City of Coral Gables
Planning Department Staff Report

To: Planning and Zoning Board Members

From: Planning Department

Date: March 12, 2008

Subject: **Application No. 12-07-042-P. Mixed-Use (MXD) Site Plan and Alley Abandonment and Vacation Review.** Proposed amendments to previously approved mixed-use project referred to as "Gables Gateway", located on Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida.

Staff Recommendation

Planning Staff continues to recommend attainable (affordable) housing as provide in the February 13, 2008 Staff Report.

Review

At the 02.13.08 meeting, the Board deferred the "Gables Gateway" application at the request of the applicant, due to an unresolved attainable (affordable) housing issue (see Attachment A for minutes). Based upon the discussion, all other issues surrounding the project were supported by the Planning and Zoning Board as presented; therefore this Staff report only discusses the remaining attainable (affordable) housing issue.

Background

The City is mandated by the State of Florida and South Florida Regional Planning Council to address its attainable (affordable) housing needs pursuant to State statutes, regional priorities, and the City's Comprehensive Land Use Plan (CLUP). Accordingly, City staff has previously proposed and continues to strive for various attainable (affordable) housing strategies to meet the City's needs, as recommended by the City of Coral Gables Affordable/Workforce Housing Study. Previous attempts have included inclusionary zoning, linkage fees, and other programs. In advance of a formal citywide program, the City is requiring that major residential developments that undergo increases in density, changes in zoning, changes in CLUP, PAD, MXD and/or conditional use reviews or "discretionary reviews", dedicate a portion of their units to attainable (affordable) housing.

Staff has attempted to resolve the remaining attainable (affordable) housing issue with the applicant since initial discussion of the application (October 2007); however, the Department

and the applicant continue to disagree on the appropriate attainable (affordable) housing thresholds. After further analysis on appropriate criteria for attainable (affordable) housing, Staff remains confident that its proposal is well within reason, particularly given that any future affordable housing program will be more extensive and intensive than the current conditions currently proposed for this project. Therefore, Staff's recommendation is for the attainable (affordable) housing condition to remain as follows:

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

Application of Staff's proposed attainable (affordable) housing condition to the Gables Gateway project would result in the following:

Gables Gateway Attainable (Affordable) Housing Program			
	Result	**Methodology**	**Source**
City of Coral Gables Median Household Income, 2006	$79,033	N/A	City of Coral Gables Development Department
Total number of units	230 units	N/A	Gables Gateway Site Plan
Estimated rental rates for market units	1br: $1,940/month 2br: $2,520/month	Local Market Comps range from $1.9/ft to $2.25/ft	Applicant analysis based on rental rates at other local rental developments of similar quality
Number of attainable units	**35 units**	15% of 230 total units	Gables Gateway Site Plan

Gables Gateway Attainable (Affordable) Housing Program			
Maximum rental rates for attainable units	**1br: $1,482/month** **2br: $1,778/month**	30% of 100% median household income for 1 and 2 bedroom units	Applicant analysis based on 100% of City's median income
Difference between market and attainable rates	1br: $458 2br: $742	Market rate minus attainable rate	See above sources
Maximum sales price for attainable units	N/A	Gables Residential only owns rentals developments and does not sell individual units or convert rental units into the condominium form of ownership. Any sale of the project to a condominium converter would be subject to the restriction that the sales price for the attainable housing units be based on 30% of 100% of the City's median income at the time of sale, and any such conversion would require City staff and City Commission review and approval.	

In the interest of proceeding forward with the application, the Planning and Zoning Board has the following options:

1. Recommendation remains as-is (see above and Attachment B).
2. Approve the project with no recommendation by the Planning and Zoning Board regarding the Attainable (Affordable) Housing condition.
3. Approve the project with the removal of the Attainable (Affordable) Housing condition.

For previous recommendations, conditions of approval, request summary, discussion, facts, and public notification information please refer to the 02.13.08 staff report (Attachment B).

Respectfully submitted,

Eric Riel, Jr.
Planning Director

Attachments:
A. 02.13.08 Excerpts of Planning and Zoning Board Meeting Minutes w/attachments.
B. 02.13.08 Planning Department Staff Report w/attachments.

CITY OF CORAL GABLES
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
CORAL GABLES CITY HALL
405 BILTMORE WAY, COMMISSION CHAMBERS
CORAL GABLES, FLORIDA
WEDNESDAY, FEBRUARY 13, 2008, 6:00 P.M.

Board Members Present:

Tom Korge, Chairman
Robert Behar
Jack Coe
Pat Keon
Javier Salman

City Staff:

Eric Riel, Jr., Planning Director
Walter Carlson, Assistant Planning Director
Lourdes Alfonsin Ruiz, Assistant City Attorney
Javier Betancourt, Principal Planner
Scot Bolyard, Planner
Martha Salazar-Blanco, Zoning Administrator

Also Participating:

Application 01-08-043-P:

Roney Mateu
Marcelo Fernandes
Rocco Ceo
Gladys Margarita Diaz

Application 12-07-042-P:

Mario Garcia-Serra, Esq.,
Greenberg Traurig,
On behalf of LG Coral Gables, LLC
Omar Del Rio

THEREUPON:

CHAIRMAN KORGE: All right, I call the meeting to order. Our first -- First let's take the roll call, please.

MR. BETANCOURT: Mr. Behar?

MR. BEHAR: Here.

MR. BETANCOURT: Mr. Coe?

MR. COE: Here.

MR. BETANCOURT: Mr. Salman?

MR. SALMAN: Here.

MR. BETANCOURT: Mr. Korge?

CHAIRMAN KORGE: Here.

MR. BEHAR: He's awake today.

CHAIRMAN KORGE: I think you need to call everybody's name.

MR. BETANCOURT: Okay. Mr. Aizenstat?

Ms. Keon?

Ms. Moreno?

CHAIRMAN KORGE: Okay. The first item on the agenda is the approval of the minutes. Do I have a motion to approve the minutes?

MR. BEHAR: Motion to approve.

Mr. COE: I don't think we have a -- Mr. Chairman, we don't have a quorum for

the minutes.

CHAIRMAN KORGE: Why do we not have a quorum?

MR. COE: Because I wasn't present at the last meeting.

MR. RIEL: Mr. Coe wasn't here.

CHAIRMAN KORGE: Okay.

MR. COE: So --

CHAIRMAN KORGE: Then we'll just defer the minutes.

MR. COE: Just defer the minutes --

CHAIRMAN KORGE: We'll defer that.

MR. COE: -- until someone else shows up.

CHAIRMAN KORGE: Changes to the agenda? Do we have any changes?

MR. RIEL: No changes.

CHAIRMAN KORGE: Okay. We have two items on the agenda for public hearing. Which one are we taking first?

MR. RIEL: The 4311 Ponce.

CHAIRMAN KORGE: 4311 -- okay.

Application Number 01-08-043-P, a mixed-use site plan review at 4311 Ponce Boulevard.

Proceed.

MR. CARLSON: Good evening. For the record, Walter Carlson, Planning Department.

The first item we have before you this evening, the first of two items we have before you this evening, is referred to as the 4311 Ponce project.

Before I begin with my brief PowerPoint presentation, I'd like to note that you have copies of tonight's PowerPoint presentation in front of you, so you can follow along, and you also have a copy of the updated comments list in front of you. The updated comments list is in yellow. It includes all the comments received to date.

I'd just like to point out to the Board that the Code requires that we notice everybody within the MXD district, all properties within the MXD district, and all properties within 1,500 feet of the MXD district. There were approximately 1,123 notices mailed out. There's a lot of notices mailed out. And if you look at the notices which we received, a lot of them

come from north of Bird Road and west of LeJeune Road, because all those areas were included.

(Thereupon, Ms. Keon arrived.)

This project is located on Ponce de Leon Boulevard, across from the Nordstrom's at the Village of Merrick Park. I just want to point that out.

On that note --

CHAIRMAN KORGE: Excuse me for interrupting. Let's just note for the record that Pat Keon has arrived.

Thank you. Go ahead.

MR. CARLSON: On that note, I'd like to begin with my brief presentation.

Again, this is the 4311 Ponce project. The applicant has requested a site plan review of a proposed mixed-use project or mixed-use project referred to as MXD. The Planning and Zoning Board must provide a recommendation on all proposed MXD site plans to the City Commission. The proposed MXD site plans are adopted by resolution, which requires only one reading before the Commission.

The property is located in the north MXD industrial district. This is the first proposed MXD project submitted under the recently adopted Zoning Code provisions. Those recently adopted provisions allow 10,000 to 20,000-square-foot projects, MXD project sites, within an established MXD district. Again, this is in the north MXD district. Anything which isn't in an established MXD district requires a minimum of 20,000 square feet.

The property adjoins the City of Miami, and in this portion of the City of Miami, development of 10 stories or 120 feet high commercial development is allowed.

The project consists of a seven-story structure. It's primarily of commercial office use. The building's ground floor contains retail and four live/work residential units. There are 182 parking spaces provided, which is 24 more spaces than allowed (sic) by Code. Of the 182 parking spaces, 83 of those are mechanical lifts.

All vehicular access to the building is

from the rear alleyway. There's public streetscape improvements provided along both Ponce de Leon Boulevard and San Lorenzo Avenue.

Staff found that the proposal is consistent with the Comprehensive Plan's goals, objectives and policies, and it satisfies the Zoning Code's MXD and site plan review provisions and requirements. It satisfies the MXD objectives, and it promotes a walkable pedestrian environment.

There are no variances required with this application. As previously stated, there are 24 additional parking spaces provided, and finally, the applicant has addressed all the City Department comments.

The Planning Department recommends approval of the proposed MXD project with the following conditions: 30 designated parking spaces be provided for retail customers. There are no parking garage gates or similar devices that would restrict on-site parking. The sale and leasing of parking spaces within the building shall be prohibited. The

applicant shall provide signal timing analysis for the pedestrian crosswalk at the Ponce de Leon Boulevard/Bird Road intersection that was identified by the traffic study. The required minimum 10 percent of on-site landscaping shall be confirmed by the Building & Zoning Department when they finalize the final zoning analysis. And finally, the proposed gym facilities, which are located on the roof of the project, shall be limited to building tenants, residents and guests.

That concludes Staff's presentation. The applicant is here with detailed plans and is prepared to present additional detail or answer questions that the Board may have.

CHAIRMAN KORGE: Thank you --

MR. RIEL: Actually, we have a 3D model we want to show you.

As is the case on each of the projects that comes through, we attempt to provide the Board, as well as the Commission, an understanding of how the potential bulk and mass relates to the existing fabric of the

City.

Javier, do you want to turn off those overhead lights, just because it's a little bit easier to see the --

The building proposed is shown in blue. This is Ponce. We have the Village of Merrick Park to the east -- or to the west, sorry. This is a building that's currently under construction, which is directly behind the project.

These buildings you see here, it's the City of Miami. As Walter indicated, the proposed height in those buildings -- this is zoned industrial, and then office over to this area -- is 120 feet or 10 floors, whichever is less. This building you see right here is within a City of Miami zoning district that has no height limitations. It's actually -- the proposal that we have on file, which I think we received about a year ago, the building is about 290 feet in height, so I'm just kind of giving you a perspective of the location of the building. This is The Collection, over here.

MR. COE: Mr. Riel, where's the nearest residential area to the proposed building site?

MR. RIEL: It would be this area. This is Bird Road here.

MR. COE: So it would be off of Bird Road?

MR. RIEL: Right.

MR. COE: Okay.

MR. RIEL: This fronting on Bird Road, I believe, is zoned multi-family, and then it's single-family, and then there's dealerships down here, as you all know. There is some residential within the Village of Merrick Park. It's in these two structures right here, but that's a part of the mixed-use portion of the Park. And then obviously, there's residential that's on the other side of --

MR. COE: What I meant by residential, other than Merrick Park.

MR. RIEL: Just single-family in this area.

MR. COE: Okay.

MR. RIEL: This is, again, Ponce.

MR. BEHAR: Well, that's like three blocks away, right?

MR. RIEL: Yes.

MR. BEHAR: Yeah, and to the west, it's half a mile, across from --

MR. RIEL: Yes. There's nothing that's adjacent. The boundaries of the mixed use is this area right here.

MR. BEHAR: The City of Miami starts where you have those gray buildings; is that correct?

MR. RIEL: Yes. This is the City of Miami here.

MR. COE: That's purple.

CHAIRMAN KORGE: How does the height of the proposed building compare to the height of the immediately adjacent buildings?

MR. RIEL: The proposed height of this building, I believe, is 95 feet.

CHAIRMAN KORGE: Okay, and the one right across the street from it?

MR. BEHAR: It's 97 feet. That's an eight-story building.

CHAIRMAN KORGE: Okay, so it's comparable.

MS. KEON: No, the parking garage.
MR. RIEL: This one right here?
MS. KEON: No, the one --
CHAIRMAN KORGE: That one --
MR. BEHAR: That one.
CHAIRMAN KORGE: -- and the other two -- the other two.
MR. RIEL: This one, I believe, is 97. I'm not sure about this, but I want to say it's 75.
MR. BEHAR: That's a seven-story building, so it's very comparable or similar to that, and then as you go further to the east, in the City of Miami, it gets much taller.
CHAIRMAN KORGE: All right. Thank you.
MR. RIEL: The lights.
MR. SALMAN: Mr. Riel, one of the biggest concerns that the residents are probably going to have is going to be traffic. In the traffic study, most of the access is coming from where?
MR. RIEL: I think I will defer to the applicant and let them answer that better, because they -- I assume they have their

traffic engineer. The traffic report was reviewed by the Public Works Department, and that's why you do see a condition on the signal timing issue.

CHAIRMAN KORGE: Well, why don't we take -- let the applicant make his presentation, and then we can take testimony from the audience.

Does the applicant want to make a presentation at this time?

MR. MATEU: Hi. Good morning. Good morning? Good evening. My name is Roney Mateu, from Mateu Architecture. We are the architects of the building. I'll be glad to go over the project with you.

CHAIRMAN KORGE: Would you state your address for the record?

MR. MATEU: My address is 18001 Old Cutler Road, Suite 550, Palmetto Bay, Florida.

CHAIRMAN KORGE: Thank you.

MR. MATEU: The old Burger King building.

As we mentioned, our building is here. Our building is -- has been designed under

the new MXD Code. We've had a long process with this project. As it was mentioned earlier, this was, I guess, the first building that is going up under the new Code, and I think it was a learning experience for a number of us, and the City.

The intention of the building is to have a mixed-use project that has, in this case, a combination of retail, residential and offices. Design-wise, it takes into account the desired facades and frontispieces that the Planning Department has established as part of the Code, where the idea of creating a singular mass of buildings that have similar height and setback treatments, on a long block, are trying to be achieved, and this one being on the south-most corner of Ponce de Leon, on that block, it has the opportunity to have a corner treatment that we feel is very appropriate for its location.

The idea of -- The building sort of looks like it sits on a base, with retail, obviously, on the ground, but then this

base, this pedestal, is the parking structure that is completely hidden from the front, and this building, being on a corner, has two fronts, and some of the requirements and restrictions of our design were such that we could not have any driveways entering parking structures from Ponce or San Lorenzo, and therefore we have the entrance on the alley side, which is an alley that's half owned by the City of Miami and the City of Coral Gables.

The entrance into the building in the back lines up with Orange Street, so from a vehicular and traffic circulation point, it's pretty logical.

In our case, we've designed the retail functions that take place facing Ponce de Leon Boulevard, and then took the opportunity to provide for living units that face the side street, where it's a little bit more appropriate for residential living and they being on the ground floor.

MR. COE: Could I interrupt a second?

Do you happen to have with you the David Plummer traffic study that was

supposedly done last month?

MR. MATEU: I do not have it with me.

MR. CARLSON: I do.

MR. COE: That's not in our package. Do we have that somewhere?

MR. RIEL: We have it on file.

MR. COE: I didn't mean to interrupt you.

MR. MATEU: No, no, it's okay. I thought it was included in the submittal.

The building consists, then, of three levels above the parking area of office spaces. The treatment of the office spaces is such that it takes into account the energy consciousness, and the direction of a lot of architectural buildings nowadays are that they're concerned with energy, and therefore it's treated in a series of shading devices, yet they're different for each street so that they're appropriate, because the front on Ponce is a different sun treatment than the treatment of the sun on San Lorenzo, which is on the south side.

The roof of this building is a -- the seventh story is a gymnasium, a private

gym. It will be for the exclusive use of the tenants and the people that live here in this building, and the rest of the roof is used as an improved landscaped top.

So, in our treatment of this building, not only do we have the treatment of the facades, but also the roof, as an elevation itself.

I think that's all. If you have any questions, I'll -- and I don't know if the clients want to say anything.

CHAIRMAN KORGE: Any questions from the Board? Nothing?

MR. SALMAN: I had a question with regards to access from --

CHAIRMAN KORGE: From the alley?

MR. SALMAN: From the alley. Where do you expect most of the people to come from, that are going to go into the building, from the U.S. 1 side or from the City side, or what does the traffic study say?

MR. BEHAR: But in reality, that's not an alley. It is a public street.

MR. SALMAN: It's a public right-of-way.

MR. BEHAR: It's a small public, you know, but it's a street. It's not an alley. It is.

MR. MATEU: Well, the part --

MR. BEHAR: The one to your east, to your east, where your access is, is not an alley. It's a street. So you do have -- because otherwise you would not be able to access your parking from an alley. You know, it is considered a street.

MR. COE: Do you have somebody to address, sir, the traffic impact study that I'm looking at? Is there somebody familiar with it in your --

MR. MATEU: Well, we're generally familiar with it. I don't know if you have a question.

MR. COE: Well, I'm just a little bit concerned. I'm at Page 24 of the study, 6.0, Conclusions, and it makes a statement: However, minor signal timing modifications are recommended at the Ponce de Leon Boulevard/Bird Road intersection in afternoon peak hour during future without project conditions to accommodate the

increase in background traffic.

I'd like some elaboration on that, frankly.

MR. MATEU: I think the statement is -- and it was reviewed by the Public Works Department, and I think what they were referring to is that they wanted to change the light, the timing or the duration of the lights at Bird and Ponce, for the pedestrian crossing.

MR. COE: No, we're not talking about that. That's the second paragraph. We're talking about the first paragraph.

CHAIRMAN KORGE: Jack, would you read that again, out loud?

MR. COE: Yeah. I'm reading the fourth line of the first paragraph on Page 24 of the traffic study: However, minor signal timing modifications are recommended at the Ponce de Leon Boulevard/Bird Road intersection in the afternoon peak hour during future without project conditions to accommodate the increase in background traffic, quote, unquote.

I'm not talking about -- The second

paragraph deals with pedestrians. I haven't gotten to that yet. I'm dealing with vehicular traffic.

MR. MATEU: I understood that -- you know, obviously, if you're changing the timing of the red lights on one side versus the other, that has to do with traffic lights, also, to allow -- I think the comment was that the time allowed for pedestrians to cross --

MR. COE: No, sir. We're not talking about pedestrians. That's Paragraph 2.

MR. MATEU: I can't answer your question, then. I'm sorry.

MR. BEHAR: But is that something that is doable?

MR. COE: Well, that's what I want to find out.

MR. BEHAR: Because if it's doable --

MR. COE: I don't know what it means.

MR. RIEL: There's a condition on 4d on Page 2 that requires the Public Works Director --

MR. COE: No. In all -- Mr. Riel, all you're saying is that "impact study

prepared by David Plummer and Associates dated January '08" -- well, this is the study, but I want an explanation of that second sentence in Paragraph 1. I don't understand what that means, and I don't know if it's doable or not doable. I don't know what the impact really is, and I don't know if we approve this without a determination of what this language means -- I think is irresponsible, frankly.

MR. FERNANDES: If I may address -- My name is Marcelo Fernandes, one of the owners of the project. Our address is 4311 Ponce de Leon Boulevard. If I may -- May I borrow that for one second, please?

MR. COE: Sure.

The first paragraph, second sentence.

MR. FERNANDES: Yeah, it does say here, and I'll read it again, minor signal timing modifications are recommended at the Ponce de Leon Boulevard/Bird Road intersection in afternoon peak hour -- future, without project conditions. When they do this report, they do two comparisons, one with project and one without project, and

they're saying here, even without the project being impacted (sic) in the traffic statement, they're recommending to review the signalization at that intersection, even without the project.

MR. COE: That's your interpretation of that?

MR. FERNANDES: Well, it says future, without project conditions.

MR. COE: That's your interpretation of that?

MR. FERNANDES: Correct.

MR. COE: That's all I want. That's your interpretation?

MR. FERNANDES: Yes, sir.

MR. COE: There's nobody here from Plummer's study, though, right?

MR. FERNANDES: There's an exhibit in the back that shows each intersection, with project and without project, and that's, from my review of the report, what it is.

CHAIRMAN KORGE: Any other questions?

MS. KEON: I have a couple of questions.

CHAIRMAN KORGE: Sure, go ahead.

MS. KEON: And it's mainly of the Planning Department. You know, I don't know all of the rules or regulations with regard to the live/work units, but those units -- is there something that requires that none of that space ever be subleased or whatever, that if you -- you know, if you're going to live there, you have to work there, or if you're going to work there, you have to live there, so you couldn't choose to live there and then sublease the retail space to somebody else? I mean, is it a requirement that -- because I would think that part of the live/work is that it reduces traffic because you have the same person that's living there working there, they're not driving, and all of those conditions.

So within our ordinances, or within, you know, our regulations that govern live/work, is there a requirement that the person has to? You know, I looked and I couldn't find it, so --

MR. RIEL: The live/work provisions are in the actual MXD district. I need to look

at it.

MS. KEON: Oh.

MR. RIEL: But I can tell you, we consider it as a residential unit. So it's interpreted as four -- I believe there's four units -- as four residential units. But there are provisions that are in the MXD, and I just need to check those, because obviously --

MS. KEON: Okay, but wouldn't -- What I want to know is that although it's a residential unit, that you can't sublease a portion of that, that, you know, by the building's design or whatever, would be considered retail, so you wouldn't have two different, you know --

MR. RIEL: It's considered a residential unit, and therefore, it's appropriately parked based upon that interpretation of use. So, in terms of the Code, we would enforce codes as if we would if it were a residential unit.

Now, in terms of live/work, I need to look at it, because obviously it's been some time since we've reviewed the project,

but --

MS. KEON: Okay. The other question I have for you, while you're thinking about that, is, when I looked at the elevations, this north elevation is -- and maybe it would look different in reality than it looks on this paper, but it's like a hundred-foot blank wall. It's really -- from here, I would maybe ask someone to consider the aesthetics of that -- you know, that huge, big blank wall.

MR. RIEL: And just from the Planning Department's perspective, we don't typically get into architectural design. It has gotten Board of Architects' review and approval, so --

MR. BEHAR: Unfortunately, we are not the Board of Architects, so that has been -- gone through the Board and gotten approval already.

MS. KEON: As an architect, concerned with aesthetics, would you recommend this?

MR. BEHAR: No, I'm a Board member today.

MS. KEON: Right. I really would ask

that you would ask, in some way, that maybe you should -- somebody should look at that hundred-foot, big, blank wall.

MR. RIEL: There are provisions --

MS. KEON: It tends not to be -- and I've heard this come up over and over again in building -- and I know when there was other buildings that they have required them to put in windows or to put in -- or to do some elements, so you don't have a huge, big, blank --

MR. BEHAR: Pat, I would concur with you, I would agree with you, if I had an ability to do something, I would, you know --

MS. KEON: Okay.

