

1 MS. BRAVO: Kudos to the Staff for bringing
2 an innovative --
3 MR. BUCELO: Absolutely.
4 MR. BEHAR: Gonzalo?
5 MR. SANABRIA: I have a deck, on my
6 seawall, made of composite materials. It's
7 been there for 25 years. Fantastic. I love
8 it. So I'm all in favor of this.
9 MR. BEHAR: Okay. Perfect.
10 I think it's a great idea. I'm all for it.
11 So with that, we're going to close the
12 Board comment --
13 MR. MENENDEZ: One more quick question,
14 Mr. Chairman.
15 MR. BEHAR: Sure.
16 MR. MENENDEZ: Is the City directed to use
17 these composite materials, as well, in like,
18 say, parks or anything that's -- any projects?
19 MS. GARCIA: Yes. Typically, yes.
20 MR. MENENDEZ: Okay.
21 MS. GARCIA: So knowing the RCA, like
22 knowing what the pre-approved products are, so
23 they can use that, and kind of bypass going to
24 the Board of Architects repeatedly, a number of
25 times, so, yes.

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1 MR. MENENDEZ: Okay. Okay. Thank you.
2 MR. BEHAR: Good question. Thank you.
3 Do we have a motion?
4 MR. BUCELO: I'll move, Mr. Chair.
5 MR. SANABRIA: Second.
6 MR. BEHAR: Okay. Can you please call the
7 roll?
8 THE SECRETARY: I'm sorry, who moved it?
9 MR. BEHAR: Alex, second by Gonzalo.
10 THE SECRETARY: Thank you.
11 Alex Bucelo?
12 MR. BUCELO: Yes.
13 THE SECRETARY: Nestor Menendez?
14 MR. MENENDEZ: Yes.
15 THE SECRETARY: Felix Pardo?
16 MR. PARDO: Yes.
17 THE SECRETARY: Gonzalo Sanabria?
18 MR. SANABRIA: Yes.
19 THE SECRETARY: Ignacio Alvarez?
20 MR. ALVAREZ: Yes.
21 THE SECRETARY: Alice Bravo?
22 MS. BRAVO: Yes.
23 THE SECRETARY: Robert Behar?
24 MR. BEHAR: Yes.
25 E-3, Mr. City Attorney.

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1 MR. COLLIER: Yes.
2 Item E-3, an Ordinance of the City
3 Commission providing for text amendments to the
4 City of Coral Gables Official Zoning Code,
5 amending 14-204, "Transfer of Development
6 Rights (TDRs)," and Article 16, "Definitions,"
7 of the City's Zoning Code to establish a
8 Conservation TDR Program and appraisal
9 framework; providing for definitions,
10 procedures, appraisal standards, and
11 conservation easement requirements; providing a
12 repealer provision, severability clause,
13 codification, and providing for an effective
14 date.
15 Item E-3, public hearing.
16 MR. BEHAR: Craig.
17 MR. SOUTHERN: Good evening, again. Craig
18 Southern, Planning and Zoning Division.
19 Okay. This next text amendment is,
20 basically, as Craig Collier just read, to
21 establish a Conservation Transfer of
22 Development Right program, to our already
23 existing TDR section, within the Zoning Code.
24 This program proposes to incentivize
25 permanent preservation of native and natural

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1 habitats, including mature tree canopy and
2 ecologically significant features, by allowing
3 property owners to voluntarily transfer
4 development rights from designated sending
5 sites to approved receiving sites.
6 The text amendment proposes that property
7 owners, who permanently protect environmentally
8 sensitive lands, go through a Grant of
9 Conservation Agreement or a GOCA, as the
10 acronym would read, and they may receive
11 transferable development rights, provided that
12 they meet the conservation benefits, and that
13 they are eligible.
14 Eligible sending sites are -- could, in the
15 proposal, be evaluated based on habitat
16 quality, tree canopy coverage, and overall
17 conservation value. Sites demonstrating
18 exceptional ecological value may qualify,
19 additionally, for ecological bonuses, that have
20 also been proposed in the text amendment.
21 These would have to be qualified by
22 environmental professionals, arborists, and
23 ecologists.
24 Just to give a couple of brief examples of
25 maybe some eligible sites within the City of

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1 Coral Gables, it could be a parcel along Old
2 Cutler, that's potentially adjacent to Matheson
3 Hammock, with dense hardwood canopy coverage, a
4 large residential lot within Cocoplum or
5 Hammock Oaks, with matures oaks and Gumbo Limbo
6 covering over forty percent of the property,
7 or, even, canal frontage parcels, along any
8 canal, waterway, with intact mangroves
9 providing shoreline stabilization and water
10 quality benefits.

11 So the text amendment proposes that an
12 applicant would be required to have a minimum
13 of two independent Uniform Standards of
14 Professional Appraisal Practice, or USPAP,
15 compliant appraisals, prepared by two qualified
16 appraisers, who are members of the Appraisal
17 Institute. Each appraisal will determine the
18 fair market value, under existing zoning and
19 land use conditions, and the TDR unit value
20 will be calculated from comparable recent sales
21 or transfers that have already been conducted
22 within the City.

23 Finally, the text amendment provides for
24 review by the Landscape Beautification Advisory
25 Board, and, finally, it would have to go in

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1 front of the City Commission, and a recording
2 of restrictive covenant, the grant of
3 conservation easement would have to be in
4 perpetuity, to protect the conserved areas.

5 So this proposed framework would support
6 environmental stewardship, while providing
7 certainty for both, property owners and the
8 City, and aligning with the City's
9 Comprehensive Plan for sustainability, open
10 space preservation, and natural resource
11 protection.

12 So Staff was directed by the City Manager's
13 Office to add this. I also want to add that, a
14 lot of these conservation TDRs are relatively
15 common within Florida, especially Monroe
16 County, down in the Keys, where there's lots of
17 wetland and mangrove areas. So we've got quite
18 a bit of those, so we thought we would try to
19 take advantage of that.

20 So any questions for the text amendment,
21 Staff is here.

22 MR. BEHAR: Thank you, Craig.

23 Before we bring it to the Board, any --
24 open it to the public comment. No one in
25 Chamber.

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1 Jill, anybody on Zoom or phone platform?

2 THE SECRETARY: No.

3 MR. BEHAR: Thank you.

4 Close the public comment.

5 Open it up to the Board.

6 Felix, since you had a question, if you
7 could start.

8 MR. PARDO: Yes. I find it very difficult
9 to wrap my head around this, and I'll tell you
10 why. When we first developed the TDRs many
11 years ago in the City, it was specifically to
12 save historic structures, which had a certain
13 footprint, that could be developed to a certain
14 size. Why, because in the zoning world, you
15 have setbacks, you have maximum densities, et
16 cetera, so someone that had a historic
17 building, if they could build, let's say, ten
18 units or six units or "X" amount of square
19 feet, then it was very easy to be able to say,
20 "Well, this is how we're going to extrapolate,
21 put a price on this, and then put it in a till,
22 that it could be used later on by a developer.
23 This is impossible. This becomes the well that
24 will never go dry, and, then, that's -- that's
25 the participating. Then, where do you dump

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1 these TDRs?

2 So it's very difficult to compare the
3 mangroves in the Keys, because it's used
4 specifically for -- in a very limited -- very,
5 very limited way. The other --

6 MR. SOUTHERN: Density -- yeah, intensity
7 versus density. Yeah.

8 MR. PARDO: Exactly. And it's the same
9 thing as, you know, let's say, when some of the
10 sugar industry gave up in the Everglades
11 certain areas, specifically to be able to clean
12 the Everglades, and they were paid hard core
13 money for that, it wasn't that they were given
14 sites to build highrises around Lake
15 Okeechobee.

