

City of Coral Gables City Commission Meeting
Agenda Item E-5
January 9, 2024
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

Planning Official, Jennifer Garcia

Public Speaker(s)

Aky Fernandez

Agenda Item E-5 [Start: 12:16 p.m.]

An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code (Zoning Code), amending Article 10, “Parking and Access,” Section 10-112 “Miscellaneous Parking Standards,” creating provisions for considering reduction of parking requirements for affordable housing located near a major transit stop as required by the Live Local Act, Ch. 2023-17, Laws of Florida; providing for repealer provision, severability clause, codification, and providing for an effective date.

Mayor Lago: Moving onto item E-5.

City Attorney Suarez: E-5 is an Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code (Zoning Code), amending Article 10, “Parking and Access,” Section 10-112 “Miscellaneous Parking Standards,” creating provisions for considering reduction of parking requirements for affordable housing located near a major transit stop as required by the Live Local Act, Ch. 2023-17, Laws of Florida; providing for repealer

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Agenda Item E-5 – Ordinance providing for text amendments to official zoning code
Amending Article 10 – “Parking and Access”

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provision, severability clause, codification, and providing for an effective date. This is a public hearing item.

Planning Official Garcia: Good morning/afternoon, sorry afternoon, Jennifer Garcia, Planning Official. So, staff have been requested by the Commission to give a presentation about Live Local Act and its impact on Coral Gables. We'll run through some excerpts of the Act, highlighting different issues and how it impacts Coral Gables and I'll close with legislation that was just read into the record about parking reductions. If I can have the PowerPoint, please. Thank you. So, the Live Local Act also known as Senate Bill No. 102, became effective July 1st of last year 2023. And the intent is to address the states of portability housing crisis by preempting local zoning regulations. It also allows access to over \$800 million dollars of funding through various financial programs. So, the city, according to Live Local Act must authorize development at least 40 percent of its residential units to be deemed affordable, and that's up to 120 percent of that adjusted median income or AMI, and in developments only allowed to be in our mixed-use districts. So, we have three mixed-use districts, MX1, MX2, and MX3, that it will be applicable to, and you can see that on the map here. The map on the left side is our northern portion of the city, which chose MX1, along 8th Street; MX3 more or less on Ponce de Leon Boulevard, a mix of mixed-use districts in our CBD and downtown area, as well as on the map on the right side is our second half of the city and that's showing mixed-use in our Design and Innovation District, along U.S.-1, as well as the urban center down by the City of South Miami at Red Road and Sunset. So affordable is defined by Chapter 420 of the Florida State Statutes to mean the monthly rents, including taxes, insurance, and utilities cannot cost more than 30 percent of the local median adjusted income (AMI). In that case it's Miami-Dade County. So, it's not considered for a city where...is going to be through countywide and that's according to the Florida State Statutes. So, what is affordable? There is a resource at floridahousing.org that has these rent limits that we'll be referring to. So, you can see from the snippet here, that there's different percentages of the base of the AMI, which in Miami-Dade County is 74,700, and what's highlighted at the bottom is 120 percent of that amount. So, for example, a studio in our city could be deemed affordable and would be just over \$2,100 and that would be the maximum rent that would be allowed. Another example, a two-bedroom would be just over \$2,700. So, the Live Local Act also automatically approves height through the highest height within one mile. As you know, we have three zoning districts, MX1, 2, and 3, and that limits the heights. However, it's preempted that they will have the highest height within one mile. So, these are maps that our amazing GIS team provided for us and it's showing a radius from those MX2 and MX3 districts. MX2 district is a 70-foot height limitation that's shown in the bluish/gray color and 150 is the MX3 maximum height, which is shown in the greenish color. And then the density is also preempted by the state to be analyzed citywide. So, while the height is analyzed within one mile of the development, the density is analyzed citywide maximum. So, the maximum density in our city is 125 units an acre, as our density is calculated by units per acre and the maximum is 125. So, we do have areas in our city that allow for a limited density that is our Central Business District and our Design and Innovation District, and if an affordable housing development would develop in those areas, they would be allowed to have also a limited density, but not outside.

Mayor Lago: If I may, just as a refresher. There may be a limited density, but you're still required to have a limit in regard to the size of the unit, correct.

Planning Official Garcia: Yes. So, all those...

Mayor Lago: That's kind of your bookend.