MR. BEHAR: -- mandate it. Unfortunately, we -- you know, I don't know if we have to --

MS. KEON: Well, I don't think we can mandate it, but I think that maybe we could ask that maybe they would, you know, just take another look at it.

MR. BEHAR: And I think the diversity of the architecture is very -- you know,

the architecture is very nice. To me, I think that the diversity --

MS. KEON: The diversity I like. It's that one wall.

CHAIRMAN KORGE: Really, to me, it would depend on what materials they use for that wall.

MS. KEON: Well, that's what I'm asking.

MR. BEHAR: The truth of the matter is, that's on the property line. So, theoretically, somebody could come afterwards and build right up to it, and that would go away. You know, hopefully, that would happen soon enough.

MS. KEON: We hope.

MR. BEHAR: We hope.

MS. KEON: You hope.

MR. BEHAR: But, you know, overall, the building is a very great --

MS. KEON: The rest of it. That's why -- that's the only thing that makes that so stark to me, is that the rest of it is very pretty.

MR. SALMAN: Pat, I'd echo your

sentiments and your concerns, but it is on a party wall, and eventually -- first, you can't put a fenestration on it that would lead to the interior. You can't put a window in it, because -- you can't. I mean, it's right on the property line.

MR. BEHAR: No, you can't. The Fire Code doesn't allow you to have anything --

MR. SALMAN: Fire Codes don't allow it.

MS. KEON: No, but I don't know -- and I'm not an architect, but I don't know that there couldn't be some element --

MR. BEHAR: Maybe we could ask the applicant if he's willing to --

MS. KEON: I mean, you could do something. I mean, I don't know --

MR. SALMAN: It's outside our pay grade here. We're here to review an issue. We have a Board that is about aesthetics and --

MR. BEHAR: I think it's a great looking building.

MR. SALMAN: I think it's a great looking building, just the way it is.

MS. KEON: I think all of it is, but I

don't like that huge wall. I mean, I don't know how it could be --

MR. BEHAR: I think we all agree with that.

MR. SALMAN: And I concur, I have concerns about that, but again, I have to defer to my fellow colleagues on the Board of Architects that have reviewed it thoroughly with regards to the aesthetics. I have a concern about it. I would have loved to have seen a slot in it somewhere --

MS. KEON: That's all I'm asking.

MR. SALMAN: -- just to break it up --

MS. KEON: A slot or something.

MR. SALMAN: -- but, you know, that's not our bailiwick today.

MR. BEHAR: I think that, you know, based on what --

MS. KEON: Yeah.

MR. BEHAR: -- we've got here, based on the fact that, you know, we've got the recommendation for approval, I'm ready to -- unless we have any --

MR. COE: Mr. Chairman, I have one

other concern.

CHAIRMAN KORGE: Yes.

MR. COE: Within this traffic study -- we talked about pedestrians. It also says this: The analysis shows that required pedestrian crossing times are inadequate for the pedestrians to cross Ponce de Leon Boulevard/Bird Road intersection. The timing modifications previously discussed under afternoon future without project conditions provides sufficient green time for pedestrian crossings.

I don't know what that means. I do know, this is one block from a high school.

CHAIRMAN KORGE: Well, I don't know --

MR. RIEL: No, it's not adjacent to the high school.

MR. SALMAN: It's two blocks.

MR. COE: Well, if it's Ponce and Bird Road, it is one block from the high school, which is --

MS. KEON: Two.

MR. COE: Two blocks from the high school.

MR. BEHAR: Three blocks, actually.

MR. COE: Actually, not, because

they're coming across there. I mean, there's plenty of high school students at --

CHAIRMAN KORGE: It's four blocks.

MR. COE: Not really, not Bird Road.

CHAIRMAN KORGE: One, two, three --

MR. SALMAN: Two short blocks.

MR. COE: Short blocks.

CHAIRMAN KORGE: -- four blocks from the high school.

MR. COE: And I'm a little bit concerned. I don't know what this means.

CHAIRMAN KORGE: Four blocks. One, two, three, four blocks. One, two, three, four.

MR. COE: See, I wish we had somebody that did the traffic study here, so I could ask them.

MR. BEHAR: Yeah, it's four blocks away. You're right.

CHAIRMAN KORGE: Right. Okay.

MS. KEON: All right. The other thing I wanted to know about was the parking. The 30 spaces that you're providing for retail customers, it says in here there's

no permitting, there's no permit parking, there's no -- it is public parking; is that what you're saying?

MR. CARLSON: The condition is that there be 30, that it be on the second floor, and they must be ground level parking spaces, they must be assigned and dedicated for --

MS. KEON: For public parking.

MR. CARLSON: -- for the retail public to use, because the preliminary zoning analysis identified a demand of 30 parking spaces for the retail component.

MR. SALMAN: Now, the retail component is only what, 4,000 and change square feet?

MR. CARLSON: It's not --

MR. SALMAN: It's very small.

MR. CARLSON: Right. It's only a portion. It's only a portion of the first floor.

MR. SALMAN: If they get 30 customers at any time, they'll be very happy.

MR. CARLSON: Exactly.

MR. SALMAN: Okay. Is that parking then open to the public for anybody else to

use, or is it just mainly for the -- or is that for the --

MR. CARLSON: That parking would have to be open and available for people who want to come in and use the retail component.

MR. SALMAN: Okay.

CHAIRMAN KORGE: Right, and they could charge for parking, if they wanted to, I assume.

MS. KEON: Yeah.

MR. CARLSON: That hasn't -- that proposal wasn't made to us, and we've asked that there be no gates on there or restrictions so that while the businesses are open, there would be access in to use the parking which is available.

MR. SALMAN: Is it a condition that it not be restricted?

MR. CARLSON: Exactly.

MS. ALFONSIN RUIZ: Yes.

MR. SALMAN: So cost is a restriction, so they can't charge.

MR. BEHAR: The commercial parking is on the ground level?

MR. CARLSON: The retail commercial parking is on the second floor. The second floor is the first floor of parking in the project.

CHAIRMAN KORGE: All right, so it would be on the second floor?

MR. CARLSON: It would be the first available parking in the project, which is on the second floor.

MR. BEHAR: But you do have lifts on the second floor.

MR. CARLSON: And those could be used for office workers or the workers in the retail, but the ground floor must be open and available for the retail customers.

MR. COE: They should have brought somebody that did that study.

MS. KEON: But it's not employee parking at all, that's clear?

MR. RIEL: Mr. Chair --

MS. KEON: Okay.

MR. RIEL: -- these questions are more appropriate for the applicant, I'm sorry. Mr. Carlson is the reviewer, so --

MS. KEON: Okay.

MR. BEHAR: Because -- and maybe to the applicant, you do have extra spaces, I understand, 24 extra spaces in the building?

MR. FERNANDES: Correct.

MR. BEHAR: Correct?

MR. FERNANDES: Yes.

MR. BEHAR: You're proposing to have the second floor, which is your commercial parking, have lifts.

MR. FERNANDES: Correct.

(Simultaneous discussion between Mr. Coe and Ms. Alfonsin Ruiz).

MR. BEHAR: Who is going to operate those lifts? Because that may be a little concern. I agree with the lifts, I don't have a problem, but --

MR. FERNANDES: Right.

MR. BEHAR: -- you know, are you going to leave the public to operate the lifts?

MR. FERNANDES: Yes. The lifts that we are using here are commonly used in New York, Boston, Fenway Park, a lot of applications. It's the Harding lift company. It's really foolproof. They

cannot be -- They can't come down when a car is there. There are sensors.

Now, the ones we're using -- like they're restricting -- they're restricting that the 30 parking spaces for the open public all will be the ground level ones. No lifts will be used as part of this here.

MR. BEHAR: On the public, you have no lifts?

MR. FERNANDES: Correct.

MR. BEHAR: Okay. That was my concern.

MR. FERNANDES: No lifts, correct.

MR. BEHAR: That's fine.

MR. FERNANDES: But the commercial space can have an employee or somebody on top --

MR. BEHAR: That's fine. But the public --

MR. FERNANDES: But the customer would come downstairs, correct.

MR. BEHAR: But in the retail, there's no lifts?

MR. FERNANDES: No lifts, correct.

MR. BEHAR: That's fine. Thank you.

MR. RIEL: Mr. Chair, I just have one. I wanted the applicant to state on the

record if they agree with Staff's conditions.

CHAIRMAN KORGE: Oh, yes, absolutely.

Do you agree with all the conditions that are asked of the applicant?

MR. FERNANDES: Yes. We reviewed them already, so yes.

CHAIRMAN KORGE: Okay. Why don't we open it --

MS. KEON: Are there live/work provisions?

MR. RIEL: Yes, there are live/work provisions. They deal with issues of operations, in terms of restrictions on delivery; requirements need to meet the Code requirements in terms of parking. Obviously, the common things, live/work, no flammable liquid storage. It's got to meet applicable Building and Fire Code.

MS. KEON: But does it require that the person that lives there also works there?

MR. RIEL: No.

MS. KEON: You know, I really think that if you're going to have live/work units, and the purpose of having them, it

is because it does reduce the traffic concerns when you allow people to live and work at the same site, that there should be a requirement that none of the space can be subleased outside of whoever is living there.

CHAIRMAN KORGE: You think we should impose any requirement that doesn't exist in the Code right now? Is that what you're saying?

MS. KEON: Well, I think -- I don't know whether -- I think that probably should go into the Code, and maybe it was just an oversight, but --

CHAIRMAN KORGE: Is it in the Code? Have you found it?

MR. RIEL: No, it's not.

MS. KEON: He's saying that it's not. I mean, I --

CHAIRMAN KORGE: I don't know how enforceable that would be, practically speaking. Not legally, but just practically, how would you know who's doing what?

MS. KEON: Well, you know who has an

occupational license to work there and you know who -- residentially, who lives there.

MR. MATEU: Could I --

MS. KEON: Yeah.

MR. MATEU: -- add something? I think the intent of the live/work unit is primarily a residential unit --

MS. KEON: Right.

MR. MATEU: -- number one, that allows you to have office use in it.

MS. KEON: Right.

MR. MATEU: It seems to me -- and these are not large units. It sounds to me that it would be very, very difficult for someone to -- since the space is laid out as a combination of living and working, it's like if, you know, let's say -- I, as an architect, I have a drafting table in an area there and a computer and my sofa and my TV and my dining -- and that's what is allowed to do. But the other -- the thing that I wanted to say besides that is, I think -- well, I don't want to say legally or anything, about what I think about the Code or whatever, but I have to say that

this, being the first project in this zoning, with potentially this kind of a mixed use -- and I am all in favor of mixed use, because of the intent of it, I believe --

MS. KEON: Absolutely.

MR. MATEU: -- planning, is to reduce car dependency, to allow people, to encourage people to walk, et cetera, et cetera, which the live/work unit does, by itself. But I think there's a problem, that the Code requires that we still meet all the parking requirements as if -- there's no benefit in the planning in the Code as it's written. There's no benefit for this gentleman to build a building that has less parking and encourages people to use less cars, because we have to -- you know, the reason the parking is the way it is and why we have the lifts and why we have all of that is because the Code requirements are such as if there was no mix.

If you've got retail, you've got to provide this many cars. If you've got

office, you've got to provide this many cars. If you've got residential, you've got to provide this many cars, and there's no reduction, and I think that's contrary to the spirit of what I think the law is intending to do, if you see the whole development of that block.

And to go back to the blank wall, and I had -- you know, I almost wasn't going to say anything, but this building suffers from being the first one, and the intent is that this whole block will be built, and the Code specifically says, you know, to the property line, and when you say property line, the Fire Marshall walks in and you cannot have any openings. We could decorate the wall, and this is a discussion we had with the Board of Architects, and at the end of the day, they said, "We don't want false decoration, we want that to be what it is," because the building is a very honest, true, living building of what it really is. Is it a solid wall? Yes, it is, and we can score and do things, but it has to be solid.

MS. KEON: Okay.

MR. MATEU: And tomorrow, the guy next door can build to the same height, and then that wall goes away, and if you look at the whole -- at the long-term picture and you see the whole development of that whole block, which is the intention of the Code, it would be a continuous series of building fronts that all have a step-back at 45 feet, et cetera. They all should be different, and that's what makes an exciting urban setting happen.

MS. KEON: I agree with you. It's just until it gets there --

MR. MATEU: Yes.

MS. KEON: -- there's an aesthetic issue. I don't know what to tell you about the live/work.

MR. SALMAN: May I see the traffic report a second?

CHAIRMAN KORGE: Well, here it is.

MS. KEON: Yes, I know, and what I'm looking at, in the live/work spaces, there's just one story? There's the patio out front and then there is -- the

live/work space is a one-story, single story?

MR. MATEU: It has a second level.

MS. KEON: It's a second floor. That's what I'm saying to you. There's a second floor that you probably live on and your work space is down below, on the first floor.

MR. MATEU: The second level is the bedroom --

MS. KEON: Right.

MR. MATEAU: -- and downstairs is the living, dining, kitchen --

MS. KEON: For your living, and there may be a kitchen or something, and then --

CHAIRMAN KORGE: And the work area.

So the work area is not separated from the living, dining and all that?

MR. MATEU: No.

CHAIRMAN KORGE: Okay, so it's -- I mean, practically speaking, I don't see -- unless you want, you know, some stranger in your house during the day, to work there, you're not going to sublet it.

MR. BEHAR: Chances are, this is always

going to remain a live/work with one user.

CHAIRMAN KORGE: Yeah.

MR. BEHAR: Nobody else, and I think that he is right, the applicant is right, the architect, that, you know, it's intended to do that, intended so you can live and work --

MS. KEON: Absolutely.

MR. BEHAR: And I think it's a great concept.

MS. KEON: I think it's wonderful. I just want to ensure that the person that's living there is the person that's working there --

CHAIRMAN KORGE: Well, it sounds --

MS. KEON: -- and the person working there is the person living there.

CHAIRMAN KORGE: The way it's designed, it looks like it effectively forced that, anyway.

MR. BEHAR: Yeah. There's only one entrance, so it's not like you could separate it --

MS. KEON: Yeah, that's all I'm asking, is that the space can't be separated.

CHAIRMAN KORGE: Any more questions of the applicant?

Well, let's hear from anybody in the public who wishes --

MR. SALMAN: Just one comment, just one very little comment. The issue had to do with the first paragraph?

MR. COE: Yes.

MR. SALMAN: And I'm looking at the traffic counts and the level of service of the intersection. What they're talking about is increasing the turn movement on the left-hand -- left turn. And the reason for that is that currently, and this is the current read on it, is that the intersection is between an A and a D, mainly As, you know, mainly As, Bs and Ds, but there's a couple Fs, and the Fs are all in the left-hand turn, and what they're looking at is extending the time frame to the left-hand turn, to be able to relieve that issue, and I think that's what the intent was, and I tend to agree with what he -- what the owner was -- the interpretation.

MR. FERNANDES: And it exists right now.

MR. SALMAN: That's the way it exists now. This is traffic counts taken on a certain date, 7/16/07, and that's what it is. So I think that --

MR. BEHAR: So the problem exists, no matter what.

MR. SALMAN: The problem exists, no matter what. Now, my question and issue was, where is the traffic coming from? Because again, the issue of building greater density is something of great concern to me as a resident and to a lot of the residents that are responding, and it was my contention, and the traffic study bears out, that most of the traffic is coming in from U.S. 1, or from the City of Miami, so it's not through -- southbound through the City of Coral Gables.

So I don't find that -- That was my question and my potential objection to the building. So, having not been able to find reason to back up that objection in the report, I don't see a reason why I can't

make a motion to approve, if you want to call it a motion.

CHAIRMAN KORGE: Well, we have to hear from the public.

MR. SALMAN: We'll hear from the public, okay.

CHAIRMAN KORGE: So is there anybody from the public who wishes to testify at this time?

Pardon me?

Anybody who wants to testify, if you'll stand up now and be sworn in at the same time. You have to have signed up at the front here before, if you haven't signed up, and then anybody who wishes to testify, we'll get everybody to be sworn in at the same time.

MR. CEO: Hello. My name is Rocco Ceo.

MS. ALFONSIN RUIZ: You have to be sworn.

MR. CEO: Oh, sorry.

(Thereupon, Rocco Ceo was duly sworn by the court reporter.)

MR. CEO: My name is Rocco Ceo. I live at 239 Alesio Avenue in Coral Gables, which

is about midway between Bird Road and the Ponce Circle, and I just wanted to ask a couple of questions and make some observations, too, in reference to the proposed projects. One question I had was, is the live/work permitted use something that is currently allowed under the Code for that zoning district, or is it -- I know that there was no variances applied for, but this seems like this is a new thing. Is this the first time this will be built?

MR. RIEL: This is the first time that a live/work unit -- and in a sense, it's not truly a live/work unit. It was just provisions that were put in the MXD to encourage that type of activity. As a part of the Zoning Code rewrite, we didn't do a lot of research into that, so there's not the specific requirements that you see in other local governments in terms of live/work units. Like I said, in a sense, it operates as a residential unit and that's how we're interpreting it, so --

CHAIRMAN KORGE: Right.

MR. RIEL: And it's just -- it was the first time to try to, you know, introduce the notion, and it's only allowed in the mixed-use area, which is as I indicated earlier.

MR. CEO: Okay. One of the concerns of the residents, some of the residents who live in the single-family homes north of Bird Road and south of Ponce Circle and probably west of Ponce de Leon Boulevard, is the idea that there might be a precedent set for future development of the whole Ponce corridor between Ponce Circle and Bird Road, and there's been proposals in the past, none that I know of that have been proposed for the City, but proposals that have been floated with the possibility of changing the existing residential zoning to live/work along Ponce. That's a concern in terms of parking. It's a concern in terms of future density to the area.

As you know, we live in a kind of island that's currently sort of besieged by parking problems and crime issues, and the continued development of that entire Ponce

corridor would really sort of force most of the residents out of the neighborhood, in terms of development.

So we're watching very carefully any new development that would affect that possibility of precedent-setting development along the South Ponce corridor. So that's one concern. So I would personally say that I would be concerned about that use being allowed in the building.

The second point was, in the proposal that I downloaded from the web site, it's a little confusing when you read, for instance, Page 8 of 13. I don't know if this is the same site plan review that you have, but you refer to penthouse and live/work spaces as permitted under Zoning Code Article 8. As far as I know, the Zoning Code Article 8 is just definitions. It's not permitted uses. So that should be rewritten to say that it's not permitted under Zoning Article 8, which is just the definitions of the Zoning Code.

MR. RIEL: What document are you

referring to, the Staff Report or --

MR. CEO: I think it's the Staff Report. It's Page 8 of 13, downloaded from the web site. It may not -- since you have a revised version, it may not be the same one that you have.

MR. RIEL: It's the same one.

MR. CEO: Okay. At the bottom of the page, it defines a penthouse and live/work, and it says live/work units as permitted in Zoning Code Article 8. I don't think that that should read that way.

So the primary concern is parking and precedent-setting, new zoning, and I have the same concerns that Pat Keon has in terms of the actual enforcement of the live/work space. If somebody is really not bound by any covenant to say that they actually have to live and work in that space, what's to keep them from actually renting that space out to somebody else who, in effect, would work there primarily and live there as a secondary thing. That's a concern.

And then finally, I don't really have

anything to say about the design. I think Roney Mateu is a good architect. I think it's an interesting building. I'm not crazy about the blank wall, myself, but I think that's the shape of things to come along there. If it's permitted as a party wall and it runs for seven stories, it looks like we're going to have a seven-story corridor there. If you think we have parking problems now, just wait until that gets built out. But that's a big concern for the neighborhood. We have to find a way to deal with the parking issue. I don't know what to tell you.

Currently, the parking problem is that, as nice as the trolley is, it facilities the ability for people to park all the way downtown or out of the community even, or park in front of our houses and then take the trolley to work. So, even though you have parking in the building, it doesn't necessarily mean that people are going to use it.

I think this idea of this compact parking is interesting. I hope it works.

If it has long wait times, you're probably not going to have people using it as much as they should, if you have to wait five to ten minutes to get your car. It says in an ideal circumstance that you wait five minutes, but you know how people are in Dade County. They're impatient. You see it every day on the roads. So parking is going to be still an issue. I think we're still going to have more overflow parking in the neighborhood. You might have to consider permit parking for the residents so that we don't have -- so that we can park at our own house.

MR. BEHAR: The City should implement that program.

MR. CEO: I think so.

CHAIRMAN KORGE: Especially in your neighborhood, yeah.

MR. BEHAR: Absolutely.

MR. RIEL: The City does have that available. It's the residents that need to request the implementation of the program.

CHAIRMAN KORGE: Right.

MR. CEO: It's been going block by

block. I think some residents have it and some don't. That's all. Thank you.

CHAIRMAN KORGE: Thank you very much.

Anybody else wish to speak?

Please state your name and address for the record, then be sworn in.

MS. DIAZ: Gladys Margarita Diaz. I live at 1510 Madrid Street, Coral Gables, and I own 3700 Ponce de Leon.

(Thereupon Gladys Margarita Diaz was duly sworn by the court reporter.)

MS. DIAZ: I support the project. I've been an advocate of live/work zoning for many years. It is a Smart Growth Initiative. It's a national activity. It does reduce automobile trips.

To answer your question about living and working in the same space, one of the ways that other buildings in Dade County have implemented that is, they have it in the condominium Code, so it could be something that the owners themselves can implement, and I think that from the viewpoint of traffic and parking, I agree with Mr. Ceo's situation, which is that

there's a lot of parking from the employees of this particular section in the residential community and up Ponce de Leon Boulevard, and it would be a great idea if the Planning Department would support the Parking Division creating a strategy for eliminating that. That will go a long way to reducing the concern regarding live/work.

In the end, I think live/work is a possibility for reducing traffic and reducing parking issues, and I think that there's a possibility that there's a lot of people that are interested in living where they work, because it's just -- traffic is really, really bad to go to work.

So I support the project. I think the design is great, and I think you're very good to implement this new Code. Congratulations.

CHAIRMAN KORGE: Thank you very much.

Anybody else wish to speak?

We'll close the public hearing portion and take a motion, one that's for approval or whatever.

MR. SALMAN: Mr. Chairman, I'd like to make a motion to approve.

CHAIRMAN KORGE: We've got a motion to approve.

MR. BEHAR: I'll second it.

CHAIRMAN KORGE: And it's seconded. We'll open it for discussion. Any discussion?

MS. KEON: Can we just assure the residential community that that zoning is not permissible along --

MR. SALMAN: Ponce north of Bird.

MS. KEON: Along Ponce --

MR. BEHAR: North of Bird Road.

MS. KEON: -- north of Bird Road.

MR. RIEL: The north road, it's MF2 and it's single-family.

MS. KEON: And it's single family, so --

MR. RIEL: Any changes would require a change in land use, a change in zoning --

MS. KEON: Right.

MR. RIEL: -- State review, this Board --

MS. KEON: Public hearings and on and

on.

MR. RIEL: -- and City Commission review.

MR. BEHAR: Pat, for the most part, we will not see that in a lifetime, the change in zoning.

MS. KEON: No, but I just -- you know, I think we should reassure them --

CHAIRMAN KORGE: Right.

MS. KEON: -- to answer that question that was asked.

CHAIRMAN KORGE: Stated more clearly, I certainly don't view that as setting any precedent for the other area at all. I mean, I just -- they're completely different areas.

MR. RIEL: In Staff's opinion, we look at each project on a case-by-case basis. We don't look at precedent-setting, and obviously, we evaluate the project based upon its context and the Comprehensive Land Use Plan and Zoning Code.