16 This, right now, I cannot support it, under
17 any condition, because there isn't an
18 assessment of the limits of this, and it will
19 dwarf the historic buildings that we have, that
20 aren't eligible today for those TDRs. I
21 believe that there is no limit, no
22 understanding of what the ramifications were.
23 And the other thing is that, when you read it,
24 it becomes extremely subjective, within a
25 handful of people, to be able to provide that.

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1 What I would hope is that there would be
2 more restrictions in those areas, which are
3 restricted now by State -- well, by Federal, by
4 State, County laws, and preserving these areas
5 with those fully mature specimen trees, the
6 same as wetlands. Wetlands do not give TDRs to
7 people to build more somewhere else.

8 So the evaluation of one thing, versus the
9 other, is very difficult. I have a tremendous
10 issue, because, right now, we don't know what
11 the ramifications are going to be of using
12 this. I think, if you -- I personally believe
13 this item should be tabled, until we see much
14 more specificity what the ramifications are
15 going to be, you know, from this. It sounds
16 great, well, we can save a tree, well, before
17 it used to be, we can move a tree, we could do
18 this, we could do that, but I think that it
19 could be abused and used incorrectly.

20 Those are all of my comments.

21 MR. BEHAR: Before I open -- Craig, what
22 are the implications on this item, as far as --
23 give me your opinion.

24 MR. COLLIER: Well, I think it's going to be
25 judged individually about whether there's

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1 something that the City finds to be an
2 appropriate use, that it would qualify for a
3 conservation easement. It's going to be
4 evaluated, and I believe it -- does it provide
5 for approval --

6 MR. SOUTHERN: Yes. I mean, the
7 application would have to go in front of the
8 Landscape Advisory Board and the City
9 Commission.

10 MR. COLLIER: So it's got to be something
11 meaningful. It's not just, "Well, we'd like a
12 TDR for a tree." I think that it's --

13 MR. SOUTHERN: Forty percent of a sending
14 site would have to be completely covered in a
15 canopy coverage.

16 MR. BEHAR: But --

17 MR. SOUTHERN: And it would have to --

18 MR. BEHAR: The reason I'm asking, because
19 are you really allowed to take down those
20 trees?

21 MR. SOUTHERN: Well, there's a whole
22 process for tree removal, as we have now, but
23 this is an incentive -- I mean, the whole
24 purpose of this is to incentivize what we do
25 have left within the City and to give some kind

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1 of benefit to preserve some of these areas in
2 perpetuity.

3 MR. BEHAR: I think that -- and today, I
4 think, this morning, in the Code Enforcement,
5 there was a case, that a contractor excavated
6 right close to the roots of the tree. It
7 toppled over, and it was -- there was a fine.
8 I saw it on the -- you know, 12,500, if I
9 remember. That's nothing.

10 If you don't put, you know, severe
11 penalties to -- if you're going to take one of
12 these mature trees, then it's meaningless.

13 MR. PARDO: Mr. Chair, may I add something?

14 MR. SANABRIA: Mr. Chair, I have a comment.

15 MR. PARDO: Our attorney mentioned, there
16 are three levels. As a simple example, when
17 you're at the County, wetlands, for example,
18 the property is still owned by the owner of the
19 land. So let's say part of their land is in
20 wetlands. The conservation component is owned
21 by the County. So, in other words, the County
22 owns the conservation component, but the land
23 is owned and taxed to the property owner.

24 But let's say you own a piece of land,
25 let's say, ten acres, half of it is wetlands

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1 and the other half is not. You could build on
2 the part that is not wetland, but you don't get
3 TDRs for the wetland, because of the
4 conservation area that is actually owned by the
5 County. That's the way the law is written.

6 In this particular case, it's so
7 open-ended, that, as you said, I remember a
8 case many years ago, where someone went into a
9 parcel, in the North Gables, and they tore it
10 down. I think it was 25 100-and-some-odd year
11 old oaks, just on a Sunday. Ended up paying
12 like a thousand dollars a piece. That is
13 awful.

14 So we have laws and rules, and we're not
15 applying them, but now we're going to give
16 TDRs, which we have no idea how many TDRs there
17 are out there, because it's not buildings,
18 historic buildings, that you could count, you
19 could map. It is -- I think this needs a lot
20 more work to understand it.

21 MR. SANABRIA: Mr. Chairman.

22 MR. BEHAR: Go ahead, Gonzalo.

23 MR. SANABRIA: I'm in total opposition of
24 this ordinance, for many reasons. I think the
25 motive is good, it's benign, the intent, as

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1 well, but the language is so obtuse and it puts
2 a stranglehold on the property owner, as well.

3 I think, as far as TDRs, TDRs have very
4 little value. To put a TDR as a bonus,
5 somebody is essentially handicapping the value
6 of their property. That's what they'd be
7 doing. It's really unfathomable. I don't
8 understand why the City is before us, because
9 this is a very convoluted ordinance, and it
10 doesn't respect owner's rights, plus it puts a
11 very high economic burden on the owners.

12 For example, you've got to have MAI
13 appraisals to do the initial steps to get these
14 TDRs, which is worthless. They're not worth
15 anything in the marketplace, since I've dealt
16 with TDRs many times, and that is about what,
17 nine, ten thousand dollars each. There's
18 twenty thousand dollars just to get an idea of
19 TDRs. Then, you have to have a maintenance
20 agreement signed and sent and be part of the
21 record on this property, as well, which is
22 another limiting factor to a property owner.

23 I just don't understand. Plus the TDRs, if
24 you get them, they have a total lifespan of two
25 years. If you don't use them in two years, you

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1 can't even get a cafe con leche with that. So,
2 I'm telling you, I understand the concept, but
3 this is something that I cannot support. It's
4 just too obtuse, too convoluted.

5 MR. BEHAR: Thank you.

6 Alice.

7 MS. BRAVO: Well, I think it's an
8 interesting concept, and could you elaborate on
9 the steps? Let's say you get through the
10 process, and who finally approves it, Staff or
11 the City Commission?

12 MR. SOUTHERN: So an application would come
13 in. It would go through our DRC process
14 initially, and then it would go into the
15 Beautification. We've also got a requirement
16 that the Green Space Management Division would
17 have to take a look at it, and make a
18 recommendation, as well, and then it would
19 finally go to the City Commission for final
20 approval.

21 MS. BRAVO: And I guess, throughout this
22 process, we're to determine if this is a
23 property that everyone is really interested in
24 conserving?

25 MR. SOUTHERN: Exactly. Yeah. So we would

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1 have to go through a public hearing process,
2 yes.

3 MS. BRAVO: And that process would also
4 evaluate whether the property is developable to
5 start with?

6 MR. SOUTHERN: Exactly. All of the
7 environmental and ecological assessments, just
8 basically signifying if the natural habitats
9 are mature. I mean, that's --

10 MS. BRAVO: So to alleviate some of our
11 comments that we've heard here today, you know,
12 it would be like willy-nilly to preserve just a
13 piece of property that otherwise you couldn't
14 develop or you could develop it?

15 MR. SOUTHERN: Well, this would be a
16 voluntary component from the property owner,
17 you know. And that's the thing, most --
18 without the -- throughout the nation, there's a
19 lot of conservation transfer of development
20 rights, agricultural, ecological, like I said,
21 down in the Keys. They have different ways of
22 how they do it. This is the way that we're
23 proposing currently, but we do feel like it
24 would be a healthy addition to our current
25 Transfer of Development Rights, which

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1 predominantly is, right now, just within the
2 historical component, where the Historical
3 Division, they take -- Historic Preservation,
4 they look at that through their board, and then
5 there's also an open space component, and now
6 we would be proposing to add a conservation
7 component, as well.