Planning Official Garcia: Yes. So, all those zoning parameters such as FAR, maximum, open space...

Mayor Lago: You are mentioning limited density and people think, oh my God, you give thousands of units in one building. You can't because you end up eating away at the square footage because you have a cap on a minimum size of a unit size.

Planning Official Garcia: Correct.

City Manager Iglesias: And parking.

Mayor Lago: And parking, so you keep going higher and the higher you go you meet the parking requirement, the parking pedestals eat away.

Planning Official Garcia: So, the FAR, the floor area ratio is very important to control how the scale of that development, because 3.5 FAR, which is our maximum in our mixed-use district is quite limiting when it comes to reaching 190 feet. So, the ACT also preempts the approval process that has to be approved administratively for the density, the height, and the land use. So, properties in our zoning code right now, we require a conditional use process for properties that are greater than 20,000 square feet, and now it goes through the Development Review Committee, the Board of Architects, Planning and Zoning, and the City Commission. This will also apply for any development that would honor the Live Local Act to go through that process, but the Commission would consider other zoning code regulations, such as FAR, such as open space on the ground level, parking as well, all those other zoning considerations. The Commission is preempted to have consideration when it comes to use, height, and density. And any property that's less than 20,000 square feet would not require the building peer review process. It would go through DRC, our Board of Architects, and from there go to permitting. So, in summary, the preemption is for the use, the density, and the height. The use is for mixed-use districts. I just went through the map of where those districts are in our urban areas, analyzed citywide and the height is whatever is allowed within one mile of that proposed property. So, the legislation before you today is what the Live Local Act is requiring the city to consider and that is a parking reduction within a half-a-mile of the development and the city can define what major transit stop means. So, the legislation before you is to find major transit stop as a metro station or the intersection of two or more major bus or trolley routes with frequencies of service intervals of 15 minutes or less, during morning and afternoon peak commute periods. So, taking a look at the better bus network, there have been some improvements to our bus system, and so this would apply to Flagler, 8th Street, Douglas, and Coral Way. Those will meet the kind of high frequency bus routes. This is the map showing half-a-mile

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from those intersecting points and also including the Metrorail stops. You can see it's mostly along our urban areas and then close to the City of South Miami. So, the criteria to request a parking reduction from the Commission would be half-a-mile from the major transit stop. It would have to be an accessible route from one quarter mile of that property of the development and a major transit stop. The Commission would consider any impact that parking reductions may have on a neighborhood and making sure its compatible with the surrounding area and the parking reductions are based on the size of the property. So, a greater, larger property would have less reduction and a larger reduction would be for the smaller properties and that would be to discourage larger, taller buildings that may be out of character with the surrounding area. And the Commission can also grant any rate of parking reductions that's less than 6,000 square feet. And that's all I have. So, staff is here, legal is here to answer any questions you may have. Thank you.

Vice Mayor Anderson: I have one question on accessible route. Let's say that accessibility is defined as ADA compliant accessibility.

Planning Official Garcia: Yes. So, I think we have, and I can bring it right now that the ordinance had, sidewalks, ramps, crosswalks, any way that's easily to get to need proposed development to the major transit stop.

Vice Mayor Anderson: Okay.

Commissioner Menendez: I only have a question I brought up at agenda review. You mentioned trolley stops and bus stops as triggering the need for this legislation or compatibility and I think in the discussion recently the county took away one of our, several bus stops or bus routes that we normally have. So, we'll be passing legislation connected to particular bus stops when bus stops now, we know come and go, but once we approve this reduction in parking, even if those bus stops disappear down the road, we still have the impact of today's legislation. I know we're bound or required to do it, but its sort of not well thought out in Tallahassee, but maybe that's the norm these days.

Planning Official Garcia: That's the consideration the Commission makes if there's a proposed development that once a reduction of parking maybe there's a line that you think is not used that often, maybe the concern that the county may remove it in the future, that's up to your discretion.

City Attorney Suarez: Right. In each instance it will come to you all to consider and approve if that's the will of the Commission to the parking reduction based on a consideration of the impact of the development on parking and the character of each particular neighborhood.

Planning Official Garcia: And I just want to clarify that the ordinance doesn't tie a consideration to a specific bus stop, but it just defines a criteria to determine what a mass transit stop is, and so, if a bus stop is eliminated, for example, it wouldn't require an amendment to the ordinance or to the zoning code, that criteria remain static.