CHAIRMAN KORGE: Right.

MR. RIEL: So I don't see it as precedent-setting at all.

CHAIRMAN KORGE: And the other observation I'll make is that it might be useful, eventually, for your department to study whether additional restrictions might be imposed on live/work under our Code, but for this project, it seems pretty clear to me that the space cannot effectively be sublet to somebody else, and so I don't see the need at this time to concern ourselves with that particular issue.

MS. KEON: No, and as long as, in the Code, you treat it as a residential dwelling, so it then would come under all of the requirements with regard to --

MR. RIEL: It would. This area is a mixed-use area --

MS. KEON: Right.

MR. RIEL: -- which allows 125 units an acre, and allows commercial, retail and industrial, so we're treating it -- although it's called live/work, it's a residential unit.

CHAIRMAN KORGE: Right.

MS. KEON: Right, and so that would cover the concerns of subdividing and

whatever. That's --

MR. SALMAN: But they will be able to get a certificate of occupancy and a business license at this location.

MR. RIEL: Yes.

MR. SALMAN: Okay. Unlike the rest of the City.

MR. RIEL: Correct.

CHAIRMAN KORGE: Any other discussion or comments?

MR. SALMAN: I just want to commend Mr. Ceo for coming in and bringing his concerns to us. It takes time out of our citizenry's lives to come forward with their concerns, and they help us not only clarify the issues that we're looking at, but hopefully allay any concerns that the neighborhood may have. This is not intended to be a project which is meant to set a precedent. It's just the first exercising of the Code for the mixed-use area that we designated some time ago.

CHAIRMAN KORGE: If there's no further discussion, let's call the roll for a vote.

MR. BETANCOURT: Mr. Salman?

MR. SALMAN: Yes.
MR. BETANCOURT: Ms. Keon?
MS. KEON: Yes.
MR. BETANCOURT: Mr. Coe?
MR. COE: Yes.
MR. BETANCOURT: Mr. Behar?
MR. BEHAR: Yes.
MR. BETANCOURT: Mr. Korge?
CHAIRMAN KORGE: Yes.
And the second item on our agenda --
MR. BEHAR: Mr. Chairman, before -- I'm going to have to recuse myself from the second item, but before I do that, should it be a good time to bring back the minutes?
CHAIRMAN KORGE: Yes, thank you. Let's --
MR. SALMAN: Can we take a five-minute recess?
MR. BEHAR: Let's do the minutes.
CHAIRMAN KORGE: Let's do the minutes. There's a motion to approve the minutes.
MR. BEHAR: I make a motion to approve.
MR. SALMAN: Second.
CHAIRMAN KORGE: Seconded. Any

discussion? No discussion. Let's call the roll on that.

MR. BETANCOURT: Mr. Coe?

MR. COE: I can't vote.

MR. BETANCOURT: Ms. Keon?

MS. KEON: Yes.

MR. BETANCOURT: Mr. Salman?

MR. SALMAN: Yes.

MR. BETANCOURT: Mr. Behar?

MR. BEHAR: Yes.

MR. BETANCOURT: Mr. Korge?

CHAIRMAN KORGE: Yes.

MR. SALMAN: I make a motion that we recess for five minutes while they set up for the next project.

CHAIRMAN KORGE: Five minutes? That will be fine. We'll be back here at seven o'clock.

(Thereupon, a recess was taken.)

CHAIRMAN KORGE: We don't have anything else on the agenda tonight that requires Robert --

MR. BEHAR: I can leave, right?

CHAIRMAN KORGE: Do we? He can leave, can't he?

MR. RIEL: Well, you won't have a quorum.

MS. KEON: We need Javier back here.

MR. COE: Well, wait a minute. How are you going to do this?

MR. BEHAR: We've got to get Javier to come back.

CHAIRMAN KORGE: We'll have to get Javier. We don't have a quorum with him, anyways, because he's not going to vote on this. He's abstaining.

MR. RIEL: Correct. Javier needs to come back.

MR. COE: I don't think he's entitled to stay if he's in conflict.

CHAIRMAN KORGE: He can sit and do whatever he wants.

MR. COE: I don't think he should be in the chambers.

MS. KEON: No, he's not sitting --

MR. COE: I think one would be criticized by --

CHAIRMAN KORGE: He's leaving, anyway, so --

MR. COE: Well, I told him to leave,

because otherwise he may be considered for undue influence to this Board. Absolutely.

MS. KEON: Right. He'll leave the chambers.

MR. COE: It's one thing to say, "I'm not going to vote because I have a conflict." It's another matter to remain in the chambers. That exerts some kind of influence. Oh, yes, absolutely.

CHAIRMAN KORGE: We're just waiting for Javier. What happened to him? Do you see him?

There he is.

MR. SALMAN: I like making an entrance.

CHAIRMAN KORGE: Okay. The second item on our agenda -- The meeting is called back to order. The second item on our agenda is Application Number 12-07-042-P, mixed-use site plan and alley abandonment and vacation review for property at the intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard.

MR. BOLYARD: Good evening, Mr. Chair, Members of the Board. For the record, Scot Bolyard, the Planning Department.

You have before you the Gables Gateway project. This is for amendments to a previously approved mixed-use project. The applicant is requesting the following: A mixed-use site plan review to amend previously approved Resolution 2006-146 and abandonment and vacation review to repeal previously approved Ordinance 1515, and provide updated conditions as a part of the approval for alley location.

The previously approved Gables Gateway project included the following: Amendments to the Comprehensive Land Use Plan text and map, as well as the Zoning Code text and map, in order to provide for the expansion of the MXD boundary, and the mixed-use site plan review included a 10-story, 100-foot building which had commercial and office uses on the ground floor and 230 residential units.

The applicant is requesting the following: A mixed-use site plan -- let me back up. The proposed project is located on the property commonly known as the Deel Ford site, which is the intersections of

LeJeune Road, Granello Avenue and Ponce. The property is located two blocks south of the Village of Merrick Park. It will replace a one-story building containing auto sales and repairs and a used car parking lot.

The site is 2.3 acres in size and it has the commercial and industrial land use designations appropriate for the proposed mixed-use project.

A summary of the project. It's 10 stories and 99 feet in height. The ground floor commercial uses will include almost 800 square feet for office, just under 30,000 square feet for retail, and 8,000 square feet for a restaurant. There will be 230 rental residential units, and it has 653 on-site parking spaces, which is four spaces above the Code requirements.

The Planning Department recommends approval with the following conditions: Provide on-site pedestrian amenities, subject to City review and approval. Provide and install landscaping and streetscape improvements on LeJeune Road,

Granello Avenue, the portion of Ponce de Leon Boulevard adjacent to the project site, and the intersection of Granello and Greco Avenues.

The traffic improvements include: They are to install a northeast bound left-turn lane on Ponce at the project alleyway, extend the southwest right turn lane on Ponce at LeJeune Road, install a westbound left-turn lane on Granello at LeJeune Road, reconfigure the intersection at Granello and Greco Avenues, reconfigure the intersection at Biltmore and Riviera Drives, and install a roundabout at Blue Road and Riviera Drive.

At this point, I'm going to turn it over to Javier Betancourt, who's going to discuss the attainable housing.

MR. BETANCOURT: Good evening, Mr. Chair, Members of the Board. For the record, Javier Betancourt, with the City's Planning Department.

I'm just going to very quickly go through four or five slides with you, with respect to the attainable, i.e., affordable

housing condition for this project. And the attainable housing term is one that we're starting to use, versus affordable or even workforce. Workforce kind of, by definition, excludes senior housing, since they're not in the workforce, so we're going with this term, and hopefully it will work out.

I'm sure you recall from previous discussions that the City must work to address attainable housing needs pursuant to State Statutes, regional priorities and expectations and the City's Comprehensive Plan.

The City Staff has previously proposed and continues to work towards various attainable housing strategies, including inclusionary zoning and linkage fees.

You probably recall the presentation, a number of months ago, on our affordable housing study that laid out strategies. Chief among them was inclusionary zoning, where you require a development to set aside a portion of their units for affordable, or now attainable, housing.

And in advance of a formal City-wide program, which we continue to work towards, the City is requiring major residential developments to dedicate a portion of their units to attainable housing as part of the conditional site plan review approval process.

The applicant has requested modification of the original affordable housing condition in order to better define their obligations vis-a-vis affordable housing. The original language represents a standard condition that ties applicable developments to future attainable housing regulations.

This is the original condition. Essentially, it's set out in very general terms, that the applicant agrees to comply with legislation that the City adopts at some point in the future.

Staff is recommending replacement of that general condition with more specific language. That specific language is included in your Staff Report. The entire discussion on affordable housing is located

on Pages 12 to 14. The actual condition is on Page 13.

In summary, it requires a set-aside of 15 percent of the units, requires that the units target the City's senior citizens, its residents, its work force, at or below 100 percent of the City median income, and it sets the maximum rental rate at 30 percent of 100 percent of that median income over 12 months. And finally, it would remain affordable for 15 years. Also included in the condition is a requirement for a management plan, an annual report, and other requirements.

What, essentially, this comes down to is displayed here in this chart. The City's median income is about $79,000. We're looking at a total number of units for the project of 230. Fifteen percent of that will give you 35 units that have to be set aside for attainable housing.

The applicant's proposed market rental rates are between 1,900 and $2,500 for a one and two-bedroom unit, respectively. The attainable rental rate for a

one-bedroom unit would be $1,482; for two bedrooms, 1,778. The difference between the attainable and the proposed are about $458 for a one-bedroom, and $742 for a two-bedroom.

That's all I have for now. Once Scot finishes his presentation, I'll be happy to answer any questions you may have on affordable housing. Excuse me, attainable housing.

MR. BOLYARD: In the alley abandonment vacation review request, they're requesting to repeal Ordinance Number 1515, which was approved by the Commission on December 7th, 1965. This effectively vacated a portion of the alley on the condition that Lot 10 shall be dedicated for public use. The applicant is going to provide Lot 9 for public use in exchange for Lot 10.

Staff supports the proposal, with the following conditions: That all costs, including maintenance of relocating the dedicated easement, shall be at the expense of the applicant, and if the applicant does not exercise its right to construct the

proposed project, that Ordinance Number 1515 shall remain valid and enforceable.

This application is scheduled to be heard by the City Commission on first reading, Tuesday, February 26th, and I've got a 3D model I was going to put up.

The project is here on the corner of LeJeune and Ponce. Over here is U.S. 1. This is the other project. Here's Village of Merrick Park. You have some residences over here, but the access to them is blocked.

If you have any questions, feel free to answer (sic) them. Right now, I'll turn it over to the applicant.

CHAIRMAN KORGE: Any questions?

No?

We'll hear from the applicant, then.

MR. GARCIA-SERRA: Good evening, Mr. Chair, Members of the Board. Mario Garcia-Serra, with offices at 1221 Brickell Avenue, representing the applicant tonight LG Coral Gables, LLC, whose parent company is Gables Residential.

I'm accompanied by Omar Del Rio, who is

my client contact from LG Coral Gables, LLC, and the manager of this project; the project architects, Javier Font and Patrick Valent, as well as Juan Espinosa, from David Plummer and Associates, our traffic engineer.

The property, the subject property, is located at 4585 Ponce de Leon Boulevard. It's commonly known as the old Deel Ford showroom site. It's located here in those aerial photographs on the top left, not to be confused with the empty parking lots facing Dixie Highway, which is another project which I know has generated discussion. This, we're dealing with the corner of Ponce and LeJeune, where the showroom for Deel Ford used to be, not the parking lots fronting on Dixie Highway.

As many of you will remember, this site and project came before you about two years ago for approval, by the same name, also, Gables Gateway. What's happened in the meantime is that a new client has purchased the property and currently owns it right now, and is proposing to develop it but has

a slightly different intended use than the last applicant.

Gables Residential is a rental apartment developer and owner. The previous client was proposing a condominium project, essentially. So the way it's changed, it has essentially gone from a condominium project to a rental project. We still have retail on the ground floor. The density stays the same, at 230 units, but we've changed the mix. Now there are more one-bedroom units and less two-bedroom units, as compared to how the mix was for the last project that came before you.

Additionally, they've changed some of the aesthetics, just what they think is appropriate for the market and for their own taste, and they also have incorporated LEED-certified green building standards, so as to help with long-term maintenance costs. Since they are going to be the long-term owner of the property, they're interested, of course, in lowering the maintenance costs as much as they could, and part of that is incorporating green

building standards.

I'll be playing the role of architect tonight, as best I can, doing the presentation of the project.

CHAIRMAN KORGE: Well, your renditions are beautiful.

MR. GARCIA-SERRA: Well, thank you. I designed it myself.

Okay, this should be working. Is it not? Okay, there we go. Now I think it's working.

Okay. Let's go first to the rendering over here that we have on the top right corner. This is from the perspective of Ponce de Leon Boulevard and LeJeune Road, and basically, the project at first is stepped down in this corner of the property, both because of its Comprehensive Land Use designation, which acknowledges essentially that the residential neighborhood is across the street on LeJeune. There's one sort of -- one-lot depth of commercial uses, and then behind that are single-family residential uses.

So right here, at this point, which is

a terrace for amenities, we go up to 45 feet in height. Then here, in this portion, we go up to six stories, 77 feet in height, and then as you go further into the property, let's say down Ponce and down Granello Avenue is where we reach our maximum height of 99 feet and 10 stories for the condominium (sic) portion of the building.

As you can see, as part of the proposal, we're proposing extensive public realm improvements. This corner here, essentially, is going to be made into a plaza with a water fountain. We're extending the sidewalk from the current five-foot width to a 15-foot width from the property line, in 15 feet, and then when we reach that 15-foot point, we have an arcade, pedestrian arcade, which goes continuously around the building and can be better seen over here.

As you can see, the pedestrian arcade starts here and then essentially wraps around LeJeune and then goes down Granello Avenue, and then after those 15 feet of

sidewalk, we still have another covered arcade or loggia, which goes around here.

The ground floor is going to be entirely retail. This site we have proposed for as a restaurant site, about 8,000 square feet of restaurant here on the corner, facing out into the plaza, the rest standard retail.

The entrances for the project for the -- There's going to be a residence lobby here, which is for pedestrians, an entrance here to the garage, which is going to be both for residents and for the users of the retail portion of the property, and then another entrance here, which is going to be just for the residents. So that's the first floor. We also have this -- essentially, it's a paseo sort of cut-through, which is going to serve as a dropoff area here for the restaurant and for the other retail, and goes straight from Granello to Ponce de Leon Avenue (sic), along with other smaller pedestrian paseos located here and here.

Then, as you go up in the building --

you can see over here from the elevations -- you have essentially two towers, one here on this corner between -- on the LeJeune/Ponce corner and then one going down between Granello and LeJeune. You have essentially nine -- excuse me, first story retail, then it's -- three or four stories of parking?

MR. DEL RIO: Three stories of parking.

MR. GARCIA-SERRA: Three stories of parking, and then above that, the rest is residential floors. And up here at the fifth floor level -- up here at the fifth floor level is where we have our recreation deck, pool, jacuzzi, fountain and so forth, a large opening here, so as to take advantage of, you know, breeze, sunlight and so forth, and to also lessen the bulk of the building from facing LeJeune and the residences across from LeJeune.

The maximum height of the building is attained here, in these areas along here, which are further into the property. And we have more layouts here of the actual residences, which you could probably look

at better on your reduced-size plans.

And that is pretty much it, from the architectural perspective.

So our first request is to modify the previously approved site plan so as to incorporate some of these changes. However, we are keeping the conditions of the original approval regarding traffic improvements. When this item originally came to this Board and also to the City Commission, several different traffic improvements were recommended by our traffic engineer, David Plummer, approved by this Board and by the City Commission, and the City Commission also added two additional improvements, which were improvements in that single-family residential neighborhood west of LeJeune. We were going to be placing different traffic-calming roundabouts there and other improvements, which resulted, actually, from a previous study that had been done by the Village of Merrick Park but had never been funded. So we're essentially taking responsibility for those improvements and

completing them, so as to address any potential traffic impacts.

We have somebody here from David Plummer and Associates, also, if there's any questions regarding those traffic improvements which they could address.

We had a neighborhood meeting where we invited everyone who received notice for this meeting to attend, to give them a preview of the project. We had our project architects there and our traffic engineers. As you can imagine, traffic was the number one issue that they discussed, but I think we generally addressed their concerns at that meeting by telling them all the different improvements that we were going to do, especially these two unexpected improvements in their neighborhood.

The next request that we have is for a modification of a previous alley vacation. This is a somewhat technical and legal issue, but I --

CHAIRMAN KORGE: Before you get to the second one, what was your first request, again?

MR. GARCIA-SERRA: For the modification of the previously approved site plan.

CHAIRMAN KORGE: Okay.

MR. GARCIA-SERRA: How we're changing --

CHAIRMAN KORGE: You're not objecting to the traffic improvements?

MR. GARCIA-SERRA: No, not at all. We're in support of that.

CHAIRMAN KORGE: Okay. I'm sorry. I misunderstood. Go ahead.

MR. GARCIA SERRA: Yeah. No, we're in support of those. We accept those conditions.

I have a graphic which is going to help to illustrate what we're requesting as far as this modification to the previous alley vacation, if you give me a minute.

Okay, I'm going to -- okay, here we go. I'm going to take you back in history to 1965, which is when the ordinance which vacated this portion of the alley was originally approved, what you see here in brown, and that was done by Ordinance Number 1515, and what Ordinance Number 1515

said is that the City hereby vacated that portion of the alley and that the ownership reverted to the abutting property owner, but on the condition that the abutting property owner keep this open for public access. And it had another condition, that the property owner could close that area there to public access, but only on the condition that he dedicated this lot here, which is Lot 10, for public access.

Essentially, what they wanted to do, in the event that this closed, was the same thing that happened on this end of the street, when another previous ordinance closed this portion, on the condition that the owner dedicate that lot. It was to still grant access to this portion of the alley from here, and essentially, what was being requested is, if you close this end of the alley, then we want this lot so we can have this continuous access to this alley here for our many property owners in this area.

What we are proposing to do is, instead of Lot 10, we're proposing to grant public

access over Lot 9, which is the immediate next-door lot, and the reason for that is to grant continuous access from Granello to Ponce through our project.

As you may remember -- you can see on this layout here -- we're essentially offering up Lot 9 instead of Lot 10, so that we can have this continuous access from one side of the street to the -- from one street to the other. Right now, as the ordinance is presently written, we would be offering public access over Lot 10, which, while it takes you to the alley, doesn't give you the connectivity between the two streets.

And so what we are requesting, basically, is just to repeal Ordinance Number 1515 and create a new condition to this approval by which we are required to grant public access over Lot 9, so that access to the alley is still assured, but then we could also have better access through the property from Ponce to Granello, something that Public Works and our traffic consultant are in agreement is

a good thing.

Now we come to the one issue where we disagree with Staff. Staff is recommending approval of this project but with certain conditions, and we are -- I don't want to say entirely objecting, but we're differing with Staff on what the condition on the affordable or attainable housing should be.

Right now, the current covenant that runs on this property, as a result of the approval of the project in 2006, had a condition which said that the developer would have to comply with whatever affordable housing legislation is adopted by the City within one year of issuance of a building permit. Now, that was back in 2006. In the meantime, between 2006 and 2008, there has been no affordable housing legislation adopted by the City. It's still an issue that's out there. I think it's still an issue that Staff is dealing with, and State agencies are commenting on it from time to time, and what my client basically wanted to do was still find a way to help the City in addressing this

affordable housing issue, but to do it in such a way that it was more clear-cut, knowing what his obligations are, because right now it's a very open-ended obligation. We can stick with the old condition, but who knows when and if anything might be -- what will be adopted and when and if it will be adopted, this sort of thing, so my client was of the feeling, because they have other rental projects in other parts of the country which do have a sort of affordable or attainable housing component, that it's something that they could proffer at a certain -- under certain terms which would be manageable for them and help at least the City, to a certain degree, address their concerns. And the devil is in the details. What we are disagreeing with Staff about is the length of the restriction and also what's the base median income which should be used in order to calculate the appropriate rents for those attainable housing units.

I've also prepared some exhibits which

are going to help us walk through this issue, if you'll give me one second.

Okay. Here, what you have on this board is essentially Staff's recommended condition for attainable housing, and I've highlighted both what their recommendation is and what we are proffering, and as you can see, as you go through the text of the condition, where we are disagreeing is, number one, on the length of the restriction. Staff is requesting 15 years. We're requesting 10 years. And also on what the base median income should be used so as to calculate these rents. We both agree that it should be 15 percent of the total number of units. We agree that it should be based on 30 percent of the HUD-determined median income for the City of Coral Gables. Where we disagree is that Staff is saying that it should be based on 100 percent of median income and we're saying that it should be based on 120 percent of the median income for Coral Gables, and I'll tell you why we're requesting what we're requesting.

Okay, the City of Coral Gables median income, as calculated in 2006, which is the last year in which we were able to find any data, for a four-person family, is $79,033. We adjusted that figure so as to reflect a typical family that would be living in a one or a two-bedroom home, so as to reflect a 1.5-person household in a one-bedroom apartment and a three-person household in a two-bedroom apartment, and then came up with these household income numbers of 59,275 and 71,130.

The median income, at our recommended rate of using the 120 percent Coral Gables median income, results in these household incomes here, 71,130 and 85,356. If you do 30 percent of each of those, you get these amounts, 21,339 and 25,607, and then how do we figure out what's a fair rate, a fair rental rate, for that family, is, we divide that 30 percent by 12 months out of the year, and get 1,778 for the one-bedroom unit and 2,134 for the two-bedroom unit.

And then under here, these are our recommended rates, and the row immediately

below has City Staff's proposed monthly rental amounts of 1,482 for a one-bedroom and 1,778 for a two-bedroom; as you can see, a considerable difference between these two rental rates, and that's the difference between using 120 percent of median income of Coral Gables or 100 percent of median income of Coral Gables.

Now, my client looked at the City's proposed rates and said, "What would I have to do? What's the net present value of changing these rental rate amounts, that I would have to find an alternative income or in perhaps cost savings, or somehow make up for this money so I could give the City the rental rates that it wants over a 10-year period," which is our proposed length of restriction, and that number came out to 1.1 million dollars.

Now, these rental rates that we're proposing based on 120 percent of median income are competitive when you consider the comparables that are out there. Down the street, we have the Village of Merrick Park, which is the only other rental

apartment development in close proximity, and we looked to see what their current monthly rental amount is, which is $1,908 for a one-bedroom with 851 square feet, coming out to $2.24 per square foot for rent, and then we also looked at the One Broadway development, which is fairly new, in the Brickell Avenue area. Their two-bedroom units are 1,152 square feet, with $2,241 of monthly rent. You divide that by the square footage and you get $1.95 of rent per square foot.

Our project, what we're proposing for the attainable housing units, 1,778 divided by 878, which is the average size of a one-bedroom unit, comes out to $2.03. The two-bedroom unit, we want to rent out for the attainable units at $2,134. Divide that by the square footage of 1,167, and you get $1.83 per square foot.

So, as you can see, if this project was existing today and we were renting out at today's rates, the one-bedroom would be lower than the one-bedroom at Merrick Park by a significant amount, and the

two-bedroom would be lower than the two-bedrooms that are offered over at the One Broadway project.

