez: Yeah.

Mayor Lago: Will you do me a favor, please? Will you do me a favor? Send my buddies over here in the corner here, the left, you know, we got these two gentlemen here. Send them exactly what you just showed two seconds ago. You showed it. Send them in an actual copy so they can have it by email so they can study it. You sent that, you provided that in the sunshine meeting and you brought it here and you showed it. And you showed it to me 20 minutes ago.

Commissioner Menendez: Yeah, but my point is we're talking about a sunshine meeting between first and second reading, or perhaps there won't even be a first reading.

Mr. Navarro: One of the things that we will...

Commissioner Menendez: But my question is...

Mayor Lago: Perfect.

Commissioner Menendez: There's going to be a sunshine meeting. And I'm simply requesting that we have a PowerPoint presentation so that whoever attends that sunshine meeting can see it. And if they've seen it for a second time, more power to them. And my other -- my actual question is to the City Attorney. Since there are things in this proposed legislation that I think everybody

can agree that additional green space is, you know, desired throughout the city, can we legally change that part of our code to make these changes without giving something back to those owners, otherwise it'd be a taking?

City Attorney Suárez: So, whenever you make an additional -- impose an additional requirement such as additional open space, you subject the City to a potential Bert Harris claim.

Commissioner Menendez: So, that's why there's a sort of a give and take because otherwise we could sort of cross the line legally. I'm just explaining.

City Attorney Suárez: You -- you -- you...

Commissioner Menendez: Expose the City?

City Attorney Suárez: There's additional exposure, correct.

Commissioner Menendez: That's my point.

City Attorney Suárez: I'm not saying...

Commissioner Menendez: Thank you.

City Attorney Suárez: That they would be successful, but there is that exposure.

Commissioner Menendez: Just wanted to make that clear.

City Manager Iglesias: Mr. Mayor, may I say something? We have to be careful now because I don't believe this project is a PAD and you all are using your development rights from that site. So, I do think that a project like this will be there for 50, 75 years. So, the fact that it's not a PAD and the fact that this land may not be given to us because you're taking development rights away doesn't mean that the project can't be there for -- a building like that will be a 75 year building or more. So, it would be a technically perpetual give almost, right?

Mayor Lago: Perfect. Anything else for the record?

Commissioner Castro: I just want to clarify that this is not site specific. This is the whole district that we're talking about.

Mr. Navarro: Correct.

Commissioner Castro: So...

Mr. Navarro: Oh, is that the many parcels left? This is the entire district. Hopefully, as parcels redevelop, you could have a very nice park network in an area that doesn't have it. And I think always when you're talking about where traffic's always a concern, anything that involves density reduction -- I know this is a voluntary program, so you want to participate, you have to give these public benefits back.

Commissioner Fernandez: And through the Mayor, Jessica Keller brought up a question that piggybacks on Commissioner Castro's question. What parcels are currently available for -- or that are currently considering redevelopment? Because I don't think there's a whole lot left right now. So, this would be approved specifically for this project...

City Attorney Suárez: No.

Commissioner Fernandez: And for anything that comes in the future.

City Attorney Suárez: This would not be approved specifically for this project. This is legislation approving a change to the comp plan and approving a change to the zoning code for the Design & Innovation District. It's not specific to this project.

Mayor Lago: Again, you got to read the legislation. This is -- I mean, we're just...

(MULTIPLE PARTIES SPEAKING IN UNISON)

Mayor Lago: It's simple. Again, it's not about speaking for 20 minutes or being the smartest person in the room. If you don't read the legislation just because you ask a question that doesn't make sense, you're not going to get the response that you want. She's going to give you the response that is appropriate. Let's move on, and we'll vote it up or down. We got so much here. We got a sunshine meeting at five o'clock.

Commissioner Fernandez: And this should have been done after the summer, not brought up in the summer when residents aren't even in town to have a discussion.

Vice Chair Anderson: I'm going to move it. Let's get this agenda moving.

Mayor Lago: The Commission has every right to put anything they like on the agenda.

Vice Chair Anderson: We don't have a moratorium on development during a summer. What we had was no sunshine meetings. You were aware of most every sunshine meeting ever published in this city. Anybody could have attended, residents did attend. They provided their input. We move forward accordingly to be able to bring this to the table for consideration. Brought it to Planning...

Commissioner Fernandez: It was over a year ago.

Commissioner Castro: Hmm?

Commissioner Fernandez: It was over a year ago.

Vice Chair Anderson: And we have 40 people signing in favor of it because they are starving for park space in that area.

Mayor Lago: So, do we have a motion?

Vice Chair Anderson: I'll move it. We have a motion. Do we have a second so we can move forward?

City Clerk Urquia: I'm sorry, who seconded?

Mayor Lago: Yeah, nobody.

City Attorney Suárez: So, is this E-6? E-6, because we have two items.

Vice Chair Anderson: Let's start with the first.

Mayor Lago: So, E-6, yes.

City Clerk Urquia: Do we have a second?

Commissioner Menendez: Okay, so I'm going to second for the purpose of having the sunshine meeting, but right now, I'm not happy with the direction this is going. But for the purpose of moving the process and having the sunshine meeting, my decision on the second round will be based on what comes out of that sunshine meeting. So, I will be the second in order to move it towards that sunshine.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Commissioner Castro?

Commissioner Castro: No, because if I say yes, then that means I'm already accepting height. I'm already accepting height and I can't make that decision right now without the input of the residents.

Vice Chair Anderson: That's -- this is for two readings.

Commissioner Castro: Right, but...

Vice Chair Anderson: You can vote no next time, but that's your decision. Go right ahead.

Commissioner Fernandez: No.

Commissioner Menendez: Yes.

Vice Mayor Anderson: Yes.

Mayor Lago: Yes.

(Vote: 3-2)

Mayor Lago: E-7.

Vice Chair Anderson: I'll move it.

Commissioner Menendez: I'll second for the same reasons of the other item.

Commissioner Fernandez: No.

Commissioner Menendez: Yes.

Vice Chair Anderson: Yes.

Commissioner Castro: No.

Mayor Lago: Yes.

(Vote: 3-2)