8 MS. BRAVO: Okay. Could you try to address
9 some of the concerns that the Board Members
10 raised as to why this is beneficial?

11 MR. SOUTHERN: I think, maybe, from what is
12 being -- so how we currently calculate or how
13 we're proposing to calculate, from what I
14 understand, is maybe probably the biggest
15 concern; is that accurate?

16 MR. PARDO: I would say so. There's no
17 assessment of the amount of area or the
18 conversion, and, remember, you're converting
19 acreage to square footage of the buildings.
20 It's like apples and oranges.

21 MR. SOUTHERN: So the number of TDRs would
22 equal the fair -- the average fair market
23 value, divided by the TDR unit value. Now, we
24 do currently have a TDR list, that we've
25 utilized in the past. We can reference that as

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1 a reference point, but --
 2 MR. BEHAR: But, Craig, to his point,
 3 and -- how do you -- let's say that you have a
 4 property in Snapper Creek, and the property is
 5 a two-acre. One acre of that property has
 6 beautiful mature oak trees, Gumbo Limbos,
 7 whatever. How do I put a value? Because
 8 TDRs -- I disagree with my colleague, TDRs are
 9 very valuable, you know, because TDRs are --
 10 you know, whether it's density or FAR, are very
 11 valuable in the City of Coral Gables.

12 MR. SOUTHERN: Intensity. Right.

13 MR. BEHAR: How do I equate ten trees to a
 14 value of a TDR?

15 MR. SOUTHERN: Well, it's going to be more
 16 than that. It's going to basically look at
 17 that square footage component and give a fair
 18 market valuation. And you're right, other
 19 places do it in different manners. They look
 20 at a portion of the intensity or the, you know,
 21 square footage of that property, and they'll
 22 give a fraction, and then they'll only allow a
 23 certain floor area ratio to be transferred.

24 This particular one, which has gone through
 25 different reiterations throughout, you know,

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1 touched and it's recorded, correct?

2 MR. SOUTHERN: Correct.

3 MR. COLLIER: And so there's a valuation for
 4 what that's worth, and that's going to be
 5 calculated.

6 MR. SOUTHERN: So for the open space
 7 portion that we currently have in the Code,
 8 this is how it reads, just hopefully for
 9 clarity a little bit. "TDRs eligible to be
 10 transferred from the property shall be
 11 calculated as follows: The difference between
 12 the existing gross floor area on the property
 13 and the maximum floor area permitted on the
 14 subject property by the applicable zoning
 15 district requirements, including any available
 16 development bonuses."

17 MR. PARDO: That's exactly what I said. In
 18 other words, it's restricted by the
 19 restrictions of the zoning that exists there.
 20 So if you apply it this way, just imagine
 21 you're applying it to rights-of-ways, public
 22 right-of-ways, because we have a series of
 23 oaks, and maybe that particular street was
 24 never dedicated, now they can ask for a TDR
 25 based on it. It was never buildable to begin

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1 the review process and the composition process,
 2 that's what we've gotten to is the fair market
 3 average value.

4 MR. COLLIER: But haven't we done this
 5 already with parks?

6 MR. SOUTHERN: Yeah.

7 MR. COLLIER: So we evaluate -- you know, if
 8 somebody wants to donate a park to the City,
 9 there's a valuation on the amount of the park
 10 area to be done, and you calculate what the
 11 value of the property is, and then you convert
 12 the value to what the TDR is.

13 I presume, in this case, I want to make
 14 sure I understand this --

15 MR. SOUTHERN: Right.

16 MR. COLLIER: -- because math was the reason
 17 I'm a lawyer, not a doctor, is because math
 18 wasn't my strong suit, but anyway, there's
 19 going to be --

20 MR. SOUTHERN: I could read what the Code
 21 says, if you'd like.

22 MR. COLLIER: No. I mean, there's a
 23 valuation on the property that's to be
 24 preserved, and there's an easement where,
 25 essentially, that area is not going to be

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1 with.

2 I think -- maybe I'm completely out of step
 3 with this, because we are comparing buildable
 4 area, that could have been maximized, where
 5 historic buildings that have a certain value
 6 are, the buildings that were not historic could
 7 be torn down and new development be built
 8 there, but the reason the TDR was incorporated,
 9 was to be able to save them.

10 The difference today is that, many of those
 11 areas that you gave us examples of down on Old
 12 Cutler, for example, are in these
 13 extraordinarily large setbacks, which could
 14 have never been built on, but now you're going
 15 to give those homeowners development rights,
 16 when those trees and natural resources are
 17 protected by City Ordinance, which sometimes,
 18 when people violate them, they are not held
 19 accountable in the right way.

20 MR. SOUTHERN: I just want to clarify. It
 21 wouldn't be for that particular property that
 22 would be having the conservation easement
 23 permanently attached to it. It would have to
 24 be transferred to a different property. So
 25 that's the thing. You couldn't add any

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1 additional -- if you put --
 2 MR. PARDO: No. No. Yeah, I understand.
 3 That's going to be sold. That's going to be
 4 put somewhere. And then you're going to have a
 5 receiving area somewhere else.
 6 MR. SOUTHERN: Correct. Right.
 7 MR. PARDO: There was a reason that the
 8 TDRs were done for historic buildings within a
 9 certain area of -- which started in the CBD
 10 area.
 11 MR. SOUTHERN: Right.
 12 MR. PARDO: There was a reason for that,
 13 because of the higher density, et cetera. In
 14 other words, it could blend in better.
 15 Now, you're not going to have enough
 16 receiving sites, because it is a bottomless,
 17 bottomless, type of amount of land area. When
 18 you look at our City's interpretation of
 19 recreation area, one of the things that they
 20 count in there for recreation are large areas
 21 that, really, are not accessible to the public.
 22 They're not developed, and they're in the south
 23 part of the Gables.
 24 What I'm saying is that, trying to save
 25 these trees, you don't allow people to simply

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1 combination of this.

2 The park example that our City Attorney
 3 came up with is normally in an urban area,
 4 where that park area that is being donated --

5 MR. BEHAR: Has a value.

6 MR. PARDO: I'm sorry?

7 MR. BEHAR: Has a value.

8 MR. PARDO: Has a value. Why? Because,
 9 you know, someone's going to go in there, buy
 10 it, and it's "X" amount of millions of dollars,
 11 and then you could take that and put the units
 12 here or there and use your imagination.

13 MR. SOUTHERN: I mean, that's what Staff is
 14 trying to say, is that this conservation area
 15 does have value, and, you know, preserving
 16 it --

17 MR. BEHAR: Let's continue.

18 Alex.

19 MR. BUCELO: I don't have any questions. I
 20 just have a few comments or, I guess, a
 21 statement. I happen to disagree with certain
 22 colleagues of mine. I think -- to Alice
 23 Bravo's point, I think it's voluntary on the
 24 homeowner's part. I think it is very specific,
 25 and quite frankly, I happen to agree with the

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1 cut them down. I just don't understand the
 2 complexity of doing this, and there's no hard
 3 fact of the amount that can be saved, because
 4 there's no assessment, and then there's no
 5 transfer area specifically designated for this
 6 type of --
 7 MR. SOUTHERN: Well, the assessment is part
 8 of the requirement process.
 9 MR. PARDO: No, but I'm talking about the
 10 City's assessment.
 11 MR. SOUTHERN: You mean, for the City as a
 12 whole?
 13 MR. PARDO: Correct.
 14 MR. SOUTHERN: How much hardwood hammock do
 15 we currently have within the City, that -- is
 16 that the --
 17 MR. PARDO: Right. If you were talking a
 18 golf course that's 168 acres, you could do the
 19 math really quickly.
 20 MR. SOUTHERN: Right.
 21 MR. PARDO: But that golf course was
 22 designated for recreation. It doesn't have any
 23 TDRs there. Even though you have these massive
 24 trees, that are beautiful, on the golf course,
 25 it's not there. There's no -- there's no

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1 ordinance. So, on my end, I'm in favor of it.