But you see, these numbers here is essentially adjusted for inflation over the period of construction of the project. We assume that we'll be ready for a certificate of occupancy in 2010, and we've essentially done the same math to show that the attainable rates stay lower than the other comparables in the market, and so the challenge, of course, is, how do we overcome this 1.1 million dollar gap? That's essentially the gap which has to be overcome in order for us, in our business plan, to be able to accommodate the rates, the rental rates, which the City is proposing, and the problem becomes -- this isn't the first city to encounter this problem, nor is it the first project to encounter this problem, and why we can't realize or make up for that gap is because of the fact that we would need some sort of third party in here to be able to help us to realize this gap here that we have,

essentially, in the economics of the project, and the way other jurisdictions have overcome -- the way other jurisdictions have overcome this issue is, of course, by finding different ways for government to be involved and helping out the developers of affordable housing or users of affordable housing.

If you look at the County, Miami-Dade County, or the City of Miami, or most other large municipalities in Dade County, such as North Miami and Miami Beach, they have first-time home buyer programs, where the City of Miami, for example, offers a $40,000 interest-free loan which is forgiven after an initial 30-year term.

Other jurisdictions, including the County and the City of Miami, subsidized affordable housing developers, essentially, are part of the deal. They help subsidize the developer to develop the housing, through mostly federal money that's administered through programs known by their acronyms of SHIP, HOME or SURTAX. SURTAX is actually a State program,

administered with the surtax money from real estate exchanges and conveyances.

Then you look at other jurisdictions and they say, "Hey, you know, we can't perhaps be involved financially in these projects, but what we can do is give zoning incentives to the developers by way of density or height bonuses," which is what they do in Palm Beach and Pinellas County.

This, in fairness to Staff, is something that they did propose, I think about two years ago, for Coral Gables, but it did not meet with any support at the level of the City Commission.

Then you see other municipalities try to help accommodate and help in the financing terms of affordable housing projects by doing things such as expediting permits, waiver of building permit fees, or reductions in parking or setback requirements. As you know, parking is a very costly part of a project, so if you're able to reduce that cost, you're able to perhaps deliver at a lower rent. But the problem is, right now, in the City of Coral

Gables, we're not being offered any of these incentives.

Essentially, there are no affordable housing requirements right now. No other developers have come up to the plate like we have, to offer to do at least something to address the issue. We're willing to do it. We think we're doing it to the maximum extent that we can with how the current economics are right now of this project, but we just simply can't give any more. You know, we're at the -- you know, the 120 percent median income and also the issue that I haven't addressed yet, which is the length of the restriction. We're asking for 10 years; the City wants 15 years.

Usually, the Staff will tell you that these restrictions are longer, and sure, they are longer, and in some cases, they are 60, 70, 80 years, as far as the length is concerned, but the developer is usually getting something out of it also, whether it be tax credits or some other sort of incentive which helps them out.

Again, here, we're not getting any of

those sort of incentives. We still recognize that there's an issue. We want to be part of the solution to help solve it. We're making as much of an effort as we think we can do. We're making much more of an effort than anybody else is doing right now, and it sincerely is the maximum that we can offer at this moment.

So we agree with Staff in the recommendation, except on this condition of affordable housing, as I described right now, and the length of the restriction simply would be, in our opinion, excessive as far as controlling the value of the property. We have no idea exactly how this program is going to work out. We don't know how it's going to affect the value of the property. So that's why we prefer a shorter, 10-year time frame, as opposed to a 15-year time frame.

It could be very well that, at the end of that 10-year time frame, it's worked well and we think it's probably a benefit and we would want to extend it, but we're not in a position right now to commit

ourselves to any more than 10 years.

And something that perhaps you already know, but the sort of housing that we're looking at offering here will be marketed towards government employees, seniors, people who perhaps already connect or identify with Coral Gables in some way, but simply find it harder and harder every day to be able to live here; trying to give them something of a break in being able to stay here in the City of Coral Gables.

That's pretty much the conclusion of my presentation. Like I tell you, we have all the architects and traffic engineers here, if you'd like to have any questions, as well as myself and the client.

MR. COE: So the only condition of approval that you object to is the attainable housing?

MR. GARCIA-SERRA: Correct.

MR. COE: And I gather that Staff isn't flexible on that?

MR. RIEL: Staff has met with the applicant during the review of this project, and Staff's recommendation which

you see before you is what Staff is recommending to this Board. We've discussed the issue of 10-year. As Mr. Serra indicated, typically on rental units, they go in perpetuity in other cities, so we feel comfortable with the 15 percent (sic), and also, if you look at the rental rates, based upon the hundred percent, you'll note it's very high in relation to adjacent communities, City of Miami and other communities.

And Javier is our expert, so he can go a little bit further into that, but I just want to say that it's the City's responsibility to deal with the issue of affordable housing, and if you recall, when this project came through the first time, we utilized this project kind of as a guinea pig, to go forward with regulations that we were hopeful that the Commission would adopt, which included density bonuses, reduction in parking.

All those things that were listed on that chart right there, with the exception of Number 1, were looked at, and the

Commission's policy direction at that time, which was two years ago, was, they didn't feel that density bonuses were proper, reduction in parking were proper. That's an issue that we're going to have to deal with as a part of the Comp Plan rewrite. And this developer, as Mr. Serra indicated, did come forward and say that, you know, "We want to do rental units," and we were glad of that, and we feel confident on our 15 percent (sic) and our hundred percent.

So that's a long answer, but this is Staff's position on the issue.

MR. SALMAN: They're not objecting to the 15 percent, correct?

MR. GARCIA-SERRA: 15 percent we're fine with. It's the 15 years that we're objecting to.

MR. SALMAN: It's the term issue.

MR. RIEL: The term, I'm sorry. The term.

MR. SALMAN: Okay. Just for apples and apples, what is the value of the improvements that you're assuming with regards to the development of this project,

outside the limits of the project?

MR. GARCIA-SERRA: Okay, the improvements, meaning traffic-calming improvements, public streetscape improvement and so forth?

MR. SALMAN: Yeah. How much are we hitting you for?

MR. GARCIA-SERRA: How much --

Omar, would you have a good estimate of what that is?

MR. DEL RIO: I'm sure it's going to be substantial. I don't know how to value that.

MR. SALMAN: All right.

MR. GARCIA-SERRA: The architects, maybe? Do you know?

MR. SALMAN: All right.

MR. GARCIA-SERRA: Well, let me tell you what those are, so you have an idea and perhaps even you can ballpark it. There's six different traffic-calming improvements, everything from extending the median along LeJeune to adding a right-turn -- or excuse me, a left-turn lane from Granello to LeJeune. There's also a traffic-calming

circle and an intersection reconfiguration within the neighborhood west of -- the single-family neighborhood west of LeJeune.

We, of course, are putting a multitude of trees, different sorts of trees, pursuant to the streetscape master plan, along the streets, bulb-outs, which unfortunately, that's a tricky thing about the City of Coral Gables. Public Service requires you to do X number of bulb outs --

MR. SALMAN: You've got to do that. You've got to do that.

MR. GARCIA-SERRA: -- with trees and whatever, but then that also loses on-site parking spaces. But then the Public Parking Department comes around on the other side and says, "Oh, we're losing on-street parking spaces, you've got to pay us," to the tune of -- I think $2,500 a year for every lost parking space.

So, you know, we're complying with the City -- we're making the City happy in one thing, but then having to pay for it doubly, essentially, because of the loss of on-street parking, and of course, you know,

there's certain intangibles that we're doing because we think it's a good development. We didn't have to do it, but it's still enhancing the City.

For example, the sidewalk that you have right now going up LeJeune is about five feet in width. It's almost a death trap. You know, you're risking your life when you're walking down there. We're giving 15 feet, so as to put, you know, a good-sized sidewalk there, and on top that, putting an arcade behind there, so you literally have a pedestrian area that's probably close to between 25 and 30 feet in width, and putting the fountain in the corner, creating that plaza, too, which we could have built on, also, but we're putting that plaza. You know, those are the first ones that come to mind.

MR. SALMAN: All that stuff is on your property.

MR. GARCIA-SERRA: Correct.

MR. SALMAN: The fountain, the plaza. You're not deeding it back to the City.

MR. GARCIA-SERRA: The fountain and the

plaza, yes. With the wider sidewalk, part of that is probably -- is on public, public property.

MR. SALMAN: So you're improving that part?

MR. GARCIA-SERRA: Yes.

CHAIRMAN KORGE: In the absence -- oh, go ahead. I'm sorry, go ahead.

MR. SALMAN: With regards to the percentage of the overall project that this 1.1 million represents, what are we arguing about? What are we talking about?

MR. GARCIA-SERRA: How did we get to the 1.1 million?

MR. SALMAN: Yeah. No, I know how you got there.

MR. GARCIA-SERRA: Okay.

MR. SALMAN: You told me very specifically, and it's the net present value of the difference between what the City is asking for and what you're willing to offer, which is between 200 and $400 per unit, depending on the type, times the period, brought back to today --

MR. GARCIA-SERRA: Exactly.

MR. SALMAN: -- as to what it's valued. All right. My question is, that 1.1 million represents what percentage of the cost of construction for this project? What are we arguing about? Are we talking about two percent of the project, one percent of the project? I mean, this is not a cheap project.

MR. DEL RIO: It's over one percent.

MR. SALMAN: So we're talking about over one percent.

MR. GARCIA-SERRA: Yeah.

MR. SALMAN: So we're sitting here arguing about one to two percent of the cost of construction. I just wanted to make sure that I understood what we were talking about.

MR. RIEL: And I'd like to clarify the record, I mean, just -- The traffic-calming and the streetscape improvements are a requirement of the Code for the mixed-use.

When the application previously, in 2006, came forward, the City Commission asked for additional traffic calming, based upon some of the residents that attended

the meeting, to the west of the property.

Although you can't get there in a vehicle, they asked for additional, above and beyond what was in the traffic study. So, if I were to respond in terms of what are they doing above and beyond the Code, the sidewalk issue, as well as the additional traffic circles and improvements. But everything else pretty much is a Code requirement as a part of the conditional use for the mixed-use site plan review.

CHAIRMAN KORGE: In the absence of any attainable housing commitment by the applicant, would this project be buildable under the Code?

MR. RIEL: I'm sorry, I --

CHAIRMAN KORGE: If this project came to us as it's proposed, but without any rent restrictions, would it be approvable under the Code? Why are we imposing the restrictions?

MR. RIEL: This is a mixed-use project that requires conditional use review.

CHAIRMAN KORGE: Right.

MR. RIEL: This Board can impose conditions, as well as Staff, in terms of --

CHAIRMAN KORGE: I understand that. What I'm asking is a little bit different. No, I do understand that we have the power to impose those conditions, but I guess what I'm asking is, if those conditions were not imposed, would this project be unacceptable, as it is, in the mixed-use district, at the current size --

MR. RIEL: It's not unacceptable --

CHAIRMAN KORGE: -- and usage?

MR. RIEL: The mixed-use provisions allow for 10 floors and 125 feet. By right, it's 99 feet and eight floors. And this property has industrial zoning on it, and it would not be allowed to do residential, so the only way you can do residential in a mixed-use area is via this conditional. So they could build a retail commercial project with no residential units. That's what they would be allowed under right.

CHAIRMAN KORGE: Okay. So the

advantage they get --

MR. RIEL: The advantage they get is 125 units an acre, which is zero right now, zero units per acre. They get two additional floors, because we're not counting floors, it's 10, and they get about another foot or two in terms of height.

CHAIRMAN KORGE: Okay. So they're getting substantial benefits in return for the affordable or attainable housing commitments?

MR. RIEL: In Staff's opinion, we feel they are, yes.

CHAIRMAN KORGE: All right.

MR. GARCIA-SERRA: If I could just interject, remember that the Code itself right now does not permit any sort of attainable housing requirements. What the mixed-use district does require is a mix of uses. If you want to bring residential, you also need to have at least ground floor retail and other --

CHAIRMAN KORGE: Excuse me for interrupting. I think you're indicating

that the residential is not permitted except with conditions.

MR. RIEL: Mixed-use.

MR. GARCIA-SERRA: Correct.

CHAIRMAN KORGE: Right.

MR. GARCIA-SERRA: No, I agree with him on that. You know, you have to go through a conditional use approval in order to get --

CHAIRMAN KORGE: Well, I guess that begs the question.

MR. SALMAN: I don't think you have a choice but to agree with that.

MR. COE: Mr. Chairman, I just have a concern. Maybe Mr. Riel can calm my concerns. This recommendation of 100 percent in 15 years is a Staff recommendation, that this is not a requirement of the City Commission for this, correct?

MR. RIEL: Correct.

MR. COE: And you can adjust this on a case-by-case basis, correct?

MR. RIEL: The Planning Board and the City Commission -- the Planning Board can

recommend to the City Commission and the City Commission can -- yes, we could, with policy direction.

MR. COE: So there really isn't any standard.

MR. SALMAN: Well, we'd be setting a precedent here.

MR. COE: Well, that's what I'm getting at. This is a moving target.

MR. RIEL: There is a standard out there, and Javier can speak to that better than I can, in terms of rental units, but typically, they're 30 years, 40 years and above.

MR. SALMAN: Yeah, the term here, I think, is --

MR. COE: Mr. Riel, I'm well aware of that. I'm talking about within the City of Coral Gables. You know, if we were to -- and we certainly have the power to agree with them and have 10 years and 120 percent, or we can say, "No, we agree with Staff, and take it or leave it." We can go either way. I just -- if we were to say that -- Staff at 100 percent and 15 years,

is that going to become the standard, then, that we are to adopt? Is that what you're recommending?

MR. RIEL: It's going to be a precedent-setting standard, yes.

MR. COE: Exactly.

MR. RIEL: That's why we're going toward the more --

MR. COE: That's the standard Staff says that should be adopted on every upcoming project.

MR. RIEL: We're utilizing this, yes, absolutely.

MR. COE: And, on the other hand, if we were to say that's too onerous on this particular project and it should be 120 percent and 10 years, so these folks can make what they feel is a reasonable profit, we would also be setting a standard, because then how can we go to the next project and say 15 years and 100 percent? Is that the Staff's argument?

MR. RIEL: Yes.

MR. COE: Okay.

MR. RIEL: You obviously have the

flexibility, because it's a conditional use.

MR. DEL RIO: And --

MR. RIEL: But we're -- you know, we're forging on new ground here, and we're going to have to deal with this issue as a part of our Comp Plan rewrite. This Board is going to have to deal with this issue in about the next three to six months.

MR. COE: And, of course, you put the Board in sort of an awkward position. I mean, I happen to like this project and I hate to see this project go without a recommendation on this one particular issue, but however, attainable housing, statewide, is an important issue, and we all recognize that.

For the Board then to say, 10 years, 120 is fine for this project, the Board is going to almost be in a position, for the next project, to say the same thing. We certainly can't go back and say, well, the next project is going to be 15 and 100, because that wouldn't make any sense.

MR. RIEL: I don't see it as we're

putting the Board in a position. We're looking for policy direction from the Planning and Zoning Board to the Commission.

MR. COE: Well, you can't be arbitrary and capricious each time these projects come up, and say, "Well, this project, we would like it for 100 and 15 years, but this next project, well, that's going to be 120 percent and 10 years," and maybe the third one, maybe, five years and 150 percent. You can't do that.

MR. RIEL: Understood.

MR. COE: There's no rational basis in doing that.

MR. RIEL: Understood, and the next developer that comes in, I'm sure they're going to point to this project that was required --

MR. COE: Exactly.

MR. RIEL: -- to do this certain time frame and percentage.

MR. COE: So this becomes the benchmark for all this in the future.

MR. RIEL: Yes, it does.

CHAIRMAN KORGE: Well, taking what you said, Jack, further, taking it further, I mean, I don't know how to decide one from the other, even assuming that, you know, Staff has a good reason and, you know, the applicant has a good reason for their positions, I mean, how can we make such a decision on the fly like that?

MR. COE: Well, that's why, Mr. Chairman, I say Staff and the applicant has put this Board in a very difficult position. I don't know the answer to that, and that's the problem I have. I don't know which one is right and which one is wrong. But I do know, whatever decision we make, assuming we make a decision, we're going to be locked into on the next application.

CHAIRMAN KORGE: So we're going to make it harder to do something different on the next application.

MR. COE: Exactly.

CHAIRMAN KORGE: Or, more to the point, if an ordinance comes back to us for a decision on a City-wide basis, as opposed

to an ad hoc basis, which this is right now.

MR. COE: Well, until the City does something, the Commission does something, this is an ad hoc or like ad hoc situation.

MR. RIEL: But also understand, the condition that was written before was very vague, very general. It was done two years ago, and I commend the applicant for wanting finality. Obviously, they wanted to have finality, so we don't have to deal with this issue when the project is getting permits. So this is Staff's first attempt, and yes, we're using the Board as a testing ground. We want your policy direction. Yes, it's a challenge.

MR. COE: Well, how could the Board --

CHAIRMAN KORGE: Excuse me for interrupting --

MR. COE: -- possiblY give a policy ground on whether 10 years and 120 percent, as the applicant wants, or 15 years and 100 percent, as Staff recommends -- how can this Board possibly say, as a benchmark, which one is preferable? How can we

possibly do that?

MR. RIEL: You've got professional recommendations from your Planning Department Staff. I can't say anything more than that.

MR. SALMAN: To the Staff -- let me talk to the Staff for just a second. In your calculation method, is this number going to be increasing? Is it indexed for cost of living?

MR. BETANCOURT: It's based on the City's median income.

MR. SALMAN: I understand that.

MR. BETANCOURT: As that median income goes up, then that number goes up. So it's not tied to inflation. It's tied to median income.

MR. SALMAN: All right. That's my first question.

To the applicant, you said you changed the mix of the units. What was the change in mix from --

MR. DEL RIO: My name is Omar Del Rio, with Gables Residential, 777 Yamato Road, in Boca Raton, Florida.

Yes, when we purchased the project, it was already site plan approved, and it was, you know, to be a condo project. So it was very heavy on two-bedroom units. The units were very large. That doesn't work for rental. Rental needs to be a tighter unit, a lot more one-bedroom units, because you're going to have singles, you're going to have young couples. Two-bedroom is more of a condo product. There is no condo market right now, and Gables only does rental residential.

As to the attainable housing, when we purchased the property, it had this open-ended covenant, and we do affordable housing all over the country, but when you do 30 years, when you do 40 years, there's something, you get tax credits, you get impact fee reduction, and so this is what works, given the ramifications of reducing the rents in a very expensive city like Coral Gables.

And so to have something out there, we were the ones that proposed this whole -- you know, I wrote the initial proposal. So

they've modified it, but it's coming from the developer, to have something out there that's bankable. Right now, it's open-ended and we run the risk that, you know, six months in construction, something could be imposed on us. So that's why we went forward and proposed this.

MR. SALMAN: But doesn't the Staff's recommendation put an end to that? I mean, we are setting a term --

MR. RIEL: For this project, yes, it does.

MR. SALMAN: It does, so the idea of -- excuse me. The idea of finality is being given to you now.

MR. DEL RIO: It is being given, but it's also -- it's a bigger financial hit, already, the 1.1 million dollars, but already by doing what we're proposing, there's yet another net present value hit that we're taking, because those units, those 35 units, were to be market rate. So it's just more on top of it. Do you understand?

MR. COE: So are you suggesting, then,

that if this Board recommends Staff recommendations as written, including 100 percent and 15 years, that the applicant cannot live with that?

MR. DEL RIO: We can't live with that, no.

MR. SALMAN: We're coming in at the tail end of a long negotiation, it appears to me, and --

MR. COE: Well, you know, in the absence --

MR. SALMAN: -- we're in a tough spot. You're putting us in a real tough spot --

MR. COE: Yeah, in the absence of a comprehensive --

MR. SALMAN: -- because we're setting a precedent based on a negotiation we weren't necessarily a part of.

MR. COE: In the absence of a comprehensive policy on affordable housing, and Staff says this is your test case and we want 15 years at 100 percent, and this Board understands that this then becomes the benchmark for future applicants, how do we not defer to Staff's recommendation on

this point?

MR. GARCIA-SERRA: We're going into uncharted territory here, and I would defer that -- I would submit that it's easier or more conducive of probably good policy to be able to set requirements that aren't as onerous as what Staff is recommending, to see how they work, and indeed, if that is what is sufficient to deliver or not, and then in the case that they aren't, because this will be sort of a test case, you could then --

MR. COE: Well, you see, but you can't do it the other way around. If we were to say --

MR. GARCIA-SERRA: Go from more onerous to less?

MR. COE: -- "Well, we'll try it out for 10 years and 120 percent, and see how that works," and the next month or the month after, the next applicant comes in and says, "Well, in February, you approved 10 years and 120 percent, and we want 10 years and 120 percent," that's the benchmark. It's not -- you don't try it on

like a glove and see if it fits or not. That's the benchmark, unless the City has a comprehensive affordable housing policy, and I don't see that in the next few months.

MR. GARCIA-SERRA: Neither do I.

MR. COE: So there's where we are, and I just don't see how this Board can be responsible and say to Staff, "We're going to ignore your professional recommendation and we're going to go and now have a policy of 10 years and 120 percent."

MR. GARCIA-SERRA: When it's affecting the viability of the project, I think that's sufficient grounds to at least give pause as to whether that is the right -- those are the right numbers to use.

MR. COE: Well, in all due respect -- I like your project, and this is the only sticking point, obviously -- the next applicant can say, "Well, you approved 10 years and 120 percent. I can't make a profit unless it's seven years and 150 percent." And they can have all the statistics -- they very well may be right,

you know, that the profit margin may be just above seven and 150 percent, and, "We can't do affordable housing. We can't do it, we can't build this project in Coral Gables if you require us to do that." But that may just be the facts of business. I don't know how, looking at this from the City's perspective and the residents' perspective, can we do that. And the project after that may say, "Hey, we need only four years and 200 percent, because otherwise we can't make a dollar."

Those are business decisions, and I don't know -- while I like this project and I'd like to see it be built in the City of Coral Gables, I don't know if that's responsible, for this Board to just ignore Staff's considered recommendation, in light of any other policy guidance from the Commission or anybody else, and I'm afraid that's where I'm stuck, unless you can help me out.

MR. GARCIA-SERRA: I see -- I see -- excuse me.

CHAIRMAN KORGE: See, my problem is a

little different, from a different perspective, and that is, there is no City-wide policy at all, and so we're imposing a condition that, you know, if they just bought the land, doesn't exist, and we've just created it.

MR. COE: Ah.

CHAIRMAN KORGE: Wait, let me finish. Let me finish.

MR. COE: They don't have to put down -- they don't have to have housing, though. They could have commercial. You know, it's not mixed-use.

CHAIRMAN KORGE: I understand. So it's a condition that's being imposed on an ad hoc basis, and therefore, it is really not a City-wide policy to begin with; it is a negotiated policy, because the City does not have a City-wide policy.

So, I mean, when they buy the property, they're buying it with a view to -- I don't know if it was just recently purchased or what happened there, but you buy it with a view to a certain type of development you have in mind, and the first thing you would

do is, you look at the Zoning Code and you see what are the requirements. There is no affordable housing requirement. So you maybe research it and say, "Well, there is a movement towards that and we could get stuck with something we can't predict, so we'll negotiate that up front as a condition of the approval," and you get to a point where you're stuck in the negotiation and now all of a sudden, and I think we are on the same page here, it comes to our Board, and now we're supposed to be presumably making a City-wide determination by precedent, where I don't know whether I would agree with the City's proposal or something else in between or outside of either of them. Maybe it should be 30 years and not 15. Maybe it should only be eight years.