Commissioner Menendez: Okay. Thank you. I appreciate that feedback.

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Mayor Lago: Thank you for the presentation. You gave a good explanation of what we're facing with Live Local. Any comments from the public.

City Clerk Urquia: Yes sir. We have a member of the public on Zoom who would like to speak is Aky Fernandez.

Mayor Lago: The floor is yours. Good afternoon.

Mr. Fernandez: Good afternoon. Can you hear me?

Mayor Lago: Yes sir.

Mr. Fernandez: Okay. Good afternoon, everyone, Aky Fernandez, 1542 Mendavia. I'm a resident of the city lifelong. Also, an architect and a builder. Happy with this proposed legislation. I think it's a step in the right direction. The only thing that I will say after sort of reading through it, you know frankly, the reductions that are being proposed while I think they are well-intentioned, I actually don't think it's going to go a significant way in terms of making the final product more affordable. To be frank, they need to be more generous, the parking reductions, if we're actually going to see some of this inventory get built. I'll give you an example. I have a project that I'm working on now, 10,000 square-foot project, we can fit anywhere between 15 to 16 parking spaces on that parcel, surface parking. You know, under this legislation, a ten percent reduction would be a space and-a-half, maybe two spaces, if I get a good interpretation. That's not necessarily going to make a huge difference in terms of how affordable the units are going to be. I think maybe something that would help sort of give some reference is actually a local precedent that we have in Miami-Dade County, there's something called the Urban Center Program; and within the Urban Center Program sort of very similar along the lines of trying to give parking discounts for workforce housing along transit, they basically – I'm happy to share it with the Clerk and maybe he can distribute it to you all. They have a tiered system which basically gives a by-right workforce reduction of 25 percent and then when you are building within 500 feet of a rail station, you can actually qualify for up to 100 percent reduction and then it goes in terms of, and then it reduces based on how far you are from a bus stop, etc., goes all the way to ten percent reduction. And then the way that they do it in terms of parcel size is that parcels less than 15,000 square feet get up to 100 percent reduction, and then parcel size between 15 to 30,000 feet get a 60 percent reduction; parcels greater than 30,000 get a 20 percent parking reduction. And that's kind of the way they do it. It's just an idea. I understand that this is a new sort of program that we have to, I think the Commission is obligated to at least try to make some kind of accommodation for parking, but I think this is a reference that could sort of help guide the conversation. And I just wanted to share it with you all. Thank you.

Mayor Lago: Aky, thank you. I've had the pleasure meeting with Mr. Fernandez, a very bright, young architect who has an interesting vision and take on potentially offering affordability in this community, and he's doing some interesting projects, not only locally, but throughout South Florida. One of the big issues that we have to find a balance for, and this is something that I've

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talked to with Mr. Fernandez, we've met on several occasions, is the issue of finding that balance when you're reducing parking. One of the issues that we face today, as you saw with the school, was, if you reduce parking and we really don't have a sufficient transit system, that's why years ago, and I lost on this. I advocated and the Commission supported me on a resolution to have actual rail on the south corridor and not to do BRT, because I knew that the hundreds of millions of dollars that we're spending on BRT, we're going to fall short on really delivering on worldclass transportation. Now we're seeing that already. To really be able to provide massive parking reductions like other cities have done, for example, New York, which some buildings don't even have parking, you really have to have a robust transportation system that really delivers on moving people. Our bus system is not where it should be, number one, and people are not going to ride, excuse me, not going to ride two or three or four modalities to get to work. What are the modalities? – the bus, the people-mover, the BRT, and then Metrorail. In certain cases, people are riding four modalities to get to work, two or three hours to get to work. They are just going to stick with their car. So, if we do significant parking reductions, which again, I think we need to do in the future, if we're really going to be able to address the issue of affordability in our community, especially for teachers, police, fire, first responders, the issue has to be where can we deliver on transportation so that people really, really don't need to use vehicles. So, he has an interesting concept that he showed me which I recommend that you show it to the other Commissioners that deals with Ponce, facing the Metrorail and it would be something interesting if that Metrorail connected to something for example, Homestead, FIU, Miami-Dade College, Miami Beach, where people could actually ride transportation and use one modality all the way from work and home. I recommend that you meet with him. Pretty sharp guy.