2 MR. BEHAR: Nestor.

3 MR. MENENDEZ: I echo what Alex said. I
 4 think we're just getting into the weeds a
 5 little bit about this. The way I read the
 6 language, it has to deal with specific
 7 ecological parcels. So I think it's a little
 8 bit different from historic homes or
 9 rights-of-ways that have canopy. I think you
 10 have to qualify. There's a qualifying
 11 criteria.

12 MR. SOUTHERN: Correct.

13 MR. MENENDEZ: So I think it's a little bit
 14 more specific than just that. I think the
 15 language is pretty clear, and, you know, I
 16 think we do have guardrails for eliminating
 17 green space. Whether the teeth or the remedies
 18 or the punishment or whatever you want to call
 19 it, for eliminating that green space
 20 willy-nilly, should be a little bit tougher, I
 21 think I agree with you there, but I don't think
 22 that this has to do with the language in the
 23 ordinance right now, and if you want to add a
 24 comment, I think that would actually be pretty
 25 productive, as far as the enforcement of the

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1 removal of any of these protected trees by the
2 City, but, yeah I agree, I think the language
3 is spot on.

4 MR. SANABRIA: Mr. Chairman --

5 MR. BEHAR: Can I -- give me a second. Let
6 me get Ignacio and then I'll come back to you.

7 MR. SANABRIA: Yes, sir.

8 MR. BEHAR: Ignacio, go ahead.

9 MR. ALVAREZ: Who are the approved
10 recipients to the TDRs?

11 MR. SOUTHERN: So that's the thing, right
12 now, it would have to be determined upon that
13 application process, if it would be an eligible
14 receiving site, yeah.

15 MR. BEHAR: Okay. Gonzalo.

16 MR. SANABRIA: Are we talking about a
17 specific parcel or parcels right now, because
18 it's not identified in this -- it's not
19 identified.

20 MR. SOUTHERN: No, we're not. I mean, the
21 idea is to create this conservation --

22 MR. SANABRIA: I understand, from the
23 comments of Mr. Menendez, that it does address
24 certain parcels. Could you identify what those
25 parcels are?

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1 MR. SOUTHERN: I'm unfamiliar with those.

2 MR. MENENDEZ: No. My comments were more
3 to the language here. And when I read it, it
4 speaks to certain ecological that would
5 qualify, that has a certain amount of canopy or
6 native foliage or trees or -- and please
7 correct me if I'm wrong. I think you have
8 to --

9 MR. SOUTHERN: Mature habitats.

10 MR. MENENDEZ: Mature habitats. Like you
11 have to qualify.

12 MR. BUCELO: There are certain criteria.

13 MR. MENENDEZ: Certain criteria that you
14 have to qualify. It's not just, I have three
15 nice oaks on my five-acre property; therefore,
16 I qualify for this specific TDR. Maybe you
17 qualify for another one, similar to what Felix
18 was talking about, about the historic homes.
19 Maybe, if that qualifies for that TDR under a
20 separate ordinance, but, I think, as far as
21 what I'm reading, this is pretty specific to
22 certain ecological habitats and it's to promote
23 the preservation of these certain ecological
24 habitats, at least that's what I --

25 MR. SOUTHERN: With a minimum of 40

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1 percent.

2 (Simultaneous speaking.)

3 MR. BUCELO: It would be a case by case
4 circumstance.

5 MR. MENENDEZ: No, no, I'm saying -- right,
6 it's a case by case.

7 MR. BUCELO: That's why it's an application
8 process.

9 MR. PARDO: And TDRs aren't available for
10 historic homes. It's commercial properties.

11 MR. MENENDEZ: I don't know. I was just
12 talking to what you were saying about the
13 historical --

14 MR. PARDO: No, it's historic buildings
15 that are commercial.

16 MR. MENENDEZ: Right. Historic buildings.
17 Okay. Thanks for --

18 MR. SANABRIA: Mr. Chairman.

19 MR. BEHAR: Go ahead.

20 MR. SANABRIA: Thank you, Mr. Chairman.

21 And with the understanding of my
22 colleagues, I've heard everything they've had
23 to say. I did study this thoroughly, and I'm
24 going to make a suggestion for consideration,
25 that this item probably requires some edits,

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1 that are constructive and positive.

2 MR. BEHAR: Before you do, I haven't given
3 my opinion yet.

4 MR. SANABRIA: I understand, but I'm
5 trying --

6 MR. BEHAR: If you're going to make a
7 motion or a recommendation --

8 MR. SANABRIA: Sir, I am leaning that way.
9 If you will --

10 MR. BEHAR: Then you want to say something
11 and make a motion before I make my statement --

12 MR. SANABRIA: Yes, sir.

13 MR. BEHAR: And then I'm going to hold you
14 back, until I finish, and then I'll bring it
15 back to you to make a comment.

16 MR. SANABRIA: You have the words.

17 MR. BEHAR: Thank you.

18 Look, in principle, I like this. I am a
19 bit concerned how we do the process. My
20 biggest concern is that we give, after all of
21 the evaluation, everything is done, and goes
22 through the City, goes through the different
23 boards and everybody says yes, we give TDRs.
24 How are we to assure ourselves that, later on,
25 those conservation areas are maintained and not

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1 taken down or not, because who is going to
2 enforce those areas?

3 MR. SOUTHERN: The Grant of Conservation
4 easement. So they would have to be dedicated
5 in perpetuity, recorded with Miami-Dade County.

6 MR. BUCELO: Recorded.

7 MR. SOUTHERN: You know, recorded here with
8 the City Clerk's Office. I mean, they're
9 supposed to be within perpetuity, for all time.
10 So that's the intent.

11 MR. BEHAR: I mean -- I mean, I think we do
12 need a little bit more clarification. I think
13 I agree with some of the comments, because I
14 don't feel like I have enough information.

15 MR. SOUTHERN: Okay.

16 MR. BEHAR: And perhaps we need to bring it
17 back.

18 MR. SOUTHERN: Yeah, direct Staff and we
19 will -- it sounds like the calculation
20 component is definitely one of the items.

21 MR. PARDO: And the concern, some of the
22 areas that you mentioned, you know, down on Old
23 Cutler, those are residential areas.

24 MR. BEHAR: Single-families.

25 MR. PARDO: I'm sorry?

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1 part of the Gables, you have these beautiful
2 homes overlooking the bay, and between -- and
3 they're still part of their property, they have
4 maybe thirty, forty, fifty feet of mangroves,
5 the entire width of their property, and their
6 neighbors, and they cannot cut them down, but
7 they must maintain and trim them.

8 There's no covenant on the property
9 normally, but they have to pay a tremendous
10 amount -- you know, to people that are
11 qualified only to do work within those mangrove
12 areas, and they must be supervised by DERM. So
13 that's without having any of these --

14 MR. SOUTHERN: Those probably would not
15 qualify then.

16 MR. PARDO: No, I understand, but what I'm
17 saying is that, the way it's open-ended, in the
18 single-family areas, that's point number two,
19 they should not be included in there, and I
20 think that a preliminary assessment of these
21 areas, and the conversion -- the formula -- the
22 mathematical formula should be shown, to be
23 able to understand what is the volume, and,
24 then, where do we put it, in the transfer area.