MR. COE: Well, maybe we should defer this until the Commission sets up a comprehensive --

CHAIRMAN KORGE: No, that's a problem, because you can't defer to the others --

MR. COE: I'm only saying facetiously.

CHAIRMAN KORGE: I know. I know, but that's the dilemma we face. We can't defer this. I mean, the applicant's got land and they've got to develop it.

MR. COE: Of course.

CHAIRMAN KORGE: It doesn't work. So, I mean, I don't have a solution, except that --

MR. COE: Are you prepared to -- if you agree to 10 years and 120 percent, are you prepared to tell the next applicant that shows up next month that when the City wants 15, that 10 years and 120 percent is where we are?

CHAIRMAN KORGE: Well, I would say that, first of all, I don't know why 10 years and 120 -- you explained how you arrived at your numbers, but --

MR. SALMAN: 1.1 million.

CHAIRMAN KORGE: I know, but I don't know -- I mean, I'm not privy to all the calculations, to how much they paid and so forth, and what their real tipping point is.

MR. COE: Well, let's assume they're

right.

CHAIRMAN KORGE: Pardon me?

MR. COE: Let's assume they're right.

MR. SALMAN: And that ain't our business.

CHAIRMAN KORGE: If they're right, then I would give it to them, and the reason I would give it to them has nothing to do with future precedent. It's because I think the project should be built, and based on the current economics, that works for this project, assuming that what they say is correct.

But the City is saying that -- the Staff is saying 15 years and 100 percent. I don't know how the Staff arrives at their number and whether they're correct, but that's what you negotiate over, and we shouldn't be the ones making that decision.

MR. COE: Exactly. See, my concern is, if this is done in a vacuum and we don't have to worry about repercussions, then we can decide if we want to approve it with the 10 and 120 or not. But the concern I have is, if you go to 10 and 120 on this

project, the next applicant is going to make a very compelling argument, with charts, that the tipping point is seven years and 150 percent, and the one after that will have all the charts to show it's four years and 200 percent. I guarantee you, that's what happens.

CHAIRMAN KORGE: Right.

MR. COE: And they very well may be correct. So the point is, what do you do? Most projects would love to throw out the affordable housing component in the first place, because that's a drag on the economics of the building, as everybody knows that, and it's being put in there because it's a statewide goal to have affordable housing, and particularly when you come into Coral Gables, there isn't any affordable housing, everybody appreciates that, and so you want to encourage these projects.

On the other hand, they very well may be correct that they can't make a profit if you impose these kind of restrictions, and maybe there shouldn't be affordable housing

in the City of Coral Gables, and seniors -- and I'm getting pretty close to that -- and other people shouldn't be living in the City. I hate to say that, but maybe that's the truth of the business market right now. I don't know. But I don't know how this Board is supposed to decide whether 10 years and 120 percent is the correct thing for this project, or 15 years and 100 percent, that the Staff says, and presumably everyone has done their own investigation, they've done all the bargaining and negotiations, Mr. Chairman, as you suggest. What are we supposed to do?

CHAIRMAN KORGE: Well, again, I would indicate to you that in my view, if we do have where it's unequivocally clear that in the absence of that concession in favor of the developer, the project would not be built, then I would agree with the concession to the developer. But I don't know for a fact that that's what's going to happen if we agree with the City's recommendation.

MR. COE: If it wasn't precedential, I wouldn't be concerned about one project, but if it is going to be precedential, I am concerned about one project.

CHAIRMAN KORGE: Well, I think, though --

MR. RIEL: The other option is, the applicant can wait until the regulations are put in place, which could be much more restrictive, and they abide by those.

CHAIRMAN KORGE: But that could be years.

MR. COE: They may never be put in place. They may never be put in place.

MR. RIEL: No, we have a Comprehensive Plan that requires to address the issue by -- what date?

MR. BETANCOURT: By early next year.

MR. RIEL: Early next year.

MR. COE: Early next year.

MR. RIEL: Otherwise our plan will be found in noncompliance and then no changes in land use and zoning will be processed, basically a moratorium on development, unless we deal with this issue.

MR. COE: I mean, you know, there's

another realistic position, you know. We can say anything we want. We can go with Staff's recommendation on this and you can then not proceed. You can abandon the project. We can agree with you and it goes up to the City Commission.

Now, the City Commission is going to do what the City Commission wants to do, obviously. I suspect, just my hunch, that they're not going to buy 10 years and 120 percent --

MR. SALMAN: No.

MR. COE: -- and then where are you?

MR. SALMAN: In fact, my particular problem with this is the term. By reducing it to 10 years, it becomes much less consequential, when the idea here and the goal here is to create long-term, you know, attainable housing. I would much rather see 120 and 30 years than, you know --

MR. COE: You're negotiating for the applicant.

MR. SALMAN: But I'm -- you know, that's my particular opinion. I think that you have a basis for 120, because you're

using old data, and when you multiply it up, you're probably close to where we're actually at, for a median point of view, so that one is fairly passable, but my problem is on the term, and by reducing the term, we're really reducing the long-term attainable housing impact of the project, that component of the project, and that's where I have a little bit of heartburn.

MR. COE: I also want to point something out --

CHAIRMAN KORGE: Let me ask you a question, if I could, Eric. If we -- if this were not to set any precedent whatsoever, that it were just the sole project, and whatever we did here would not be considered precedent for what you were going to propose and hopefully we would adopt within the next year, would the applicant's change be acceptable to you? Is your main sticking point with the applicant's change that it's setting a precedent that's going to be a problem for you?

MR. RIEL: It could cause us some

problems, yes, I mean, you know, in terms of the term, because the terms are very low compared to what other local governments do. That's a concern. Coral Gables has a higher median income than any other adjoining communities. What is the City of Miami, 45,000?

MS. KEON: 54. Is it 54?

MR. RIEL: It's relatively low. It's an issue that we have to grapple with and we have to deal with. We feel that this, in our negotiations, without having regulations in place, is a good compromise.

I can tell you, we will probably come back with a term that's probably 15 -- you know, 30 years on rental, if not more --

MS. KEON: Yeah.

MR. RIEL: -- as a recommendation on rental. Condominium is a different issue.

MR. COE: But they would be grandfathered in.

MR. RIEL: They would be grandfathered in. As a part of the approval, they would have to adhere to these regulations and grandfathered in, for a period of two years

if they don't construct the project. If they don't construct the project within two years, they would obviously fall under those current regulations.

CHAIRMAN KORGE: Right.

MR. RIEL: And we have a responsibility by early next year to present regulations.

CHAIRMAN KORGE: Right. I guess what I'm trying to get at is --

MR. RIEL: Do you tie it to the project? Yes.

CHAIRMAN KORGE: Do you -- Tie it to the project and all those issues, but do you accept the fact, their argument, that they're at the tipping point and that would make a difference in the outcome of this project?

MR. RIEL: We don't look at it from an economic standpoint.

CHAIRMAN KORGE: I understand that.

MR. RIEL: We look at it from a delivery of units, addressing the issue of affordable housing.

CHAIRMAN KORGE: I understand that. I do understand that, but I'm just -- since

we're stuck in the middle of your negotiations, you know, I'd like to get some feel for --

MR. RIEL: It's not a negotiation. We feel that given the additional units, 125 units an acre, it's a conditional use, that we're well within our bounds to ask to deal with a City-wide issue that deals with the Comprehensive Land Use Plan.

CHAIRMAN KORGE: I agree you're well within your bounds. I didn't mean to imply otherwise. What I'm trying to figure out is whether you really think this project will die if we can't accommodate them on this request.

MR. RIEL: I don't think the project will die, no.

MR. BETANCOURT: If I could add, I just -- I think we're being more than reasonable and flexible in what we're asking. The hundred percent is atypical, you know, for rental units. If you look at cities, like San Diego, for instance, there, their median income for rental units is 65 percent of median income, okay, and

they're asking for 55 years for the covenant, and they don't offer any bonuses or incentives, and so I'm pretty much confident, when we come back with regulations, they're going to be a lot tougher, quite frankly, than what we're asking for today.

We've already taken into account the fact that we don't have standards and the fact that we're not offering bonuses and incentives. That's why we went with 100 percent versus 80 percent or even lower. That's why we went with 15 years versus 50 something years, or even 99. I think most programs actually, normally, have 99-year restrictive covenants, or in perpetuity. And so we're already being, I think, very reasonable, very flexible. Frankly, I think the rates that even we've come up with are a bit high.

Someone like myself, who I think this type of program targets, you know, a rental rate of 1,778 a month is not something I could afford, and if you look at the applicant's proposed rates, that's over

$2,000 for a two-bedroom unit. I don't know how we can call that an affordable and attainable or workforce unit. It just doesn't make sense, and what it comes down to for us is that rental rate. I think ours, as it is, is already high. Theirs would be, I think, just completely unaffordable.

MR. COE: Eric, do they have to have an affordable housing component in this project?

MR. RIEL: It was part of -- As you know, they're asking for a change of approved site plan. Yes, in our opinion --

MR. COE: Is it your position there must be an affordable housing component?

MR. RIEL: Yes, absolutely.

CHAIRMAN KORGE: In all events? It's required by the Code?

MR. SALMAN: It was a condition of your conditional approval, two years ago.

MR. COE: I understand that, but we can get out of that. I'd rather pull the affordable housing component out of this project, so it has no precedent at all, and

then deal with it any way we want.

MS. KEON: But then you --

MR. COE: If I can't do that, well, then we're stuck where we are.

CHAIRMAN KORGE: I wouldn't do that. I mean, it doesn't make sense.

MR. SALMAN: No, no, no, no.

MR. COE: (Inaudible).

MR. BETANCOURT: When they went through the first time for a change of land use, one of the things the Regional Planning Council and the State Department of Community Affairs -- one of the things that they required was an affordable housing component. If there hadn't been an affordable housing component, I doubt their project would have passed at that time.

MR. RIEL: If you remember, when the mixed-use provisions came through, I remember the hearing at the original Planning Council. I got lambasted. They said, "Don't come back and ask for any more changes until you've dealt with the affordable housing issue."

MR. SALMAN: Right.

MR. RIEL: And the Commission passed three resolutions, saying they were going to do this and that, in terms of inclusionary zoning. When we go back up with our Comp Plan, in the next couple of months, you know, it's going to be an issue we have to deal with.

MR. COE: I'm also convinced that the Commission is not going to accept --

MS. KEON: I've got a question in that regard.

MR. COE: -- 10 years and 120 percent.

MR. GARCIA-SERRA: If I could interject, though --

MS. KEON: Yeah, can I --

CHAIRMAN KORGE: Pat, do you have some questions?

MS. KEON: Yes. In the cities and the communities that you have looked at and you just spoke to, was it San Diego or --

MR. BETANCOURT: San Diego is one.

MS. KEON: In those states, are there tax credit programs that -- you know, the federal tax credits that they can apply for, and those types of things, or -- you

know, because I think that makes a huge difference.

MR. BETANCOURT: There's a whole litany of affordable housing programs, and generally, inclusionary zoning is one such program. Those other programs are alternative programs. They generally don't necessarily work together.

CHAIRMAN KORGE: Right.

MR. BETANCOURT: You're not going to --

MS. KEON: I haven't looked at the whole issue and the policies regarding the affordable housing in probably three or four years, but I know that the ones that were most successful were programs in locations where there was a financing component, that the financing was more favorable to the developer, and in turn -- I mean, that's why it was worth it to them. It was worth it to you to provide affordable housing because of the reduced financing costs that you would achieve in doing that.

So that's all I'll asking you, is, when you start looking at those, we don't have

that in this City. The State of Florida doesn't do that. So you need to look at, and you need -- in developing that program, you need to develop -- and when you're looking at other localities, you have to look at locales that have the same types of incentives that are available to someone developing in the City of Coral Gables.

On the other hand, the County does have, through their housing finance authority, does have -- does make use of SHIP and HOME and all those others. Can developers developing in the City of Coral Gables under an affordable program, meaning a program that you would develop with a certain amount of units set aside -- can they apply for those? Can you?

MR. BETANCOURT: I don't know the ins and outs of those programs, but I think if it's an affordable housing project, yes. If it's essentially a market-rate project, where you set aside some units, probably not.

MS. KEON: No, but I'm saying, if there is a portion of a project that is

affordable housing, can they apply to the County, to that affordable housing agency, for bond dollars at that reduced rate --

MR. RIEL: I don't think so.

MS. KEON: -- for a portion of the thing?

MR. BETANCOURT: It's only if the entire project is an affordable housing project.

MR. RIEL: I don't believe so. For an affordable housing project in itself, perhaps, if the City has an interlocal with the County.

MS. KEON: Right.

MR. RIEL: We don't have that in place. That's one of the things that we looked at.

MS. KEON: Have we looked into that?

MR. RIEL: Yes. We looked at -- Everything you can imagine on affordable housing that's nationwide, we've looked at. We've looked at the whole litany of items, and we're going to present those when we come back.

MS. KEON: Because I haven't seen anything that goes to --

(Simultaneous voices)

MR. RIEL: They dealt with the issue in California and South Carolina --

MS. KEON: I mean, and I can understand where he's coming from, but I also think you do have to impose an affordable housing condition on some of these programs, because it has to start here in this City.

You know, I also think for the income level that we're dealing with, I think 100 percent is -- is very, very appropriate, as opposed to 120, only because it's so high, because I think if you looked at the income in this community, and you looked at mean income instead of median income, I think you'd have a whole other set of numbers.

MR. BETANCOURT: And frankly, most local governments use area median income.

MS. KEON: That's right, and I think that the median income in this community is skewed by some exceedingly high income levels. So I don't think -- I think you -- I mean, I would almost want you to look at the mean income and not the median income, in setting -- in looking at what is

affordable housing in this community.

But as long as that's the condition you're going to look at --

CHAIRMAN KORGE: Mean would be higher, I think than the median.

MS. KEON: I think the mean would be lower.

MR. BETANCOURT: The area median income is the County median income. It is a lot lower than the City's median income.

MS. KEON: Right.

MR. BETANCOURT: Most communities --

CHAIRMAN KORGE: But she's talking about the mean versus the median.

MR. SALMAN: Talking about the mean versus the median.

CHAIRMAN KORGE: Averaging.

MS. KEON: I think it's the mean -- I think more people would -- I think you would coalesce at a lower number than what we've got here.

MR. SALMAN: We don't know.

MS. KEON: But, anyway, I mean, so I think 100 percent is very acceptable. I think if you're at 15 years -- personally,

I think I would impose it for 30 years, too.

CHAIRMAN KORGE: Well, why don't we take --

MS. KEON: My concern was, if you do 10 years, if you have someone that is 65 years old, you know, moves into one of these units, and you think they're going to stay there for some period of time, all of a sudden they're 80 years old or whatever, or they're 65 or 75 years old, and it no longer applies to them, what are they going to do? I mean, if you're looking at this as a means, particularly to address housing, affordable housing, for the senior population in this community, I think 10 years is not a good number, not at all. It is not nearly enough, unless you impose a thing that if somebody has a lease and they are in those things, that it has to -- it stays for the duration of that person's wanting to be there, whatever that is, but I don't think 10 years is a good number at all, and I'd rather see you take fewer units for a longer period of time at the

100 percent that you're at.

CHAIRMAN KORGE: Why don't we open it for testimony from the public, if anybody --

MR. GARCIA-SERRA: Could I make just one last comment, before we open it up to public hearing?

CHAIRMAN KORGE: Yes, please.

MR. GARCIA-SERRA: I recognize the conundrum, of course, that all of you are in, because basically you're in a situation right now where you're being asked to make a decision and your Staff is recommending, "These are the numbers you need to use," we're recommending, "These are the numbers that you need to use," and the -- let's say background or substantive information or expert testimony that you could possibly have to rely upon is not overwhelming, is not significant or sufficient enough so as for you to make that decision comfortably.

You have to recognize, also, of course, the conundrum that we're in, and that's when Eric went last time to the South Florida Regional Planning Council, and I

was there with him, actually, when he got lambasted by the Council over the affordable housing issue, and what they were saying at that meeting was, "City of Coral Gables, come back with a comprehensive program of how to provide affordable housing."

MR. COE: No one is disputing that. The fact is, tonight we don't have that.

MR. GARCIA-SERRA: Correct.

MR. COE: So we have to deal with what the facts are at hand right now, and we're still in our little quandary. So we understand what --

MR. GARCIA-SERRA: And we're trying to do it on a case-by-case basis, which complicates it even further and puts us in a sort of situation that my client is probably thinking right now, "No good deed goes unpunished." You know, how many people came before him, that didn't have to do any of this affordable or attainable housing, and got approval. Now we're in a different situation, but we're trying to deal with it the best we can.

I'm also a very practical man, and I know that I have to have four votes of this Board in order to get a recommendation for approval, and there's four of you present tonight, which means I would need a unanimous vote. I would suspect, and I'm going to have to confer with my client right now, when you open it up to public hearing, but we may be suggesting deferring or requesting a deferral of this item so we can come back to you.

CHAIRMAN KORGE: Well, let's take the public testimony and see where it goes.

MR. COE: Is there any public testimony?

CHAIRMAN KORGE: Is anybody here from the public who wants to testify on this project? Nobody?

I will close the public portion of the meeting and proceed with discussion.

MR. COE: Now, is the applicant going to poll us, or do you want us to vote?

MR. GARCIA-SERRA: We will respectfully request that you defer this so we come back at your next Planning and Zoning Board

hearing. We ourselves, I think, will look into the matter. We might want to retain some expert testimony, as far as affordable housing is concerned, continue to confer with Staff. Essentially, it's a question of us, I guess, probably also trying to convince Staff, a second time around, that our numbers are the appropriate ones.

CHAIRMAN KORGE: Before we do that, let me just see. Are we -- Could we get a consensus here at all --

MR. COE: No.

CHAIRMAN KORGE: -- or give him any -- You don't think --

MR. SALMAN: No, it's not appropriate.

CHAIRMAN KORGE: You're not going to vote in favor, no matter what?

MR. COE: No. He's pulled the item, and it's not fair to discuss it any further. I think that's improper.

MS. KEON: Yeah, I do, too.

I'd like to tell you, Eric, now that it's been deferred, before it comes back to us --

MR. RIEL: It hasn't been deferred.

MS. KEON: Oh, okay.
MR. COE: We have to vote on it.
CHAIRMAN KORGE: Do we vote on a deferral?
MR. COE: He's asking --
MR. RIEL: Is the applicant requesting a deferral?
MR. GARCIA-SERRA: Well, I can give you a little bit of my knowledge of the Code. The fact of the matter is that when you have a short Board, only four members, we're entitled to a deferral.
MS. KEON: Yeah.
CHAIRMAN KORGE: I don't have a problem with deferring it. I'm just asking, do we need to have a formal vote on that?
MR. COE: I think you need a formal vote. That's the normal procedure. I don't think you're going to have a problem with the vote. I'll be shocked if people say we shouldn't defer it.
CHAIRMAN KORGE: Do I have a motion to defer?
MR. COE: I move to defer.
CHAIRMAN KORGE: Is there a second?

MR. SALMAN: I'll second.
CHAIRMAN KORGE: Is there any discussion?
MR. COE: Call the roll.
CHAIRMAN KORGE: Call the roll, please.
MR. BETANCOURT: Ms. Keon?
MS. KEON: Yes.
MR. BETANCOURT: Mr. Salman?
MR. SALMAN: Yes.
MR. BETANCOURT: Mr. Coe?
MR. COE: Yes.
MR. BETANCOURT: Mr. Korge?
CHAIRMAN KORGE: Yes.
MR. GARCIA-SERRA: We'll be back to see you in March. Thank you.
CHAIRMAN KORGE: Thank you.
MS. KEON: Can I -- one thing.
MR. COE: In March, I just recommend a more streamlined position, so we don't do an hour and 20 to get to this point.
MR. GARCIA-SERRA: I tried to streamline it as much as I could, but I'll try more.
CHAIRMAN KORGE: Well, I guess what he's suggesting is that in March, we don't

need to have the full-blown presentation.

MR. GARCIA-SERRA: No, nor do I think it's --

MR. COE: The only issue of controversy --

MR. GARCIA-SERRA: I know it's this one condition.

MR. COE: -- is affordable housing. There isn't anything else. You know, everything else has been presented and I don't see any --

MR. GARCIA-SERRA: No, the extent of the presentation should be simply what's gone on between now and then.

MR. COE: However, the other two missing people may need to have something.

MR. SALMAN: You get to do it all over again, Mario. Sorry.

MS. KEON: I would like to know, though, when it comes back, that the City's program that you are proposing is -- that you tell us, also, how you intend to enforce your affordable housing.

MR. RIEL: We will not be in a position at the next March meeting to do that, I can

tell you.

MS. KEON: To tell us how -- I mean, how do you control what those are?

CHAIRMAN KORGE: How are you going to enforce the condition that will be agreed to or not?

MR. BETANCOURT: As part of the condition, there is an enforcement provision. I believe it's the last paragraph. It essentially references the Zoning Code, in which there are already existing enforcement provisions.

CHAIRMAN KORGE: There are already existing enforcement provisions for affordable housing?

MR. BETANCOURT: No, just in general, enforcement provisions.

MS. KEON: No, I'm talking about, who does the means testing for the people that move in there? Who ensures that they are? Who checks that? That's all I'm asking.

MR. BETANCOURT: We require, as part of the condition, that there's a management plan where they spell those types of things out, that they would have to partner with

some kind of authority, either a nonprofit group, or if they have an in-house team, that can verify the information, and we also require that they submit --

MR. RIEL: When we presented the provisions, about a year ago, we had a whole page of management criteria, so that's our intent.

MR. BETANCOURT: We require an annual report.

CHAIRMAN KORGE: Has the applicant already gone through that?

MR. RIEL: They were a part of the approval process.

CHAIRMAN KORGE: They probably understand it better than we do.

MR. GARCIA-SERRA: If I could just -- I'll give you a short explanation, because on this, we do not disagree with Staff. The way it would essentially be controlled or managed, let's say, there's a condition of approval requiring whatever might be, at the end of the day, the length of the restriction, the amounts and so forth.

That restriction will also be

incorporated into a restrictive covenant, which is going to be executed and recorded upon the land and run with the land for whatever term that term is, and then as far as the actual functioning of how we verify incomes and how we make sure they're still making that much and haven't won the Lottery or something like that, it would be, the initial submittal would have to be your typical rent application form, but supplemented with other information on income to verify that they are indeed making the income that they claim to be making, and then it has to be recertified on the one-year anniversary of that lease, and then, aside from that, we do a one-year report to the City, and we file with City, I think, before January 1st of every year, advising them, you know, how many units are essentially rent-controlled, who they have been rented out to, what are their levels of income, et cetera, et cetera.

CHAIRMAN KORGE: So you, the City, generally understand it --

MR. RIEL: Yes.

CHAIRMAN KORGE: -- and it should work fine.

MR. GARCIA-SERRA: There's only one issue here.

MR. RIEL: Again, remember --

MR. COE: Move to adjourn.

MR. SALMAN: Second.

MR. COE: Move to adjourn, Mr. Chairman.

CHAIRMAN KORGE: We're adjourned.

(Thereupon, the meeting was adjourned at 8:22 p.m.)

C E R T I F I C A T E

STATE OF FLORIDA:
SS.
COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomate Reporter, Florida Professional Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

I, JOAN L. BAILEY, a Notary Public in and for the State of Florida at large, do hereby certify that all witnesses were duly sworn by me.

DATED this 19th day of February, 2008.

_____
JOAN L. BAILEY, RDR, FPR

Notary Commission Number DD 64037
Expiration June 14, 2011.