Vice Mayor Lago: So, I'm going to dovetail what you said, because I was down there as well pushing for the rail and more recently you know when I had meetings with our state representatives I said, don't do what California did and we're going to end up with urban sprawl and no transportation because people will have to have a car to get somewhere. If you want to have affordable living, you also have to have affordable transportation. We always expect these transit services to turn a profit and it's just not realistic. We always have money for asphalt. We don't have enough money for putting in rail and some of the feedback I got was, Tallahassee can't put money into the rail. We're really dependent upon the TPO and for the county to fund that program and get it to half, because it needs to go where people need to go. You need to go out to FIU, you need to get to the colleges, you need to get effectively get to the airport, because our airport rail is not like the one in Atlanta, New York, DC, where you can walk right out from getting your baggage and hop right on. You haven't taken it, it's eye-opening to take it. It would be very, very patently obvious to you that it's inadequate in our county.

Mayor Lago: Two other points just to add onto that because it's all intertwined when you talk about the reduction in parking. We also in this Commission, before this Commission, I'm not sure who, the Vice Mayor and the Commission we're on, but we also wrote a resolution that I asked to oppose the highway that was being proposed from Homestead, excuse me, Kendall, I apologize, that would drop off next to my office there near Blue Lagoon. They were talking about potentially having a savings of six or seven minutes on a commute, but it was a billion-dollar highway program. We as a city, along with five or six other cities, we were the ones, we wrote the resolution.

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We went to the county in an effort to stop that – stop that and invest that money in real rail. Invest that money in real infrastructure that will deliver and remove cars from the streets. And the second point that I think is critical, this is just since we’re talking here amongst the Commission, we never get to do this, we might as well do it now, I think its important is we have to be very, very strict and we have to oppose moving the UDB line. Do not move the UDB line, to me, its catastrophic. I think we need to go vertical before we do more urban sprawl. Like you said, it’s all investing. When you move the UDB line, its more asphalt and its more infrastructure that needs to be spent when you should be spending that money in the urban core to really have affordability, because people are tired of driving two and three hours to work, the cost is significant. It’s interesting.

Commissioner Fernandez: During our trip to Tallahassee, we did have a conversation with Commissioner Higgins regarding the county’s plans and the work that they are doing right now to expand the Metro Mover out west to FIU and there was an appetite at the time, or I guess now from Tallahassee to help fund these projects.

Vice Mayor Anderson: I’m going to ask you to clarify, Mover or Rail.

Commissioner Fernandez: Mover.

Vice Mayor Anderson: That’s a long route for the Mover.

Commissioner Fernandez: It is a long route for the Mover, but it is something that they are currently have commitments from Washington for funding for. So, it is something that they are working on, and it looks like it has legs and will be able to move eventually. There are those on the County Commission and in Tallahassee who are looking to maybe expand even further out west and further southwest, but it is something that they are currently working on, and they look like they’d be able to get something done in the next couple of years.

Vice Mayor Anderson: Interesting. My husband worked for the Mover, that’s basically a bus on top of a platform, its rubber tires.

Commissioner Fernandez: Correct.

Vice Mayor Anderson: That’s why I’m saying that’s a really long route for them.

Commissioner Fernandez: It is, and I guess that’s the way that they decided to move. My dad actually was a quality assurance engineer for the Metro Mover for many years. He worked with our ACM when he was there in transit. It’s definitely not Metro Rail. You can fit a lot less people, but it does have the ability to move a little bit quicker. That’s the way that it has been explained to me. They’ll have more of them on the route and it’s also cheaper to get the actual cars versus the rail cars.

Mayor Lago: So, when I was on the TPO before the city was removed, because of the census, I knew that we were doing a people mover to Miami Beach. I’m going to look up to see, I’m going

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to ask our representative, the Director of the TPO to send me information because I know that they are trying to figure out ways to do it that is more affordable and they think the people mover could be an opportunity to save money, but if they can get it out to FIU, trust me, it's a gamechanger. So, I want to – I'm going to call our director there and see if she can send us more info. Mr. Clerk anything else, any other.

City Clerk Urquia: No, Mr. Mayor.

Mayor Lago: Alright. Can I get a motion.

Vice Mayor Anderson: I'll move it.

Commissioner Fernandez: I'll second.

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Mayor Lago: Yes

(Vote: 5-0)