25 It would be -- because the only thing

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1 MR. BEHAR: They're single-family, right.

2 MR. PARDO: They're single-family, so they
3 don't even qualify for TDRs, which is one of
4 the things --

5 MR. BEHAR: That's a point.

6 MR. PARDO: And, remember, you know first
7 rule of physics -- Newton's first law of
8 physics, for every reaction, there's an equal
9 and opposite reaction. So when you take those
10 units, where are you going to put them? We
11 don't know where the recipient area is. Is
12 there enough space? Are we going to put it
13 somewhere else? I don't know. They don't
14 know.

15 MR. SOUTHERN: So clarification, and
16 receiving site and the sending sites, is that
17 one of the items that --

18 MR. PARDO: That's one of the items. The
19 other thing is that, if some of the areas that
20 you're looking at are single-family
21 residential, I think you're opening a Pandora's
22 Box, that you will not be able to close, okay,
23 because in the single-family residential areas,
24 some of these areas -- for example, some of the
25 beautiful areas that we have in the southern

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1 you're going to do is, devalue the TDRs that
2 you have already in your pool of TDRs, that the
3 City has from historic buildings. So you will
4 dilute this. It's almost like a Bitcoin
5 conversation.

6 MR. BEHAR: All right. Thank you, Felix.
7 Gonzalo, before we close this.

8 MR. SANABRIA: Thank you, Mr. Chairman.

9 I'm open to a deferment of this item, which
10 I will support in case of further edits and
11 clarifications, because as it stands now, with
12 this language, I am in total opposition of
13 this, because it's too confusing, and it puts a
14 great deal of hardship on the property owner,
15 as it reads.

16 So I would like to make a motion to defer
17 this, to fine tune the language, to do some
18 further edits. If you will allow me to do that
19 motion, I will make that motion.

20 MR. PARDO: I'd like to second that.

21 MR. BEHAR: Okay. But if we do that -- we
22 have a motion and a second -- we have to be
23 clear, give the Staff specific instruction of
24 what to do, so when they bring it back, we
25 could look at it in a more positive manner.

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MR. PARDO: Mr. Chairman, what I would suggest, instead of listing them here now, is for Staff to simply look at the recording of this conservation that we've had. All of us have had our comments, you know, and this would give the ability -- you know, Staff is smart. They can go in there and see what the concerns are and how to address them.

MR. SOUTHERN: We've had several reiterations of this. Probably, initially, it was quite a bit longer, quite a bit more detailed, but most of the Transfer of Development section of our Code is relatively simple, and this was going to be -- and it still is the most complex currently within the Code, but from what I'm understanding, from what the Board is -- ending and receiving sites clarity, is one of them.

MR. PARDO: Exemption of single-family --

MR. SOUTHERN: Calculation component.

MR. BEHAR: I think, his comment -- go through the records, and then you could come back with it. So we'll -- I'm sure you can see many more.

MR. PARDO: So we don't miss anything.

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MR. BEHAR: Yes.

MR. COLLIER: Can I just ask the Department, where is this item? This item has not been heard by the City Commission?

MR. SOUTHERN: This item --

MR. COLLIER: This hasn't gone to First Reading yet, has it?

MR. SOUTHERN: It has actually gone to City Commission previously by the Director. Let me see here real quick. It did go, last month, October 14th, I think, primarily as a discussion item.

MR. COLLIER: Discussion item.

MR. SOUTHERN: Yeah, the ordinance was discussed, yeah.

MR. BEHAR: When can you bring this back to us, next meeting?

MR. SOUTHERN: Yeah, next scheduled meeting.

MR. BEHAR: Okay. So we have a motion and a second to defer the item, and we're going to bring it back next scheduled meeting.

MR. COLLIER: When is that? When is that next scheduled meeting? Do we know the date and time? I don't know if we're readvertising,

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but if we announce the date and time now, you don't have to readvertise, but it may be the department readvertises anyway.

MR. PARDO: Mr. Chairman, they have a heavy -- in my opinion, they have a heavy lift in figuring this out. I would let them come back to us when they're ready.

MS. GARCIA: I just want to clarify something. So this is one property. So a property owner that has an acre can't convey half their property to the City to convey for TDRs. They would have a non-conforming property. That's not an option. You can't have your side yard be conveyed and get TDRs.

MR. BEHAR: So this doesn't apply to single-family?

MR. PARDO: No. No. Right, but --

MS. GARCIA: It could be zoned single-family. There can be a house on the property, and you can't convey your backyard to the City for conservation TDRs. That's not what's being proposed today. What is proposed today is a property that's open, zoned single-family, if you were to figure out how much square footage you could develop on the

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land and try and sell TDRs that way, you couldn't get anywhere. The property would be worth too much. You can't sell TDRs. No one would buy it. It wouldn't be worth the process.

What we're proposing here today is to see the value of that land, divide it by the going rate of TDRs, and convey the land to the City to be preserved -- to be conserved for conservation purposes, and that would be the value that the homeowner would have had, is how much TDRs they have on the property.

MR. COLLIER: Can I ask you a question, because I'm confused now?

MR. PARDO: That's really confusing.

MR. COLLIER: This is going to be a conservation easement. The easement is going to be in favor of the City for preservation. It's not actually a -- you're not actually conveying the property. It's -- are you? Or are you conveying --

MS. GARCIA: Yes. So the language in the Code says that it's being conveyed to the City, just like the open space parks is being conveyed to the City, with the easement on it.

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1 MR. COLLER: Oh, with the easement on it,
 2 okay.
 3 MR. BEHAR: That's going to create a mess.
 4 MR. PARDO: It's going to be a mess.
 5 MR. BEHAR: How are you -- on a two-acre
 6 site --
 7 MR. PARDO: Replat it.
 8 MR. BEHAR: Yeah, exactly. That will
 9 require -- if I'm going to convey it to the
 10 City, we're going to have to replat, because
 11 then I'm going to lose control of my property,
 12 that area.
 13 MR. SANABRIA: Exactly.
 14 MR. PARDO: And that's why I gave the
 15 example of the wetland. If you own those ten
 16 acres and those back five are wetland, you
 17 still own them, you're responsible, but the
 18 conservation area is owned by the County.
 19 MS. GARCIA: So that would not be an
 20 application that would come before us for that.
 21 That's not an option for you. You have part of
 22 your property in the wetlands and that's what
 23 you own.
 24 MR. BEHAR: But Jennifer --
 25 MS. GARCIA: If there's a block somewhere

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1 MS. GARCIA: Then you can't take advantage
 2 of this ordinance.
 3 MR. BEHAR: So that doesn't apply to you?
 4 MS. GARCIA: Right.
 5 MR. BEHAR: All right.
 6 MR. COLLER: Just so I understand this,
 7 somebody can't convey their backyard.
 8 MS. GARCIA: Correct.
 9 MR. COLLER: Because their backyard may be
 10 what they need in order to satisfy the zoning.
 11 MR. GARCIA: Yes.
 12 MR. COLLER: It's a one acre zoning, and if
 13 you were to convey half an acre, you wouldn't
 14 comply with the zoning. This is really for
 15 vacant lots -- these are for vacant lots. It's
 16 not for --
 17 MS. GARCIA: Not someone's front yard.
 18 MR. BEHAR: Well, but it could be a
 19 single-family lot, that becomes, you know, a
 20 vacant lot. I don't know where you're going to
 21 find it, but let's say, in case you do find it,
 22 you have a vacant lot, that you're going to
 23 convey to the City, and it becomes no different
 24 than a park?
 25 MS. GARCIA: Right, but in this instance,