City of Coral Gables
Planning Department Staff Report

To: Planning and Zoning Board Members

From: Planning Department

Date: February 13, 2008

Subject: **Application No. 12-07-042-P. Mixed-Use (MXD) Site Plan and Alley Abandonment and Vacation Review.** Proposed amendments to previously approved mixed-use project referred to as "Gables Gateway", located on Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida.

Recommendation

The Planning Department based upon the findings of fact contained herein recommends approval subject to all conditions of approval listed herein for the project referred to as "Gables Gateway" on property legally described as Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida, which includes the following:

1. Mixed-use site plan review to amend previously approved Resolution 2006-146.
2. Abandonment and vacation review to repeal previously approved Ordinance No. 1515 (Attachment A) and provide updated conditions as a part of this approval for alley relocation.

Conditions of Approval

In furtherance of the Comprehensive Land Use Plan (CLUP) Goals, Objectives and Policies, Zoning Code and other applicable City provisions, the recommendation for approval of the commercial mixed-use project referred to as "Gables Gateway" is subject to the following conditions of approval:

1. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following:
   a. Site plan, landscape plan, building elevations and building program prepared by Behar Font and Partners, P.A., dated 12.22.07.
   b. Traffic impact study prepared by David Plummer & Associates, Inc., dated December 2005 and updated on November 2007.
   c. All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package, and proffered by the applicant's representatives as a part of the review of the application at public hearings.
2. Restrictive Covenant. Within 30 days of approval of the adoption of the ordinance and resolution, the property owner, its successors or assigns shall submit a Restrictive Covenant

for City Attorney review and approval outlining all conditions of approval required by the City Commission. Failure to submit the draft Restrictive Covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft Restrictive Ordinance is extended in writing by the City Attorney after good cause as to why the time frame should be extended has been demonstrated by the applicant.

3. Prior to the issuance of a building permit for the project, the property owner, its successors or assigns, shall adhere or agree to the following conditions:
   a. Parking garage gates. No vehicular gates or similar devices shall be installed that prohibit public access and use of required commercial parking spaces during all hours that any commercial businesses are open.
   b. Parking spaces. The sale or leasing of parking spaces to any person, business or entity that is not a tenant or resident of this project shall be prohibited.
   c. Retail parking spaces. Reservation of parking spaces for retail or commercial uses is prohibited.
   d. Public realm improvements. Provide landscaping, public realm and streetscape improvements in accordance with the City of Coral Gables Master Streetscape Plan and pursuant to the standards in Section 4-201 (D) through (M) and Article 5, Division 11 for LeJeune Road, both sides of Granello Avenue, the portion of Ponce de Leon Boulevard adjacent to the project site, and the intersection of Granello and Greco Avenues, to be reviewed and approved by the Public Works and Public Service Directors.
   e. Underground facilities master plan. Prepare and submit an Underground facilities master plan for water, sewer, gas, electrical and other infrastructure facilities upon request by the Director of the Public Works Department for review and approval.
4. Prior to the issuance of the final Certificate of Occupancy (CO), the property owner, its successors or assigns shall complete the following:
   a. Traffic improvements. Provide the following traffic improvements, subject to the Public Works Director's review and approval:
      1) Install northeast bound left turn lane on Ponce de Leon Boulevard at project alleyway.
      2) Extend southwest right turn lane on Ponce de Leon Boulevard at LeJeune Road.
      3) Install westbound left turn lane on Granello Avenue at LeJeune Road.
      4) Reconfigure intersection at Granello and Greco Avenues.
      5) Reconfigure intersection at Biltmore and Riviera Drives.
      6) Install roundabout at Blue Road and Riviera Drive.
   b. Traffic calming and roadway improvements. In addition to the above traffic improvements the property owner, its successors or assigns shall provide roadway resurfacing and sidewalk reconstruction with curb and gutter along both sides of Granello Avenue and install traffic calming improvements at the intersection of Granello and Greco Avenues including reconfiguration of roadway geometry and pedestrian crosswalks, subject to Public Works Director review and approval.
   c. Attainable (affordable) housing. The project shall provide adequate attainable (affordable) housing opportunities on-site; subject to the following:
      1) Priority shall be given to the City of Coral Gables' senior citizens, residents, and workforce.
      2) The applicant, its successors, or assigns shall provide a minimum of 15% of the residential units to be set aside exclusively to households whose income does not exceed 100% of the City's median income, based on the data and methodology established and adjusted annually (January of each calendar year) by the U.S. Department of Housing and Urban Development (HUD).
      3) The maximum rental rates for these attainable (affordable) units shall follow the maximum rental rates for attainable (affordable) housing established and adjusted

annually by HUD, to be based on 30% of 100% of the City's median income. This provision shall remain in effect for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.

4) The management and all corresponding costs associated with this program, including, but not limited to administration, monitoring, enforcement, etc., shall be the sole responsibility of the applicant, its successors, or assigns. The property owner shall submit an annual report to the City's Planning Department by January 1st of each year advising as to compliance with these provisions. All provisions contained herein shall be controlled via a restrictive covenant that is effective for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.
5) Should the project convert from rental to owner-occupied units within the fifteen (15) year timeframe, the maximum sales price of the attainable (affordable) units shall follow the maximum sales price for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income, and all other provisions herein shall continue to apply.
6) Failure to satisfy any or all of these requirements shall result in enforcement measures and/or penalties as prescribed in Article 7 of the City's Zoning Code.

d. Public access via Lot 9, Block 17, Industrial Section. Applicant shall provide perpetual public access via an easement from Granello Avenue through to Ponce de Leon Boulevard. Access shall be provided via Lot 9, Block 17, Industrial Section, in lieu of agreed upon dedication of Lot 10, Block 17, Industrial Section, as provided for in Ordinance No. 1515. All costs, including maintenance, of relocating the dedicated easement shall be at the expense of the applicant. Enforcement shall be via Restrictive Covenant and shall be subject to City Attorney review and approval. If the applicant does not exercise his right to construct the proposed project, Ordinance No. 1515 shall remain valid and enforceable.

Request

The "Gables Gateway" site-plan that was approved in 2006 has been revised due to new ownership. The previous approval granted mixed use approval with retail, office and 230 residential units. The new site plan still provides ground floor commercial and office uses and 230 residential "rental" units, which includes a change in unit mix with additional 1-bedroom units and fewer 2-bedroom units.

Application	***Request***
Change of land use	No
Comprehensive Land Use Plan text amendment	No
Zoning Code amendment	No
Change of zoning	No
Mixed use site plan review	Yes
Site plan review (other)	No
Planned Area Development	No
Subdivision Review or Tentative Plat	No
Conditional uses	No

The applicant has submitted a statement of use, contextual plan and massing study, site plan, landscaping plan, building elevations, building program/site data and other miscellaneous support documents (Attachment B).

Discussion

Mixed Use Site Plan Review:

The City adopted MXD zoning provisions in 2004 and 2006 and readopted the provisions with the new Zoning Code on January 9, 2007. Those MXD provisions are provided in Section 4-201, Mixed Use District (MXD). The recommendation and approval of all MXD site plans by the Planning and Zoning Board and City Commission are discretionary and subject to satisfying the site plan criterion provided in Section 3-408, "Standards for review". Staff's comments and findings of fact regarding each of the criteria and performance standards are provided in the "Compliance with the Zoning Code" section of this report. Adoption of a proposed MXD site plan is by Resolution (Attachment C).

Abandonment and Vacation Review:

As a part of the site plan review, the applicant is requesting to repeal Ordinance No. 1515 (Attachment D), which was approved by the City Commission on December 7, 1965. This ordinance vacated a portion of the alley running through the property. The then owner of the property entered into an agreement with the City that the alley shall be kept open for public access but could be closed on the condition that Lot 10 of Block 17 in the Industrial Section shall be dedicated to the City for public use. The lots are owned by the applicant, not the City.

The applicant proposes to provide Lot 9 as a perpetual public access easement to the City in exchange for the previously granted Lot 10. This will allow for the realignment of the alley connecting Granello Avenue to Ponce de Leon Boulevard. Staff is in support of the applicant's proposal; however, if the applicant does not exercise his right to construct the proposed project, Ordinance No. 1515 shall remain valid and enforceable.

Previous City Approvals:

On February 8, 2006 Gables Gateway received unanimous Planning and Zoning Board approval (vote: 4-0-2) subject to Staff conditions of approval with modifications. City Commission reviewed the mixed-use site plan on July 11, 2006 where it was unanimously approved (vote: 4-0) via Resolution No. 2006-146.

Facts – Background and Proposed Project

The following are facts regarding the proposed site plan for the project referred to as "Gables Gateway" located in the South Industrial MXD District and were taken from the Building and Zoning Department's Preliminary Zoning Analysis, which is provided as Attachment E. That analysis indicates that the proposed project meets all applicable Zoning Code requirements for the proposed project:

City reviews and approvals:

City Reviews/Timeline	***Date Scheduled/ Reviewed/Approved****
Development Review Committee	12.18.07
Board of Architects	01.24.08
Board of Adjustment	N/A
Historic Preservation Board	N/A
Landscape Advisory Board	N/A
Local Planning Agency	N/A
Planning and Zoning Board	02.13.08
Street and Alley Vacation Committee	02.13.08
Public rights-of-way encroachment (City Commission)	N/A
City Commission, 1st reading (Mixed-use site plan amendment)	02.26.08
City Commission, 2nd reading (Vacation and abandonment review)	03.11.08

*All scheduled dates and times are subject to change without notice.

Existing property designations:

Applicable Designations	
CLUP Map Designation	"Industrial Use" and "Commercial Use, Low-Rise Intensity"
Zoning Map Designation	"I", Industrial and "C", Commercial
Within Central Business District	No
Mixed-Use District (voluntary overlay)	Yes
Mediterranean Architectural District (citywide)	Mandatory (required for MXD projects)
Within Coral Gables Redevelopment Infill District (GRID) (Traffic Concurrency Exemption Zone)	Yes

Surrounding Uses:

Location	***Existing Land Uses***	***CLUP Designations***	***Zoning Designations***
North	One and two story commercial buildings	"Industrial Use" and "Commercial Use, Low-Rise Intensity"	"I", Industrial and "C", Commercial
South	City surface parking lot and Metrorail	"Industrial Use" and "Commercial Use, Low-Rise Intensity"	"I", Industrial and "C", Commercial
East	One story commercial buildings	"Industrial Use"	"I", Industrial
West	One and two story commercial buildings	"Commercial Use, Low-Rise Intensity"	"C", Commercial

The following tables provide a comparison of the 2006 approval versus this proposal.

Site plan information:

Type	***Permitted***	***2006 Approval***	***2008 Proposal***
Total site area	100,829 sq.ft. (2.3 ac.)	100,829 sq.ft. (2.3 ac.)	100,829 sq.ft. (2.3 ac.)
Floor area ratio (FAR)	3.5 FAR	3.42 FAR	3.26 FAR
FAR x total site area =	352,901 sq.ft.	---	---
Total square footage of building	---	344,962 sq.ft.	328,924 sq.ft.

Type	***Permitted***	***2006 Approval***	***2008 Proposal***
Residential units	289 units	230 units (290,477 sq.ft.)	230 units (281,176 sq.ft.)
Office	---	0 sq.ft.	794 sq.ft.
Restaurant	---	12,633 sq.ft.	8,000 sq.ft.
Retail	---	23,514 sq.ft.	26,050 sq.ft.

Bulk and mass:

Type	***Permitted***	***2006 Approval***	***2008 Proposal***
Building height	100 ft.	10 floors/ 100 ft.	10 floors/ 99 ft.
Ground area coverage	100 %	100 %	95 %

Setbacks:

Type	***Required****	***2006 Approval***	***2008 Proposal***
Front	0 feet	0 feet	0 feet
Side (interior)	0 feet	0 feet	2 feet
Side (side street)	0 feet	0 feet	15 feet, 1 inch
Rear	0 feet	0 feet	0 feet
Rear (abutting alley)	0 feet	0 feet	0 feet

** permitted for buildings approved by Board of Architects for Mediterranean architectural style.*

Parking:

Uses	***Required****	***2006 Approval***	***Required***	***2008 Proposal***
Retail / restaurant	221 commercial spaces	240 commercial spaces	243 commercial spaces	243 commercial spaces
Office	N/A	---	3 spaces	3 spaces
Residential	379 spaces	435 spaces	403 spaces	403 spaces
Total on-site parking	600 spaces	675 spaces	649 spaces	653 spaces
Additional parking	---	75 spaces	---	4 spaces
On-street metered parking space(s)	27 spaces	13 spaces	27 spaces	6 spaces

**Requirements based on 2006 approval.*

Landscaping /open space

Location	***Required***	***2006 Approval***	***2008 Proposal***
Landscaping / open space (on-site)	10,084 sq.ft. (min. 50% of setback encroachment)	15,325 sq.ft. (70% of setback encroachment)	10,105 sq.ft. (50.1% of setback encroachment)
Landscaping (rights-of-way)	---	6,421 sq. ft.	---
Total landscaping / open space	10,084 sq. ft.	21,746 sq. ft.	10,105 sq. ft.

Architectural bonuses:

Bonus	***Permitted***	***2006 Approval***	***2008 Proposal***
FAR (sq. ft.)	0.5 FAR	0.42 FAR	0.26 FAR
Height of building	20 ft.	2 floors/ 20 ft.	2 floors/ 20 ft.
Multi-family residential units	289 units	230 units	230 units

Mixed-use:

Uses	***Required CLUP Thresholds***	***2006 Approval****	***2008 Proposal****
Commercial (retail/restaurant)	Min. 8% (26,314 sq.ft.)	10.5% (36,147 sq.ft.)	11.3 % (37,055 sq.ft.)
Residential	Max. 85% (279,585 sq.ft.)	84.2% (290,477 sq.ft.)	84.9% (279,338 sq.ft.)
Total	---	100% (344,962 sq.ft.)	100% (328,924 sq.ft.)

**Calculations do not include back-of-house figures.*

Planning Staff's Findings of Fact

This section evaluates the application for consistency with the Zoning Code and Comprehensive Land Use Plan (CLUP). This evaluation provides findings of fact and recommendations for compliance with the above.

Compliance with the Zoning Code

Section 3-406 of the Zoning Code requires that the Planning and Zoning Board "shall review the application for conditional use approval (site plan review), consider the recommendation of staff and the Board of Architects, conduct a quasi-judicial public hearing on the application and recommend to the City Commission whether they should grant the approval, grant the approval subject to specific conditions or deny the application. The Planning and Zoning Board may recommend such conditions to the approval that are necessary to ensure compliance with the standards set out in Section 3-408." Section 4-201 (D) through (M) of the Zoning Code provides the requirements and performance standards that proposed MXD projects must comply with, a summary of compliance has been provided as Attachment F.

Site Plan Review Criteria

The applicant's plans have been compared to the site plan review criteria set out in Zoning Code Section 3-408 and staff's findings are as follows:

A. *The proposed conditional use is consistent with and furthers the goals, objectives and policies of the Comprehensive Land Use Plan and furthers the purposes of these regulations and other City ordinances and actions designed to implement the Plan.*

   Staff Comments: The purpose of the MXD is to provide for the planned development of the Industrial Section with the inclusion of multi-family residential units in exchange for public realm improvements and an emphasis on aesthetics and architectural design. This project satisfies those objectives and furthers the unified design of the landscaping/streetscape improvements and encourages further mixed-use redevelopment in the entire area south of the Village of Merrick Park.

B. *The available use to which the property may be put is appropriate to the property that is subject to the proposed conditional use and compatible with existing and planned uses in the area.*

   Staff Comments: The subject property is located within the MXD South Industrial District which allows and is intended to encourage the development of this property as a mixed-use project.

C. *The proposed conditional use does not conflict with the needs and character of the neighborhood and the City.*

Staff Comments: The proposed project is bordered by commercial and industrial uses with the Metrorail running directly to the south. The redevelopment of this property will provide a mixed-use building with commercial uses and residential units.

D. *The proposed conditional use will not adversely or unreasonably affect the use of other property in the area.*

Staff Comments: The project will transform the area for future mixed-use development and provide necessary landscaping and streetscape improvements along the public rights-of-way surrounding the property, as well as provide intersection improvements for the residential neighborhood nearby.

E. *The proposed use is compatible with the nature, condition and development of adjacent uses, buildings and structures and will not adversely affect the adjacent uses, buildings or structures.*

Staff Comments: The planned redevelopment of this property as an MXD project is compatible and complies with the MXD Overlay District provisions and design criteria, and is consistent with the existing uses, scale and massing of the surrounding commercial buildings.

F. *The parcel proposed for development is adequate in size and shape to accommodate all development features.*

Staff Comments: The proposed development is sculpted with a mid-rise portion along LeJeune Road and increases in scale as it advances into the center of the MXD South Industrial District. A plaza is provided on the corner of LeJeune Road and Ponce de Leon Boulevard which provides openness adjacent to a major intersection.

G. *The nature of the proposed development is not detrimental to the health, safety and general welfare of the community.*

Staff Comments: This proposal is designed utilizing mixed-use development standards and promotes pedestrian activity in a multi-modal transportation area which is beneficial to the health of the community. Additionally, this project will provide 15% of its rental units at below market rate prices, assisting City of Coral Gables seniors, residents and workforce, which will support the general welfare of the community.

H. *The design of the proposed driveways, circulation patterns and parking is well defined to promote vehicular and pedestrian circulation.*

Staff Comments: Proposed arcade will greatly improve pedestrian circulation and safety along LeJeune Road. Project will connect Granello Avenue to Ponce de Leon Boulevard for both pedestrian and vehicular circulation via a public alleyway with a paved sidewalk running parallel. All service access is provided from the alley, which also serves as a connection to the internal residential drop-off area.

I. The proposed conditional use satisfies the concurrency standards of Article 3, Division 13 and will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonable or disproportionate manner.

Staff Comments: The Building and Zoning Department reviewed the project for concurrency and determined that there is adequate infrastructure available to support the project.

Compliance with Comprehensive Land Use Plan Goals, Objectives and Policies

Planning Department has reviewed the CLUP and finds the following CLUP Goals, Objectives and Policies are applicable and the following table provides determination/findings of fact to the consistency and inconsistency thereof.

Consistent CLUP Goals & Objectives and Policies are as follows:

Ref. No.	CLUP Goal, Policy and Objective	Basis for consistency
1.	*OBJECTIVE 1-1.2: CONTROL BLIGHT AND PROMOTE REDEVELOPMENT. Efforts shall be made to control blighting influences, and redevelopment shall be encouraged in areas experiencing deterioration. This Objective shall be achieved through the implementation of the following policies.*	This redevelopment project will transform an underutilized property and remove an existing used car sales parking lot from the area. This transformation will assist in further redevelopment and promote the area as a viable mixed use district with residential components.
2.	*OBJECTIVE 1-1.3: ACHIEVING COMPLIANCE WITH FUTURE LAND USE MAP AND PLAN. By the year 2010 the City shall endeavor to reduce the number of inconsistencies between the Future Land Use Map and the actual land uses from 70 to 35.*	The property is currently used for auto sales, repair and a used car parking lot. The redevelopment of this site as a mixed use project is consistent with the City's objective to promote residential components.
3.	*POLICY 1-1.3.2: APPLICATION OF BUFFERING TECHNIQUES. Uses designated in the plan which cause significant noise, light, glare, odor, vibration, dust, hazardous conditions or industrial traffic, shall provide buffering when located adjacent to or across the street from incompatible uses such as residential uses.*	The proposed project sculpts the development from ten (10) stories on the portions of the building located within the Industrial Section to six (6) and ten (10) stories for the portion of the building adjacent to LeJeune Road and across the street from existing low-rise commercial buildings. The applicant is also required to install the six (6) traffic improvements identified in the traffic study to improve traffic circulation around the project, and resurface and provide improvements along Granello Avenue and the Granello and Greco Avenue intersection. Landscaping and street trees are required around the entire perimeter of the site.
4.	*POLICY 1-1.3.3: LIMITATIONS OF POTENTIALLY DISRUPTIVE USES. Normally disruptive uses may be permitted on sites within related districts only where proper design solutions are demonstrated and committed to in advance which will be used to integrate the uses so as to buffer any potentially incompatible elements.*	This proposal internalizes all building service facilities and the pick-up/drop-off location with the use of private drives and the alleyway.

Ref. No.	CLUP Goal, Policy and Objective	Basis for consistency
5.	*OBJECTIVE 1-1.7: DISCOURAGE URBAN SPRAWL. Discourage the proliferation of urban sprawl by amending the land development regulations to include a regulatory framework for encouraging future infill and redevelopment within existing developed areas. In drafting the infill/redevelopment program, the City shall coordinate public and private resources necessary to initiate needed improvements and/or redevelopment within these areas*	This development encourages infill development and redevelopment while providing needed public realm improvements for the South Industrial MXD.
6.	*POLICY 1.1.7.1: DEVELOPMENT OF EMPLOYMENT CENTERS. Encourage effective and proper development of employment centers of high quality which offer potential for local employment in reasonably close proximity to protected residential neighborhoods.*	This mixed use development will further assist in developing this area as an employment center as it will provide for additional employment opportunities for residents of the building and surrounding neighborhood.
7.	*POLICY 1-1.7.2: DEVELOPMENT OF UNDEVELOPED LAND. Encourage development of remaining undeveloped and vacant isolated parcels of developable property through identification and staff assistance in providing information as to appropriate uses permitted by Code and proper procedures to be undertaken to obtain the proper development orders.*	A majority of this site is currently used as a surface parking lot for the storage of used cars for sale. The proposed mixed use project would result in the planned redevelopment of the site to the property's development potential.
8.	*POLICY 1-1.7.5: REDEVELOPMENT OF THE INDUSTRIAL DESIGN CENTER. By January 2000, the City shall adopt land development regulations which encourage the development of the Industrial Design Center as a mixed use village (3243).*	This project was designed in accordance with the MXD provisions and proposes a mixed use project including a residential component, which was an objective of the "village" concept.
9.	*OBJECTIVE 1-1.8: ADEQUATE INFRASTRUCTURE FOR NEW DEVELOPMENT. Ensure land and resources area made available which are suitable for utility facilities and other infrastructure required to support proposed development.*	The Concurrency Impact Statement (CIS) issued by the Building and Zoning Department indicates that the necessary levels of public service are currently available.
10.	*OBJECTIVE 1-1.9: INNOVATIVE DEVELOPMENT REGULATIONS. Encourage sound innovation in development regulations which provide a continuing process to respond to community needs*	This project utilizes the Code's MXD provisions available for the development of a commercial mixed use project containing multi-family residential units that would otherwise not be permitted by the underlying land use and zoning designations.
11.	*POLICY 1-1.9.1: MIXED USE DOWNTOWN DEVELOPMENT. Encourage balanced mixed use developments in the downtown, which promote pedestrian activity and provide for specific commitments to design excellence and long term economic and cultural vitality.*	This project proposes a commercial mixed use project including both retail and residential components, and pedestrian amenities such as arcades, plazas, paseos and water features.
12.	*POLICY 1-2.17 MIXED USE OVERLAY DISTRICT 3 (MXD3): The general intent of the MXD3 is to include a number of places to go and things to do within walking distance, including an assortment of uses including the following:* • *Residential;* • *Retail/Commercial;* • *Office;* • *Industrial; and* • *Public Open Spaces.* *Provide a strong emphasis on aesthetics and architectural design through the use of the regulations and the planned mixing of uses to establish identity, diversity and focus to promote a pedestrian environment.*	This project was designed in accordance with this policy.