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1 that's zoned single-family, there's no
 2 development on there, it's thick with trees,
 3 you could take advantage of this and convey it
 4 to the City, through these conservation TDRs.
 5 MR. BEHAR: And the City is going to take
 6 ownership of that conservation area?
 7 MS. GARCIA: Yes.
 8 MR. BEHAR: So you're going to replat your
 9 property to dedicate that portion --
 10 MS. GARCIA: No, you're not replatting
 11 anything. You're giving your property to the
 12 City in exchange for TDRs.
 13 MR. BEHAR: How do I define the boundaries?
 14 MS. BRAVO: The entire property. You're
 15 talking about the entire property?
 16 MR. BEHAR: No. No.
 17 MS. GARCIA: Yeah. It's a vacant lot.
 18 It's full of trees. It has an ecological value
 19 to it, that you are going to exchange with TDRs
 20 for the City.
 21 MR. BEHAR: If you're referring to a vacant
 22 lot, it could be a different story, but if you
 23 have a large parcel, a large property, and half
 24 of your property is conservation area, how do
 25 I --

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1 since it's probably single-family --
 2 MR. BEHAR: So you're going to put a value
 3 to that property?
 4 MS. GARCIA: Yes.
 5 MR. BEHAR: And that value -- let's say,
 6 Snapper Creek, for example, and the property
 7 could be worth two million dollars, so they're
 8 going to get that value in return through TDRs?
 9 MS. GARCIA: Right.
 10 MR. BEHAR: That they're able to sell the
 11 TDRs to receiving sites.
 12 MR. COLLER: I mean, that's a very narrow
 13 number of parcels that are still vacant.
 14 MS. GARCIA: Yes.
 15 MR. COLLER: And so your concern about the
 16 (unintelligible) is not an issue, because
 17 there's only going to be a few sites that are
 18 going to even qualify for this.
 19 MR. PARDO: But I would like to see that
 20 assessment from Staff. "Hey, it's only" --
 21 MR. COLLER: How many vacant parcels?
 22 MR. PARDO: Exactly.
 23 MR. COLLER: Can they really assess how
 24 many vacant parcels might qualify for this?
 25 MS. GARCIA: No one's promised that

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1 someone's property, because, that it would
2 qualify for this robust conservation land, you
3 know what I mean, because -- just because it's
4 vacant doesn't mean that it's going to have a
5 habitat --

6 MR. COLLER: Right.

7 (Simultaneous speaking.)

8 MR. MENENDEZ: It's very narrow.

9 MR. COLLER: That would be very difficult
10 to assess, because you don't know what's on the
11 property.

12 MR. BEHAR: I mean, the truth of the
13 matter, this is very, very limited amount of
14 property that would qualify for this.

15 MR. PARDO: Yes. So the question was -- so
16 we do know -- we have no idea. I don't know
17 how Staff could even bring back an assessment,
18 because what are they going to do, use Google
19 Earth -- a satellite image to determine --

20 MR. MENENDEZ: Like the one thing -- the
21 one property that I would think that would
22 qualify would be like something like Four
23 Fillies Farm, that has already been developed,
24 that was at the end of -- at the corner of Old
25 Cutler and 57th. I don't know if it's in the

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1 that is the whole point of this ordinance.

2 MR. BEHAR: Yeah.

3 MR. PARDO: So there's no assessments of
4 the properties and there's no assessment of the
5 receiving area.

6 MS. GARCIA: The receiving sites, as you
7 know, are our CBD, our North Ponce area --
8 sorry, North Ponce Mixed-Use District along
9 North Ponce de Leon, and the Design and
10 Innovation District. Those are our receiving
11 areas.

12 MR. BEHAR: That's already in place. The
13 receiving sites are very limited areas, not
14 anywhere in the City.

15 MR. PARDO: Well, I just can't vote on it,
16 the way this is presented --

17 MR. COLLER: And there's no -- I'm sorry,
18 go ahead.

19 MR. BEHAR: Okay.

20 MR. COLLER: And there's no expansion of
21 the receiving sites or is the receiving sites
22 to be determined?

23 MS. GARCIA: With this ordinance.

24 MR. COLLER: With this ordinance.

25 MS. GARCIA: So it specifies that --

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1 City of Coral Gables, but that was like a five
2 or six acre parcel that had --

3 MR. SANABRIA: It's in City of Coral
4 Gables.

5 MR. MENENDEZ: That is, right? So I think
6 that that parcel had a lot of natural habitat.
7 It was used as a farm before. I think we're
8 talking about something pretty specific, like
9 that, right? Or I know that there's -- Robert
10 keeps bringing up Snapper Creek, which there is
11 like a big -- I think, like a three or
12 four-acre parcel on the lake, right now, which
13 I don't know, could or could not, qualify. I
14 guess, it would have to qualify through the
15 process. Somebody would have to go there and
16 assess and say, "Yes, you qualify for the
17 ecological exemption or bonus for the TDR."

18 So I think it's a pretty -- but the way I
19 understood it, it's not like if I own five
20 acres, I can knock down five houses, and, then,
21 all of a sudden, I'm going to qualify for this.

22 MR. BEHAR: In a case, like you say, the
23 three acre site, yes, I'm willing -- I'm in
24 favor of giving TDR, so we can preserve that.

25 MR. BUCELO: To keep that, right. I think

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1 somewhere in there, I think, towards the end,
2 toward the City Commission, that the receiving
3 areas are the same. The Commission does have
4 authority to expand to a different receiving
5 area, if it's zoned mixed-uses.

6 MR. SANABRIA: Mr. Chairman --

7 MR. BEHAR: We have a motion and a second.
8 I have to take the roll on that. I feel a lot
9 better now, that there was a little
10 clarification.

11 MR. SANABRIA: Mr. Chairman, with the
12 motion and the second, when we defer it, when
13 they're ready and prepared, not necessarily at
14 the next meeting, because they may not have the
15 proper time to do an evaluation. I don't want
16 to put them on a time clock, because that could
17 be pressuring them too much.

18 MR. BEHAR: Yeah, but by the same token, I
19 want to ask Staff when you're going to be
20 ready, because I don't want to prolonged this
21 for another three, four months?

22 MR. SANABRIA: Exactly, whatever it takes.

23 MR. BEHAR: You know, if you're ready next
24 month, we will schedule it for next month. If
25 you need additional time --

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1 MS. GARCIA: So what assessment are you
2 looking for?
3 MR. BEHAR: Honestly, after the
4 clarification, I don't think I need much more.
5 MR. BUCELO: Yeah.
6 MS. BRAVO: And I think, at the beginning
7 of the presentation, I believe you mentioned
8 that this mimics the process that was already
9 in place, and that's why the restriction of the
10 recipients and the CBD.
11 MR. BEHAR: We have a motion and a second.
12 Let's take the vote on it.
13 THE SECRETARY: The motion was to defer.
14 MR. BEHAR: To defer.
15 MR. PARDO: To defer.
16 THE SECRETARY: Nestor Menendez?
17 MR. MENENDEZ: No.
18 THE SECRETARY: Felix Pardo?
19 MR. PARDO: Yes.
20 THE SECRETARY: Gonzalo Sanabria?
21 MR. SANABRIA: Yes.
22 THE SECRETARY: Ignacio Alvarez?
23 MR. ALVAREZ: Yes.
24 THE SECRETARY: Alice Bravo?
25 MS. BRAVO: No.