<table>
<tr><th>Ref. No.</th><th>CLUP Goal, Policy and Objective</th><th>Basis for consistency</th></tr>
<tr><td></td><td>Utilization of a variety of architectural attributes and street level pedestrian amenities to create a sense of place, including the spatial relationship of buildings and the characteristics created to ensure attractive and functional pedestrian areas.

Properties assigned the MXD3 overlay, have the option of developing their property in accordance with the underlying land use.

No single use may comprise of more than 85% of the MXD3 floor area ratio.

Land development regulations shall determine the MXD3 location and area; residential densities up to 125 units per acre; height up to a maximum of 125 feet, which includes up to a maximum of 100 feet of habitable space and up to 25 feet for rooftop architectural elements; floor area ratio up to 3.5 maximum; providing specific design criteria; and public realm improvements to promote street level pedestrian activity including, but not limited to public open space, landscaping, street lighting, right-of-way and streetscape improvements; pedestrian, transit, and bicycle access; and other regulations deemed necessary.

Mix of Uses

The proportionate mix of uses of uses shall be reviewed per development application. The following table establishes minimum and maximum thresholds based upon the FAR of the building.

<table><tr><th>Type of Use</th><th>Minimum % of FAR</th><th>Maximum % of FAR</th></tr><tr><td>Residential</td><td>0%</td><td>85%</td></tr><tr><td>Retail/ Commercial</td><td>8%</td><td>40%</td></tr><tr><td>Office</td><td>0%</td><td>85%</td></tr><tr><td>Industrial</td><td>0%</td><td>5%</td></tr></table>
A MXD may be permitted in Commercial Low Intensity (CL), Commercial Medium Intensity (CM), Commercial High Intensity (CH) and Industrial (I) land use categories."</td><td></td></tr>
<tr><td>13.</td><td>POLICY 2-1.7.3: CONTROLLING THROUGH TRAFFIC MOVEMENTS. The City shall discourage through traffic in neighborhoods by use of traffic management techniques, including signage, landscape design and roadway design.</td><td>The applicant is required to install the six (6) traffic improvements identified in the traffic study to improve traffic circulation around the project, resurface and provide improvements along Granello Avenue and improve the Granello and Greco Avenue intersection.</td></tr>
<tr><td>14.</td><td>POLICY 2-1.8.1: PROVIDE ROADWAY LANDSCAPING. The City shall provide landscaping along roadways to serve as visual and sound buffers and to maintain the quality of the environment within the City.</td><td>The proposed development provides streetscape improvements and landscaping, including street trees, around entire perimeter of the project and along both sides of Granello Avenue in accordance with the City's Master Streetscape Plan.</td></tr>
<tr><td>15.</td><td>POLICY 3-1.2.6: COMPATIBILITY OF NEW DEVELOPMENT. New development shall be compatible with adjacent established residential areas.</td><td>The proposed project is not adjacent to any existing development that contains a residential component.</td></tr>
</table>

Ref. No.	CLUP Goal, Policy and Objective	Basis for consistency
16.	*OBJECTIVE 3-1.1: PROVIDE ADEQUATE AND AFFORDABLE HOUSING. Provisions for adequate and affordable housing for existing and future residents shall be made.*	The applicant has requested modification to the original affordable housing condition which staff has provided as a condition of approval.

Staff Comments: Staff's determination that this application is "consistent" with the CLUP Comprehensive Plan's goals, objectives and policies that are identified is based upon compliance with conditions of approval recommended by Staff and site plan provisions incorporated by the applicant which address the City objectives for encouraging mixed use development in the Industrial Section, and the creation of an Industrial Design Center Village.

Traffic Study

The applicant's updated traffic study has been submitted to and reviewed by the Public Works Department. The Public Works Department, in conjunction with the applicant's traffic consultant, have agreed that the applicant shall provide the following traffic improvements:

1) Install northeast bound left turn lane on Ponce de Leon Boulevard at project alleyway.
2) Extend southwest right turn lane on Ponce de Leon Boulevard at LeJeune Road.
3) Install westbound left turn lane on Granello Avenue at LeJeune Road.
4) Reconfigure intersection at Granello and Greco Avenues.
5) Reconfigure intersection at Biltmore and Riviera Drives.
6) Install roundabout at Blue Road and Riviera Drive.

Improvements located on Riviera Drive are located in the residential neighborhood to the west and are not directly accessible from the project. These improvements have been proposed to provide a benefit to the neighbors whose commute times could see an impact from the proposed development.

The traffic improvements listed above are conditions of approval. A copy of the traffic study including the study's findings and conclusions is on file and available for review.

Attainable (affordable) housing

Pursuant to State statues, regional priorities, and the City's Comprehensive Land Use Plan (CLUP), the City is mandated to address its attainable (affordable) housing needs. The City of Coral Gables completed an Affordable Housing Study as analysis and background (staff has renamed the program "attainable housing" in order to better encompass the moderate income thresholds not typically associated with "affordable" housing). Accordingly, City staff has previously proposed and continues to strive for various attainable (affordable) housing strategies, including inclusionary zoning, linkage fees, and other programs, to meet the City's attainable (affordable) housing needs. In advance of a formal citywide program, the City is requiring that major residential developments dedicate a portion of their units to attainable (affordable) housing as part of the conditional site plan and review approval process.

The applicant has requested modification of the original affordable housing condition contained in Resolution No. 2006-146 in order to better define their obligations vis-à-vis attainable (affordable) housing. The original language, provided below, represents a standard condition tying applicable developments to future attainable (affordable) housing regulations.

Section 1(e)(5). Affordable housing. The applicant agrees to comply with all legislation adopted by the City Commission, prior to or within one (1) year after the issuance of a building permit, to promote the provision and/or retention of affordable housing, as defined by the City Commission, related to the findings of the City's Affordable Housing Study (April 2006).

Staff has provided for the replacement of the condition above by recommending the following, more specific language:

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

Application of the modified attainable (affordable) housing condition to the Gables Gateway project as recommended by Staff would result in the following:

Gables Gateway Attainable (Affordable) Housing Program			
	Result	**Methodology**	**Source**
City of Coral Gables Median Household Income, 2006	$79,033	N/A	City of Coral Gables Development Department
Total number of units	230 units	N/A	Gables Gateway Site Plan
Estimated rental rates for market units	1br: $1,940/month 2br: $2,520/month	Local Market Comps range from $1.9/ft to $2.25/ft	Applicant analysis based on rental rates at other local rental developments of similar quality

Gables Gateway Attainable (Affordable) Housing Program			
Number of attainable units	**35 units**	15% of 230 total units	Gables Gateway Site Plan
Maximum rental rates for attainable units	**1br: $1,482/month** **2br: $1,778/month**	30% of 100% median household income for 1 and 2 bedroom units	Applicant analysis based on 100% of City's median income
Difference between market and attainable rates	1br: $458 2br: $742	Market rate minus attainable rate	See above sources
Maximum sales price for attainable units	N/A	Gables Residential only owns rentals developments and does not sell individual units or convert rental units into the condominium form of ownership. Any sale of the project to a condominium converter would be subject to the restriction that the sales price for the attainable housing units be based on 30% of 100% of the City's median income at the time of sale, and any such conversion would require City staff and City Commission review and approval.	

Staff finds that the modified attainable (affordable) housing condition would help the City in meeting its affordable housing needs, and therefore recommends approval of Staff's proposed modification.

Concurrency Management

This project has been reviewed for compliance with the City's concurrency program. The Concurrency Impact Statement (CIS) issued by the Building and Zoning Department for the proposed development indicated that there is adequate infrastructure available to service the proposed project.

DRC Comments

This project was presented and reviewed by the Development Review Committee (DRC), at which time the applicant was provided the City's comments. Comments which were provided by those Departments have subsequently been satisfactory addressed by the applicant.

Summary of Findings of Fact

The findings of fact that support the approval of the application include the following:

1. This proposal satisfies the Zoning Code's review criterion for an MXD project.
2. The proposed MXD project is "consistent" with the CLUP Goals, Policies and Objectives, as identified and presented in this report.
3. A commercial or industrial building of approximately the same size and massing could be constructed on this property as-of-right with Mediterranean design bonuses.
4. This proposal adds a residential component to support the adjoining commercial uses, and provides and promotes a "walkable" pedestrian environment.
5. The applicant has proffered off-site public ROW improvements including roadway resurfacing, reconstruction of sidewalks and landscaping along both sides of Granello Avenue and traffic calming improvements for the following intersections: Granello and Greco Avenues, Biltmore and Riviera Drives, and Blue Road and Riviera Drive.

6. Public ROW/public realm improvements shall be provided on all streets surrounding the property in compliance with the City Master Streetscape Plan.
7. The attainable (affordable) housing condition would help the City meet its affordable housing needs.
8. The applicant has satisfactorily addressed all comments provided by City Departments via the DRC process.

Public Notification/Comments

The following has been completed to solicit input and provide notice of the application:

Type	Explanation
Neighborhood meeting	Completed 01.03.08
Courtesy notification of all property owners within 1,500 feet of the South Industrial MXD boundary	Completed 01.31.08
Newspaper ad published	Completed 01.28.08
Posted property	Completed 01.31.08
Posted agenda on City web page/City Hall	Completed 01.25.08
Posted staff report on City web page	Completed 02.08.08

697 public notices were mailed, including notices to all property owners inside the South Industrial Mixed Use District and within 1,500 feet of the South Industrial Mixed Use District. Notice was also provided advising of Planning and Zoning Board and City Commission hearing dates to those that attended and signed-in for the applicant's neighborhood meeting (Attachment G). The listing of property owners who returned the notification/comment form, including the date received, property owner's name, address, object/no objection/no comment and verbatim comments is provided as Attachment H.

Respectfully submitted,

Eric Riel, Jr.
Planning Director

Attachments:
A. Ordinance No. 1515.
B. Applicant's submittal package.
C. Draft Resolution – MXD Site Plan Review.
D. Draft Ordinance – Alley and Abandonment and Vacation Review.
E. Building and Zoning Department's Preliminary Zoning Analysis.
F. Planning Department's MXD Compliance Table.
G. Gables Gateway 01.03.08 Neighborhood Meeting sign-in sheet and minutes.
H. Synopsis of comments received from property owners within 1,500 feet.

ORDINANCE NO. 1515

AN ORDINANCE VACATING A CERTAIN PORTION OF THE ALLEY IN BLOCK 17, "INDUSTRIAL SECTION"; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE PORTION OF SAID ALLEY SHALL BECOME EFFECTIVE; AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That that portion of a so-called "Alley" lying in Block 17, "Industrial Section", Coral Gables, Florida, according to the map or Plat thereof, recorded in Plat Book 28 at Page 22 of the Public Records of Dade County, Florida, which lies West of the East boundary line of Lot 76 in said Block 17, extended and projected to the South boundary line of Lot 9 of said Block 17, be and the same hereby is vacated, abandoned and discontinued for public use, effective, however, as set forth hereinafter.

SECTION 2. That the vacation of the portion of the "Alley" in Section 1 hereof shall become effective, when, as, and if the following things have been done and conditions have been met, namely:

(a) The owners of Lots 1 to 18, inclusive, and Lots 76 to 88, inclusive, Block 17, "Industrial Section", Coral Gables, Florida, according to the map or Plat thereof recorded in Plat Book 28 at Page 22 of the Public Records of Dade County, Florida, shall enter into an agreement with the City of Coral Gables, Florida, which agreement in substance and form shall be approved by the City Attorney, and agreeing that said "Alley" shall be kept open, paved and maintained in first class condition with the public permitted to use the same to the same extent as the public may use any legally dedicated street, alley or highway.

(b) That the owners of said property may, at their desire, close the vacated portion of said "Alley" as described in Section 1 hereof, provided they have made available for public use by a deed of dedication, Lot 10 in said Block 17, "Industrial Section", and have paved and otherwise in all respects made it available for public use as a method of ingress and egress, to the same extent as are all public streets and highways.

(c) That said agreement shall provide that the relocation or removal of any utilities, lines or pipes and any and all other expenses necessitated in connection with the vacation of the area hereinbefore mentioned, as well as readying and maintaining the substitute therefore as a means of ingress and egress, shall be at the expense of the owners of the properties hereinbefore set forth and described.

(d) That a strip, twelve feet in width, within the property vacated herein and described in Section 1 hereinabove, shall be reserved to the City of Coral Gables for utilities purposes, including, but not limited to, storm and sanitary sewers.

SECTION 3. That all ordinances or parts of ordinances inconsistent or in conflict herewith hereby are repealed, but only insofar as there is conflict or inconsistency.

PASSED AND ADOPTED THIS SEVENTH DAY OF DECEMBER, A.D. 1965.

APPROVED:

C. L. Dresser

C. L. Dresser, MAYOR

ATTEST:

Loretta V. Sheehy

Loretta V. Sheehy, CITY CLERK

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA APPROVING AN AMENDMENT TO A MIXED USE SITE PLAN, FOR THE PROPOSED MIXED-USE PROJECT REFERRED TO AS "GABLES GATEWAY", LOCATED ON PROPERTY LEGALLY DESCRIBED AS LOTS 1-23 AND LOTS 76-88, BLOCK 17, INDUSTRIAL SECTION (INTERSECTION OF LEJEUNE ROAD, GRANELLO AVENUE AND PONCE DE LEON BOULEVARD), CORAL GABLES, FLORIDA; AND INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Application No. 12-07-042-P was submitted requesting a mixed-use (MXD) site plan and alley abandonment and vacation review for proposed amendments to a previously approved mixed-use project referred to as "Gables Gateway", located on Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida; and,

WHEREAS, Application No. 05-05-346-P was granted approval for MXD3 site plan review on July 11, 2006 (Resolution No. 2006-146); and,

WHEREAS, the property known as "Gables Gateway" has, since approval, changed ownership and due to market conditions the current owner is proposing to provide rental residences; and,

WHEREAS, after notice of a public hearing being duly published and a courtesy public notice was mailed to all property owners of record within a one thousand five hundred (1,500) foot radius from the boundary of the Southern Industrial Mixed-Use District (MXD), a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on February 13, 2008, at which hearing all interested persons were afforded the opportunity to be heard; and,

WHEREAS, at the February 13, 2008 Planning and Zoning Board meeting, the Board recommended approval of the proposed site plan and alley abandonment and vacation review subject to Staff conditions of approval (vote: _-_); and,

WHEREAS, As a part of the site plan review, the applicant is requesting to repeal Ordinance No. 1515, which was approved by the City Commission on December 7, 1965; and,

WHEREAS, the conditions of approval required for the previously approved "Gables Gateway" project remain in effect, with minor revisions, and with revised plan references; and,

WHEREAS, after notice of public hearing was duly published, a public hearing was held before the City Commission on February 26, 2008, at which hearing this item was presented, and all interested persons were afforded the opportunity to be heard; and,

WHEREAS, after notice of public hearing was duly published, a public hearing was held before the City Commission on _____, this item was presented and heard as a public hearing item and was approved by the City Commission (vote: _-_) subject to conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CORAL GABLES THAT:

In furtherance of the Comprehensive Land Use Plan Goals, Objectives and Policies, Zoning Code and other applicable City provisions the Gables Gateway Mixed Use Development shall be approved subject to all of the following conditions:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Resolution upon adoption hereof.

SECTION 2. That a request for review for an approval to permit the construction of a mixed-use project consisting of ground floor retail and multi-family residential units on Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida. The application shall be and it is hereby granted subject to the following conditions:

a. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following documents:
   1) Site plan, landscape plan, building elevations and building program prepared by Behar Font and Partners, P.A., dated 12.22.07.
   2) Traffic impact study prepared by David Plummer & Associates, Inc., dated December 2005 and updated on November 2007.
   3) All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package, and proffered by the applicant's representatives as a part of the review of the application at public hearings.

b. Restrictive Covenant. Within 30 days of approval of the adoption of the ordinance and resolution, the property owner, its successors or assigns shall submit a Restrictive Covenant for City Attorney review and approval outlining all conditions of approval required by the City Commission. Failure to submit the draft Restrictive Covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft Restrictive Covenant is extended in writing by the City Attorney after good cause as to why the time frame should be extended has been demonstrated by the applicant.

c. Prior to the issuance of a building permit for the project, the property owner, its successors or assigns, shall adhere or agree to the following conditions:
   1) Parking garage gates. No vehicular gates or similar devices shall be installed that prohibit public access and use of required commercial parking spaces during all hours that any commercial businesses are open.
   2) Parking spaces. The sale or leasing of parking spaces to any person, business or entity

that is not a tenant or resident of this project shall be prohibited.

3) Retail parking spaces. Reservation of parking spaces for retail or commercial uses is prohibited.
4) Public realm improvements. Provide landscaping, public realm and streetscape improvements in accordance with the City of Coral Gables Master Streetscape Plan and pursuant to the standards in Section 4-201 (D) through (M) and Article 5, Division 11 for LeJeune Road, both sides of Granello Avenue, the portion of Ponce de Leon Boulevard adjacent to the project site, and the intersection of Granello and Greco Avenues, to be reviewed and approved by the Public Works and Public Service Directors.
5) Underground facilities master plan. Prepare and submit an Underground facilities master Plan for water, sewer, gas, electrical and other infrastructure facilities upon request by the Director of the Public Works Department for review and approval.

d. Prior to the issuance of the final Certificate of Occupancy (CO), the property owner, its successors or assigns shall complete the following:
   1) Traffic improvements. Provide the following traffic improvements, subject to the Public Works Director's review and approval:
      i. Install northeast bound left turn lane on Ponce de Leon Boulevard at project alleyway.
      ii. Extend southwest right turn lane on Ponce de Leon Boulevard at LeJeune Road.
      iii. Install westbound left turn lane on Granello Avenue at LeJeune Road.
      iv. Reconfigure intersection at Granello and Greco Avenues.
      v. Reconfigure intersection at Biltmore and Riviera Drives.
      vi. Install roundabout at Blue Road and Riviera Drive.
   2) Traffic calming and roadway improvements. In addition to the above traffic improvements the property owner, its successors or assigns shall provide roadway resurfacing and sidewalk reconstruction with curb and gutter along both sides of Granello Avenue and install traffic calming improvements at the intersection of Granello and Greco Avenues including reconfiguration of roadway geometry and pedestrian crosswalks, subject to Public Works Director review and approval.
   3) Attainable (affordable) housing. The project shall provide adequate attainable (affordable) housing opportunities on-site; subject to the following:
      i. Priority shall be given to the City of Coral Gables' senior citizens, residents, and workforce.
      ii. The applicant, its successors, or assigns shall provide a minimum of 15% of the residential units to be set aside exclusively to households whose income does not exceed 100% of the City's median income, based on the data and methodology established and adjusted annually (January of each calendar year) by the U.S. Department of Housing and Urban Development (HUD).
      iii. The maximum rental rates for these attainable (affordable) units shall follow the maximum rental rates for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income. This provision shall remain in effect for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.
      iv. The management and all corresponding costs associated with this program, including, but not limited to administration, monitoring, enforcement, etc., shall be the sole responsibility of the applicant, its successors, or assigns. The property owner shall submit an annual report to the City's Planning Department by January 1st of each year advising as to compliance with these provisions. All provisions contained herein

shall be controlled via a restrictive covenant that is effective for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.

v. Should the project convert from rental to owner-occupied units within the fifteen (15) year timeframe, the maximum sales price of the attainable (affordable) units shall follow the maximum sales price for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income, and all other provisions herein shall continue to apply.

vi. Failure to satisfy any or all of these requirements shall result in enforcement measures and/or penalties as prescribed in Article 7 of the City's Zoning Code.

4) Public access via Lot 9, Block 17, Industrial Section. Applicant shall provide perpetual public access via an easement from Granello Avenue through to Ponce de Leon Boulevard. Access shall be provided via Lot 9, Block 17, Industrial Section, in lieu of agreed upon dedication of Lot 10, Block 17, Industrial Section, as provided for in Ordinance No. 1515. All costs, including maintenance, of relocating the dedicated easement shall be at the expense of the applicant. Enforcement shall be via Restrictive Covenant and shall be subject to City Attorney review and approval. If the applicant does not exercise his right to construct the proposed project, Ordinance No. 1515 shall remain valid and enforceable.

SECTION 3. That the applicant shall further be required to comply with all applicable zoning regulations and any changes to the submitted plans in connection with the site plan herein granted shall require a recommendation from the Planning and Zoning Board and approval by the City Commission.

SECTION 2. That this resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2008.

APPROVED:

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY

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CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA REPEALING ORDINANCE NO. 1515, VACATING A CERTAIN PORTION OF THE ALLEY IN BLOCK 17, INDUSTRIAL SECTION; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 1515 was passed and adopted on December 7, 1965, providing for the owners of Lots 1-18, inclusive, and Lots 76 to 88, inclusive, Block 17, Industrial Section, Coral Gables, Florida, in agreement with the City of Coral Gables, to vacate a portion of the alley located within Block 17, provided the owner makes available for public use by a deed of dedication, Lot 10 of Block 17, Industrial Section; and,

WHEREAS, the applicant of the project referred to as "Gables Gateway" proposes to provide Lot 9 of Block 17, Industrial Section, as an easement in exchange for Lot 10 of same; and,

WHEREAS, at the February 13, 2008 Planning and Zoning Board meeting, the Planning and Zoning Board recommended approval of "Gables Gateway" site plan, with conditions, which includes the condition that the owner shall provide Lot 9, Block 17, Industrial Section, for public access (vote: _-_); and,

WHEREAS, after notice of a public hearing being duly published, the City Commission on February 26, 2008 approved on First Reading the proposed "Gables Gateway" site plan, with conditions, which includes the condition that the owner shall provide Lot 9, Block 17, Industrial Section, for public access (vote: _-_); and,

WHEREAS, after notice of a public hearing being duly published, the City Commission on _____ approved on Second Reading the proposed "Gables Gateway" site plan, with conditions, which includes the condition that the owner shall provide Lot 9, Block 17, Industrial Section, for public access (vote: _-_); and,

WHEREAS, it is the City's desire that if the owners of Lots 1-18, inclusive, and Lots 76 to 88, inclusive, Block 17, Industrial Section, Coral Gables, Florida, do not develop the property in accordance with the site plans dated 12.22.07, and approved at the public hearings referenced above, that Ordinance No. 1515 shall remain valid and enforceable.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT:

SECTION 1. The foregoing 'WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Ordinance No. 1515, an ordinance vacating a certain portion of the alley in Block 17, Industrial Section, is hereby repealed and all City Staff conditions included with the site plan are granted via Resolution.

SECTION 3. If the owners of Lots 1-18, inclusive, and Lots 76 to 88, inclusive, Block 17, Industrial Section, Coral Gables, Florida, do not develop the property in accordance with the site plans dated 12.22.07, and approved at the public hearings referenced above, that Ordinance No. 1515 shall remain valid and enforceable.

SECTION 4. It is the intention of the City Commission that each provision hereof be considered severable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other portion of this Ordinance, the Coral Gables Comprehensive Land Use Plan, the Coral Gables Zoning Code, or the Coral Gables City Code.

SECTION 5. All rights, actions, proceedings and Contracts of the City, including the City Commissioners, the City Manager, or any of its departments, boards or officers undertaken pursuant to the existing code provisions, shall be enforced, continued, or completed, in all respects, as though begun or executed hereunder.

SECTION 6. All ordinance or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 7. If any section, part of session, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 8. This ordinance shall become effective _____, 2008.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2008.