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1 really, and there's no value to TDRs that can
2 be assessed monetarily. I don't understand
3 what is the rush involving this, unless there's
4 something else that I don't know about, and if
5 there's something else I don't know about, I
6 don't understand why it hasn't been identified
7 at this time in this public hearing.

8 So if there's something else that we don't
9 know about, and we find out later that there
10 is, I'll be greatly disappointed that we went
11 forward with this without total clarification
12 on what this is all about. So my vote is
13 absolutely no.

14 MR. BEHAR: Okay. When it comes to it,
15 why -- just clarification, why did you say this
16 was going to put a hardship on properties?
17 This is voluntary. If you don't want to --
18 nobody's telling you that you've got to do
19 that, you know. So if you want to do this,
20 you're putting your self-imposed hardship. The
21 City is not mandating that your property has to
22 do this. So there's no hardship on behalf of
23 the City, Gonzalo.

24 MR. BUCELO: I agree with you.

25 MR. BEHAR: I mean, that's my opinion.

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1 THE SECRETARY: Alex Bucelo?
2 MR. BUCELO: No.
3 THE SECRETARY: Robert Behar?
4 MR. BEHAR: No.
5 Okay. So that motion failed.
6 Do we have a motion -- a different motion?
7 MR. BUCELO: I'm going to move to approve
8 the City's recommendation.
9 MR. MENENDEZ: I'll second.
10 MR. BEHAR: Any conditions -- not
11 conditions, any suggestions to that?
12 MR. BUCELO: I think -- as I stated, I
13 think it's very narrowly tailored.
14 MR. SANABRIA: I will make my comments on
15 this motion.
16 MR. BEHAR: We have a motion and a second.
17 Let's take a vote on this.
18 MR. PARDO: Well, I'd like to add --
19 MR. SANABRIA: Well, before that, I would
20 like to make a comment, as well.
21 MR. BEHAR: Go ahead. I'm going to let you
22 make a comment.
23 MR. SANABRIA: I think this ordinance is
24 confusing. It's actually a hardship on
25 property owners. It doesn't solve anything,

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1 Unless, legally, you know -- City Attorney --
2 you told me that the City is imposing a
3 hardship on property. This is -- you have the
4 choice to do this. I wish -- yes, do I wish I
5 had a little bit more, but I can't tell Staff
6 to identify sites that -- from where?

7 MS. BRAVO: And if I can clarify, if
8 someone pursues this, it's because they're
9 willing to give their property to the City and
10 cash out their development rights and sell them
11 to someone else. So it might help someone, and
12 they're doing this voluntarily, rather than
13 developing what they're allowed to develop on
14 the property.

15 MR. COLLIER: And I will say something on
16 the item. It does indicate, in the beginning,
17 the purpose of this, under the underline, is
18 actually the transfer of the property to the
19 City. So that is listed as a purpose.

20 MR. PARDO: So --

21 MR. COLLIER: It says, "Native and natural
22 habitats on land conveyed to the City to
23 incentivize the permanent preservation of
24 native habitat, mature tree canopy and natural
25 eco systems with the City," and it's also

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1 pretty narrow in that it's got to be something
2 more than just a minor thing.

3 MR. BEHAR: Right.

4 MR. PARDO: So, Mr. Chairman, do any of the
5 Board Members here know how many TDRs the City
6 has in their bucket of TDRs for development --
7 for developers to buy?

8 MR. BEHAR: Do we have --

9 MR. PARDO: Does Staff know?

10 MR. BEHAR: Jennifer, do we have an idea
11 how much TDRs the City has available?

12 MS. GARCIA: In the City's bucket of TDRs?

13 MR. BEHAR: That are TDRs in the City.

14 MR. PARDO: Actually, it could be more than
15 the City. It's the City and other people that
16 have TDRs. How many TDRs are available now?

17 MR. BEHAR: But you don't know, because
18 some property -- historic property, may not
19 have applied for the transfer of TDRs.

20 MS. GARCIA: Right.

21 MR. PARDO: Correct, but right now they
22 have a well of TDRs.

23 MS. GARCIA: But that's sold in the private
24 sector, so we don't have a list of --

25 MR. BEHAR: The City-own properties, do you

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1 have any idea how many TDRs are based on
2 City-owned property? Because you cannot go
3 into the private property. That's not
4 realistic, to have that information.
5 Properties that are owned by the City, do you
6 know if there's any TDRs that are available --

7 MS. GARCIA: I know there are a few. I
8 think we did sell some -- you know, public
9 hearing, to the Codina property, as well as --

10 MR. BEHAR: Are we talking ten, a hundred,
11 a thousand? Do we know how many TDRs are
12 available?

13 MS. GARCIA: Well, it's more than a
14 hundred, yes. It's probably less than --

15 MR. PARDO: So is the City --

16 MS. GARCIA: -- five hundred thousand.

17 MR. PARDO: Is the push of this because the
18 City is running out of TDRs? They need a
19 little --

20 MR. BEHAR: Who knows.

21 MR. MENENDEZ: I think it's more on the,
22 we're trying to preserve -- what I understood,
23 I think we're trying to preserve green space.

24 MS. GARCIA: That's the idea.

25 MR. PARDO: Well, I mean, if you run out of

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1 historic buildings, where TDRs are available to
2 preserve them, the TDRs die out.

3 MR. BEHAR: Let me ask you a question, your
4 opinion. Let's use the example that Nestor
5 brought up, that property in Snapper Creek,
6 which is a large property. I don't know how
7 big it is --

8 MR. MENENDEZ: I think it's like four --
9 four acres.

10 MR. BEHAR: Okay. Is that property, which
11 is by the lake, beautiful piece of property,
12 that property owner says, "You know what, I
13 want to preserve and do it. I'm going to
14 transfer to the City, and in return I get the
15 value of the TDRs." You don't think that would
16 be a benefit to the City?

17 MR. PARDO: Well, the question is, it's --
18 I think it's a little more complex. I
19 understand what you're saying, and I appreciate
20 what you're saying, but what I'm saying is
21 that, the second component -- the second shoe
22 to drop is, where is the receiving site and
23 what is the equivalent of the impact of that
24 particular parcel? Is it ten TDRs? Is it a
25 million TDRs? I don't know.

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1 The way that it's written right now,
2 there's not enough information to vote on
3 this --

4 MR. BEHAR: But it's based on an assessment
5 by two appraisers.

6 MS. BRAVO: If I may, I believe Staff said
7 that it would go to the CBD --

8 MS. GARCIA: The receiving areas stay the
9 same. You can still not receive them on 25
10 percent of your allowed floor area. So it's
11 still a very limiting amount of square footage
12 to the receiving building.

13 MR. BEHAR: And that's in the CBD.

14 MS. GARCIA: The CBD, the North Ponce
15 Mixed-Use District, as well as the Design and
16 Innovation District.

17 MR. PARDO: That's the receiving area,
18 perfect. So now we've got a million TDRs
19 through that parcel and other parcels,
20 whatever. What's that going to look like on
21 Ponce?

22 MS. GARCIA: Well --

23 MR. BEHAR: You're allowed to do it today.
24 You're not taking that away. Today, I'm
25 allowed, on those properties -- on those zoned

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1 areas, I'm allowed to transfer TDRs to those
2 receiving sites. It's not going to change it.

3 MR. PARDO: That's correct. So what I'm
4 saying is that the amount of TDRs that are out
5 there now, which has not preserved anything,
6 except now we're preserving trees or a view,
7 whatever, I get that, but that area there, that
8 you described perfectly, is in a single-family
9 residential area, correct, which is not
10 available. Even if it was buildable land, it
11 would not be available for TDRs today.

12 Again, it goes to back to the fact that we
13 are combining -- we're taking something, and
14 then we're combining it into buildable TDRs, on
15 top of everything --

16 MR. BEHAR: Based on the value of property.

17 MR. PARDO: That's correct.

18 MR. BEHAR: Now, in those properties -- in
19 a four-acre site, and I don't know if that
20 property is zoned single one acre estates or
21 whatever, let's say I could do four houses, and
22 as an architect, you know you could design a
23 house around the trees and make that work, and,
24 yeah, you can go for some mitigation and you
25 could take some trees down and you can develop

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1 four houses, just as an example. I think that
2 the difference here is that, that property will
3 stay as a conservation, as a park, for lack of
4 a better word, and I'm going to transfer that
5 value to the CBD district, so they could
6 acquire TDRs and do something in either the
7 CBD, North Ponce and all, which are only
8 limited to 25 percent of that development
9 right.

10 I don't see --

11 MS. BRAVO: And one clarification. A
12 property owner that goes through this process
13 will then receive these TDRs and they have two
14 years to find someone to buy them from them,
15 right?

16 MS. GARCIA: I had thought we had taken out
17 the expiration.

18 MR. SOUTHERN: Yeah, that's not in the
19 Code.

20 MS. BRAVO: Okay. I thought you had
21 mentioned two years.

22 MR. COLLIER: Somebody mentioned two years,
23 and I was a little --

24 MR. SANABRIA: It has a lifespan of two
25 years. If it's not used in the two years, it

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1 becomes null and void. It's right here in
2 the --

3 MS. BRAVO: And you mentioned that earlier.
4 So could you clarify that? The property owner
5 that --

6 MS. GARCIA: Is that in the Historic
7 Preservation Section of the Code or where --

8 MR. SANABRIA: That's in your writing right
9 here, that it has a lifespan of two years.
10 Here it is, on Section 14-204-9, Expiration of
11 Approvals, on the first paragraph. It only has
12 two years of a lifespan.

13 MR. SOUTHERN: Section 14-204 what --

14 MR. SANABRIA: Yes, sir.

15 MR. SOUTHERN: Can you repeat that?

16 MR. COLLIER: That's existing language.
17 That's not new language. There's existing
18 language about TDRs only lasting two years.

19 MR. SANABRIA: That's right.

20 MR. COLLIER: That's not new language,
21 unless --

22 MR. SOUTHERN: What section, again, I'm sorry?

23 MR. COLLIER: It's 14-204.9. It's on Page 5
24 of the --

25 MS. BRAVO: It says that the receiver site

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1 has two years to use the TDRs.

2 MS. GARCIA: So I need to check that,
3 because I thought, in the last three years or
4 so, we had stricken through that, but I will
5 check and make sure that's accurate.

6 MS. BRAVO: Right. But, still, that
7 two-year restriction, if it's still in the
8 Code, that applies to the receiving property,
9 so whoever buys the TDRs.

10 MR. BEHAR: No, to the sending property.
11 You've got two years to be able to sell it.
12 Otherwise, it becomes void.

13 MS. GARCIA: I think the sending and the
14 receiving become void, but I'm going to
15 double-check and make sure that's still in the
16 Code today. I vaguely remember Gus presenting
17 to the Commission to change that.

18 MR. MENENDEZ: That's existing language.

19 MS. GARCIA: No, but sometimes our Code is
20 not always updated.

21 MR. MENENDEZ: No. No. I mean, but this
22 is existing language, so we're not changing
23 anything.

24 MS. GARCIA: Yes.

25 MS. BRAVO: Basically that's something on

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1 the entity buying the TDRs. They have a
 2 certain amount of time to use them.
 3 MS. GARCIA: Yes. Yes.
 4 MS. BRAVO: Okay. So let the buyer beware.
 5 MR. BEHAR: All right. So we have a motion
 6 and a second.
 7 Jill, can you please call the roll?
 8 THE SECRETARY: Sure.
 9 Mr. Menendez?
 10 MR. MENENDEZ: Yes.
 11 THE SECRETARY: Felix Pardo?
 12 MR. PARDO: No.
 13 THE SECRETARY: Gonzalo Sanabria?
 14 MR. SANABRIA: Absolutely not.
 15 THE SECRETARY: Ignacio Alvarez?
 16 MR. ALVAREZ: No.
 17 THE SECRETARY: Alicia Bravo -- Alice
 18 Bravo, I'm sorry?
 19 MS. BRAVO: Yes.
 20 THE SECRETARY: Alex Bucelo?
 21 MR. BUCELO: Yes.
 22 THE SECRETARY: Robert Behar?
 23 MR. BEHAR: Yes.
 24 Item E-4.
 25 MR. COLLER: What was the vote for that

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1 item?
 2 THE SECRETARY: Four-three.
 3 MR. COLLER: Four-three, right?
 4 Okay. Item E-4, an Ordinance of the City
 5 Commission providing for a text amendment to
 6 the City of Coral Gables Official Zoning Code
 7 by amending Article 7, "Sustainability and
 8 Resilience Standards," Section 7-102, "Green
 9 Building Requirements," to provide National
 10 Green Building Standards (NGBS) requirements,
 11 to provide -- I'm sorry, (NGBS) Silver
 12 Certification as an acceptable option for
 13 compliance; providing for a repealer provision,
 14 severability clause, codification, and
 15 providing for an effective date.
 16 Item E-4, public hearing.
 17 MR. SOUTHERN: Okay. This next text
 18 amendment is relatively simple. As just read,
 19 it's Section 7-102, Green Building
 20 Requirements, within Article 7. The proposed
 21 text amendment adds the National Green Building
 22 Standards, the NGBS Silver, with certification
 23 of energy star certification as an additional
 24 compliance option.
 25 As that section, 7-102A, basically reads

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1 right now, it's green building requirements,
 2 "The following new construction is required
 3 within 24 months after the issuance of a
 4 Certificate of Occupancy or Completion,
 5 whichever is less, to achieve no less than
 6 Leadership in Energy and Environmental Design
 7 Silver Certification, under the latest
 8 applicable version of the LEED Green Building
 9 Rating System of the U.S. Green Building
 10 Council."

11 Bless you.

12 "Silver Certification by the Florida Green
 13 Building Coalition," and that is where we're
 14 adding, "The National Green Building Standards
 15 Silver Certification with Energy Star
 16 Certification."

17 So, if you look underneath that, you'll see
 18 what we currently have in the Code about
 19 buildings over 20,000 square feet and so on,
 20 but all we're saying is, we're just simply
 21 adding this additional standard into our green
 22 building requirements. It's just giving
 23 another option.

24 MR. BEHAR: I'm also going to defer to
 25 Felix, as an architect, and we deal with this

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1 on a daily basis, I just want to make sure that
 2 you make a provision that any qualified entity,
 3 authority, you know, in addition, because you
 4 do have -- you have LEED, you have Florida
 5 Council, you have every -- multiple, you know,
 6 that they all will qualify, right?

7 MR. SOUTHERN: Yes.

8 MR. PARDO: Yes, a hundred percent.

9 And the other thing is, I think that the
 10 City should lead by example. They made an
 11 exemption for themselves. I think that's
 12 wrong. They should lead by example. If you
 13 want it from the developer, we're going to do
 14 it first.

15 MR. BEHAR: Yeah.

16 Before we go into us, public comments.
 17 Anybody on --

18 THE SECRETARY: No.

19 MR. BEHAR: Okay. Close the public
 20 comment.

21 Board discussion.

22 Felix, you want to continue? Are there any
 23 other comments, Felix?

24 MR. PARDO: I'd like to make --

25 MR. BEHAR: Well, let me finish.

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