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY

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Building and Zoning Department - Preliminary Zoning Analysis
MXD use Review Sheet – all mix use project require commission approval

Project Name: Gables Gateway

Project address: 4585 Ponce de Leon Blvd (Le Juene and Granello)

Project Architect: Behar/Font Architects

Phone: 305-740-5442 phone

Fax: 305- 740-5443

BOA preliminary approval:

BOA Final approval:

MED bonus approval: Table 1: Table 2: Table 3:

DRC level 1:
DRC level 2:

Date of review: January 24, 2008

CODE SECTION	***REQUIRED***	***PROVIDED***
	Legal Description	Lots 84-88, Blk. 17, Coral Gables Industrial Section Lots 76-83, Blk. 17, Coral Gables Industrial Section Lots 1-23, Blk. 17, Coral Gables Industrial Section
	Zoning	"C" - Lots 84-88 – Blk 17 "I" – 76-83 and 1-23 – Blk 17
	Comprehensive Land Use Plan	Commercial - Low Rise Intensity 4 stories / 3.0 FAR – Lot 84-88 – Blk 17 Industrial – lots 76-83 and 1-23 – Blk 17
	Total Site area	100,845 sq. ft. need sq. ft verified and written on survey
Section 4-63 and Section 4-201 A-7-	Site specific standard do not apply if MXD is approved Section 4-201 A-7-e-3	Commercial – 6 stories / 72'-0" all Blk 17 Manufacturing – 3 stories / 45'-0" – lots 1-83 Blk 17

e-3		
	Off Site Parking	Yes (within the MXD district) N/A
	Distance from Principle Site	N/A
	Off Site Area	N/A
	Off Site Zoning	N/A
	Off Site Land Use	N/A
	Total of Site Areas	N/A
	Overlay Districts	Mediterranean , MXD
4-201-D-1 4-201-D-2 4-201-D-3	Minimum MXD site area 20,000 sq. ft. MXD district or MXD buildings. Minimum site area for an MXD project/building with North and South Industrial MXD as defined in the zoning map 10,000 sq. ft. and 100' frontage	100,845 sq. ft. put sq. ft. on survey
4-201-D-4	Lot Coverage	No minimum / No maximum
4-201-D-5	Minimum mixed use 8% of building or entire ground floor which ever is greater.	8% of building (FAR only) = 26,313 sq. ft. Ground floor = 100,845 sq. ft. Area of permitted ground floor uses = 37,849 sq. ft.
4-201-D-6	Mediterranean Architecture ***(Overlay district only)***	***Mandatory for overlay districts only to be determined by city architect and BOA***
4-201-E-1	Bridges over right of way ***(Overlay district only)***	Permitted if both side have same ownership. Only in an overlay district / N/A
4-201-E-2	Balcony and awning encroachment	Subject to applicable regulations
4-201-E-3	Permitted FAR	100,845 x 3.0 = 302,535 sq. ft.
	Med. Bonus FAR Max .05 / ***Must comply with table 1 – table 2 and table 3 of MED bonus –***	100,845 x .05 = 50,422 sq. ft. Must be granted by BOA and city architect – show approval on preliminary and permit

	this must be approved by BOA and city architect	plans for table 1, 2 table 3 for setback relief
	Total Permitted FAR	352,957 sq. ft.
	Proposed FAR	328,924 sq. ft.
	Proposed area of ground floor uses.	Building 37,849 sq. ft. Retail
4-201-E-4	Permitted No. of Floors	No minimum or maximum for MXD – ***CLUP governs stories / floors***
4-201-E-5	Floor to floor height	As per the FBC
4-201-E-6	Permitted Height	Industrial up to 100'-0" CLD up to 75'-0" Manufacturing 45'-0" Commercial up to 100'-0"
CLUP	Land Use Height	Commercial - Low Rise Intensity - 50'-0" / 77'-0" with MED . Industrial – 72'-0" / 99'-0" with MED
CLUP	Land Use No. of Stories	Commercial - Low Rise Intensity - 4 stories or 6 stories with MED Industrial – no stories stated
	Proposed Height	Building - 99'-0" "I " use / 72'-2" "C" use
	Proposed No. of Stories	Building - 10 stories "I" use / 6 stories "C " use
4-201-E-7	Height of Arch Element Permitted CLD up to 15'0"- N/A Commercial and Industrial up to 25'-0" Manufacturing up to 10'-0" - N/A	Below allowable height 77 + 25 = 102 / proposed 99'-0" 99 + 25 = 124 / proposed 116'-0"
4-201-E-8	Height adjoining residential ***(Overlay district only)***	45'-0" for 100'-0"feet of the adjacent right of way line + 10'-0" for arch elements / N/A
4-201-E-9	Number of building per site	No minimum or maximum required
4-201-E-10	Retail street frontage Minimum 50% of frontage on front street	(Ponce.) Proposed = 145 ln. ft. (Granello) Proposed = 356 ln. ft.

	Required 949 x .50 = 474 ln. ft.	Total = 501 ln. ft.
4-201-E-11	Retail or public street frontage Minimum 40% of frontage on side street Required 221 x .40 = 88'-4" ln. ft	Required 221 x .40 = 88'-4" ln. ft. (Salzedo)Proposed = 230 ln. ft.
4-201-E-12	Retail frontage on alleys	None required
4-201-E-13	Density Permitted 125 units per acre 100,845/43560 = 2.31 acres x 125 = 289 units	Units – 230
4-201-E-14	**Setbacks**	
	Required	Proposed
	Front (Ponce and Granello)	
	0'-0" up to 45'-0" above 45'-0" high 10'-0"	0'-0" up to 43'-0" / 10'-0" after 43'-0"
	Side Street (Le Juene)	
	15'-0"	15'-1"
	Interior side 0'-0"	2'-0"
	Rear Alley 0'-0"	0'-0"
4-201-E-15	Setback relief requested	No
4-201-E-15	Amount of building in required setback area	N/A
4-201-E-15	Required open space (50%) (setback encroachment x 50%) Minimum required area (500 sq. ft)	N/A
4-201-E-15	Setback relief / Vertical Building Stepback Required ***10'-0" after 3 stories or 45'-0" whichever is less on all facades***	N/A

4-201-E-16	Setback adjoining residential uses All property abutting a residential land use or district shall be 15'-0". No reductions may be requested	N/A
4-201-E-17	Street frontage - No minimum or maximum in the overlay district / 100' for industrial north-south overlay with 10,000 sq. ft lot	N/A – 609 provided
4-201-F-1	Maximum linear length of arcade or loggia ***(required for overlay district only)*** 80% of the length of the building or as per approved site plan (1,193 lf x 80% = 954 ln. ft.)	Proposed length of arcade or loggia 967 lf – ***(required for overlay district only) / over by 13 sq. ft. requires site plan approval***
4-201-F-2	Architectural Relief Elements on all sides of the Building	***To be determined by BOA and city architect***
4-201-F-3	All support services located within the building	Yes
4-201-F-4	Facade breaks at 100 foot intervals	***To be determined by BOA and city architect***
4-201-F-5	Decorative street lighting provided (max 35'-0" in height)	Show on plans ***(to be approved by public works)***
4-201-F-6	Building lighting	***Requires Planning, Planning and zoning board and Commission approval – indicate if this is being used***
4-201-F-7	Landscape lighting	Is encouraged
4-201-F-8	Storage - Prohibited outside the building	Not oustside storage provided
4-201-F-9	Overhead doors - Shall not face residential	N/A
4-201-F-10	Paver treatment included at driveway entrances, crosswalks and (sidewalks a minimum of 25 % of the paved surface)	***To be determined and approved by public works and public services***
4-201-F-11	Parking Garage - Shall include exterior	***To be determined by BOA and city architect***

	architectural treatment compatible with building	
4-201-F-12	Pedestrian access orientation - Main entrance oriented towards front property line	Pedestrian access on Granello and Ponce
4-201-F-13	Required pedestrian amenities (All elements must be provided)	
	Benches	10 shown
	Information Kiosks	1 shown
	Lighting	Shown
	Bike racks	3 shown
	Refuse Containers	0 shown
	Sidewalk pavement treatment	Shown
	Statuary	1 shown
	Street crosswalk paver treatment	***To be coordinated with public works***
	Wall mounted fountains	6 shown
	Water fountains / water features	2 shown
4-201-F-14	Pedestrian design features at street level only Display windows Landscaping Architectural building design features	***To be determined by BOA and city architect***
4-201-F-15	Pedestrian pass through for each 250 feet of building frontage. 10'0" minimum 20'0" combined 681 / 250 = 2.7 3 required	1 provided – 10'-0" 1 provided – 20'-0"
4-201-F-16	Porte cochere on front property line (prohibited)	
4-201-F-17	Roof top screening	Yes
4-201-G-1	Landscape improvements in right of way as per Article 5 Division 11 , sec 5-1104 and sec 5-1105 A and C C districts – 10% min 10'-0" wide 75% may be paved with pervious material 28 large shade trees per acre and 224 shrubs per acre 1 palm or medium shade tree in the alley for every 35'-0" (25% may be palms) and 1 shrub per every 3 linear	***Must be approved by Public Works and Public services***

	feet of alley	
	Right of way planting requirements if no City Streetscape Master Plan One tree per 35 feet of right of way frontage. (1,193)/35 =34 1 shrub per 1 lf of right of way frontage = 1,193 25% may be palm trees.	***Must be approved by Public Works*** 27 shade (Oaks) -***5 short*** 2 palms ***Shrubs not shown***
	Median planting must comply with 5-1105-A-4 - Is a median possible?	Is a median possible? ***Must be determined and approved by Public Works and public services***
	General Landscaping requirements to comply with Section 5-1104 A 1 thru 11	To comply at permit
MED BONUS Table 1	MXD landscape requirement – 10% of site = 100,845 x 10% = 10,084 sq. ft.	***Provide landscape plan to be able to calculate – must comply or be mitigated***
4-201-H-1	Bicycle storage 1 ten foot rack per 250 parking spaces Required: 3	3 provided
4-201-H-2	Boats and trailer shall be parked with an enclosed garage	N/A
4-201-H-3	A 6" curbing required on all streets abutting the project?	indicated
4-201-H-4 5-1409-D 5-1402-B	Loading spaces / non residential floor area Less than 100,000 sq ft – 0 100,000 – 199,999 – 1 200,000 – 299,999 – 2 300,000 – 399,999 – 3 Each additional 100,000 – add 1 10 x 25 x 14 high 0 required	3 provided
4-201-H-5 5-1409-B-1	Parking	
	1/250sq. ft. Office / 794	3.1 spaces

	1/250 sq. ft. retail 29,055 retail + 11,707 BOH = 40,762 / 250 = 163.0 spaces	163.0
	1/100 sq. ft. restaurant - 8,000 / 100 sq. ft	80.0
4-201-H-9 5-1409-B-1	Residential units Eff, 1 bed, 2 bed x 1.75(230) = 402.5	402.5
	Total Required Parking 402.5 + 80 + 163 + 3 = 649	653 ***(30 spaces in alley must be approved by public works)***
	Surplus / Deficit	4 spaces
4-201-H-6	On street parking	***Must be determined and approved by Public Works***
4-201-H-7	Parking garages No ground floor parking is allowed fronting a primary street	Complies
4-201-H-8	Parking space may be assigned	N/A
4-201-H-10	Surface parking Prohibited on front primary streets	N/A
4-201-H-11	Valet parking **(required for overlay district only)** Valet drop off must be on site. In overlay districts tandem and stacking prohibited	No tandem or lifts provided for valet
4-201-I-1	Trash room location A/C Fully enclosed and lockable	In the building - ***Must be approved by waste management***
4-201-J-1	Signs As per Article 5 Division 19	Under separate permit
4-201-K-1	Alley and street vacation	***Must be determined and approved by Public Works***
4-201-K-2	Driveways – Access must be from a side street or	***Access from front street – does not comply 4 curb cuts provided***

	alley	
4-201-K-3	Sidewalks Min. 4'-0" Connect to one another/ separated from vehicular traffic	***Must be determined and approved by Public Works***
4-201-L-1	Underground utilities All utilities must be installed underground as per Articlem5, Division 22	***Must be determined and approved by Public Works***
4-201-L-2	Above ground utilities Must be screened and comply with Division 5, Article 11 and 18	***Must be determined and approved by Public Works***
4-201-M-1	Configuration of land Parcel shall be contiguous	***Alley – To be determined by planning***
4-201-M-2	Easement – City may request them as a condition for approval	N/A
4-201-M-3	Encroachment into public right of way	***Light on arcade- Must be determined and approved by Public Works***
4-201-M-4	Live work units	N/A
4-201-M-5	Public Realm improvements **(required for overlay district only)**	N/A – ***To be determined by planning***
	Notes	
		1. Commercial requirements 4-302 – FOR REFERENCE ONLY • FAR 3.0 • Minimum parcel less than 45'-0" high 2500 sq. ft • Minimum parcel over 45'-0" high 200 street frontage and 20,000 sq. ft. • Minimum parcel dimension 25w x 100d • Setback • Front 15'-0" or less 0'-0" above 15'-0" 10'-0" at cornice line/parking pedestal or 40'-0" • Interior Side 45'-0" or less 0'-0" above 45'-0" – 15'-0" + 1' for each 3' above 45'-0"

		• Side street -15’-0” • Rear – alley 0’-0” no alley 10’-0” • Canal 35’-0” • Height – as per comp land use plan or site specific • Height within 100’-0” of SFR or MF1 3 stories 45’-0” • Mix use – 8% commercial • Parking - office 1/ 300 – retail 1/250 /
		1. Further review required
		2. MED bonus to determined by City Architect and Board of Architects - MXD must satisfy all of table 1 and 8 out of 12 on table 2/ C must satisfy all of table 1 and 8 out of 12 on table 2.
		3. Provide legal description and survey 4. Have block put on survey 5. Coordinate total land and provide on survey 6. Have lots put on survey 7. Provide a large size original survey 8. Survey shows university concourse instead of Ponce de Leon 9. Provide restrictive covenant in lieu of unity of title 10. Provide documentation of alley vacation 11. Parking of alley requires approval from public works 12. Indicate all mechanical rooms and stairs in roof this counts in FAR 13. Indicate height to the highest part of the roof
		14. Refer to highlighted area in review for additional information required

Planning Department MXD Compliance Table
Zoning Code Section 4-201 D Thru M
Application No. 12-07-042-P, "Gables Gateway"

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
D. Performance standards.						
1.		✓	Minimum site area for an MXD District.	Twenty-thousand (20,000) square feet.	N/A	Designation of an MXD District is not proposed.
2.	✓		Minimum site area for an MXD project/building.	Twenty-thousand (20,000) square feet.	Complies	Project is located in South Industrial MXD, and has street frontage of 950 feet and a site area over 100,000 square feet.
3.	✓		Minimum site area for an MXD project/building within North and South Industrial MXDs as defined on the Official Zoning Map.	Greater than forty-five (45) feet in height shall provide a minimum of one-hundred (100) feet of primary street frontage and a minimum site area of ten-thousand (10,000) square feet.	N/A	Provision is only necessary for projects with less than 20,000 square feet.
4.	✓	✓	Lot coverage.	No minimum or maximum.	Complies	
5.	✓	✓	Mixed use percentages.	Provide a minimum of eight (8%) percent of the total square footage of the building square footage (not including parking garage square footage) or the entire ground floor, whichever is greater, of permitted ground floor uses. Remaining portions of the building may be uses permitted in the underlying zoning designations as modified by these regulations.	Complies	Entire ground floor, representing 11.3% of entire project is provided.
6.		✓	Mediterranean architecture.	Mandatory for MXD overlay districts only.	Complies	Approved by Board of Architects on 01.24.08.

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
E. Building regulations.						
1.		✓	Encroachments of bridges over rights-of way.	Bridges traversing a public right-of-way are permitted, however, only if properties on both sides are under same ownership.	N/A	No bridges proposed.
2.	✓	✓	Encroachments for balconies, awnings, etc.	Subject to applicable regulations.	Complies	Shall be subject to all required regulations.
3.		✓	Floor area ratio.	Up to 3.5 with Mediterranean architecture.	Complies	3.26 FAR proposed.
4.	✓	✓	Floors.	No minimum or maximum required.	Complies	
5.	✓	✓	Floor-to-floor height.	The minimum floor-to-floor height shall be permitted as regulated per the Building Code.	Complies	Required to comply with the Florida Building Code (see zoning analysis).
6.		✓	Height.	The permitted heights for habitable space for the following underlying zoning designations shall be as follows: • Up to a maximum of one hundred (100) feet in an Industrial District. • Underlying Commercial Limited District. Up to a maximum of seventy five (75) feet. • Manufacturing uses shall be limited to forty-five (45) feet. Commercial District up to a maximum of one hundred (100) feet.	Complies	Proposed heights: Underlying Industrial District – 99'-0" Underlying Commercial District – 72'-2"
7.	✓	✓	Heights of architectural elements, etc.	The permitted height of architectural elements, spires, bell towers, elevator housings or similar non-habitable structures for the following underlying zoning designations shall be as follows: • Commercial Limited District: up to a maximum of fifteen (15) feet. • Industrial and Commercial Districts: up to a maximum of twenty-five (25) feet. Manufacturing uses shall be limited to ten (10) feet.	Complies	Proposed heights with architectural elements: Underlying Industrial District – 116'-0" Underlying Commercial District – 99'-0"

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
8.		✓	Height adjoining residential uses.	Properties which are adjacent to residential district designations shall be limited to a maximum height (habitable space) of forty-five (45) feet within one hundred (100) feet of the adjacent right-of-way line. Ten (10) additional feet are permitted for roof top architectural elements, etc. above the habitable height.	N/A	Property is not adjacent to residential zoning district.
9.	✓	✓	Number of buildings per site.	No minimum or maximum required.	Complies	
10.	✓	✓	Retail frontage on streets.	Minimum of fifty (50%) percent of the linear street frontage shall include retail use frontage.	Complies	
11	✓	✓	Retail frontage on side streets.	Minimum of forty (40%) percent of the linear street frontage shall include retail use frontage or public realm land area (i.e. plazas, courtyards open space, etc.).	Complies	
12	✓	✓	Retail frontage on alleys.	No minimum or maximum required.	Complies	
13.		✓	Residential density.	Up to a maximum of one hundred and twenty-five (125) units per acre.	Complies	230 units proposed, which is 100 units per acre.
14.	✓	✓	Setbacks (buildings).	Front: Up to forty-five (45) feet in height: None. If over forty-five (45) feet in height: Ten (10) feet Side: Interior side: None. Side street: Fifteen (15) feet. Rear: Abutting a dedicated alley or street: None. No abutting dedicated alley or street: Ten (10) feet. Balconies: Cantilevered open balconies may project into the required setback areas a maximum of six (6) feet. Applicants and property owners desiring to develop pursuant to these regulations may not seek a variance for relief or reduction in building setbacks. Reductions are only permitted subject to the below listed regulations.	Complies	See Zoning Analysis.

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
15.	✓	✓	Setback reductions.	Reduction in setbacks. Setbacks may be reduced subject to the following standards: Minimum percentage of open space. A minimum of fifty (50%) percent of the total ground floor square footage received from the setback reduction is provided as publicly accessible street level open space and landscape area on the private property. The open space is subject to the following: • Types of open space. Types of open space shall be in the form of courtyards, plazas, arcades/loggias, pedestrian pass-throughs and open atriums adjacent/contiguous to the adjacent rights-of-way. • Minimum area. Minimum square footage of allowable open space (i.e., plazas) shall be five hundred (500) square feet. • Include both hard and softscape landscape improvements and pedestrian amenities. • Vertical volume. As a minimum include a vertical volume of space equal from street level to the first floor height or a minimum of thirteen (13) feet. Additional height may be recommended. • Restaurant seating. This area may be used for outdoor restaurant seating subject to approval as provided for in these regulations. Vertical building stepbacks. A vertical stepback of a minimum of ten (10) feet shall be provided above the height of three (3) floors or forty-five (45) feet (whichever is less) on all façades. Additional stepbacks may be requested to further reduce the potential impacts of the building bulk and mass.	N/A	Reductions not being requested.

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
16.		✓	Setbacks adjoining residential uses.	Residential districts. All property lines abutting a residential land use or district shall be a minimum of fifteen (15) feet. No reductions in setbacks may be requested or granted.	N/A	Property does not abut a residential zoning district.
17.		✓	Street/lot frontage.	No minimum or maximum.	N/A	
F. Design regulations.						
1.		✓	Arcades and/or loggias.	Arcades, loggias or covered areas may accommodate up to eighty (80%) percent of the entire linear length of the building based upon the site plan review criteria listed herein. Encroachment of the entire length or one hundred (100%) percent may be requested subject to review and approval at the time of site plan consideration. Limitations of encroachments on corners of buildings may be required to control view corridors and ground floor building bulk and massing.	Complies	
2.	✓	✓	Architectural relief and elements.	Architectural relief and elements (i.e., windows, cornice lines, etc.) shall be provided on all sides of buildings and include similar architectural features as to those provided on the front façade. No blank walls shall be permitted unless required pursuant to applicable Fire and Life Safety Code requirements.	Complies	Proposal was reviewed by the City Architect and preliminarily approved by the Board of Architects on 01.24.08.
3.	✓	✓	Building support services.	All mechanical, electrical and other associated support service areas shall be located entirely within the structure.	Complies	
4.	✓	✓	Facades.	Facades in excess of one hundred and fifty (150) feet in length, shall incorporate design features with the use of, but not limited to the following items: (a) Breaks, stepbacks or variations in bulk/massing at a minimum of one hundred (100) foot intervals. (b) Use of architectural relief and elements.	Complies	Proposal was reviewed by the City Architect and preliminarily approved by the Board of Architects on 01.24.08.

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
5.	✓	✓	Lighting (street).	Decorative street lighting shall be provided and located on all streets/rights-of-way subject to the following: • Light fixtures/poles up to thirty-five (35) feet in height. • Subject to all other applicable City code provisions.	Complies	Shown on proposed site plans (See Zoning Analysis).
6.	✓	✓	Lighting (building).	External illumination and lighting of buildings shall require Planning Department and Planning and Zoning Board review and recommendation with approval of the City Commission.	Complies	
7.	✓	✓	Lighting (landscaping).	Lighting in the form of uplighting of landscaping is encouraged.	Complies	Provision is not a requirement.
8.	✓	✓	Outdoor storage.	The storage of materials, goods, merchandise, and equipment for the purpose of display and/or sales outside the confines of any buildings or structures is prohibited.	Complies	Shall be required to comply with this provision through Code Enforcement.
9.	✓	✓	Overhead doors.	Overhead doors shall not face or be directed towards residential properties and/or adjacent rights-of-way abutting residentially zoned properties.	N/A	Property is not abutting any residential zoning district.
10.	✓	✓	Paver treatments.	Paver treatments shall be included in the following locations: • Driveway entrances. • Crosswalks. • Sidewalks. Minimum of twenty-five (25%) percent of paving surface.	Complies	To be determined and approved by public works and Public Services (See Zoning Analysis).
11.	✓	✓	Parking garages.	Parking garages shall include exterior architectural treatments compatible with buildings or structures which occupy the same development and/or street.	Complies	Proposal was reviewed by the City Architect and preliminarily approved by the Board of Architects on 01.24.08.
12.	✓	✓	Pedestrian access orientation.	All buildings, except accessory buildings, shall have their main pedestrian entrance or entrances oriented towards the front property line.	Complies	Shown on proposed site plans.
13.	✓	✓	Pedestrian amenities.	Pedestrian amenities shall be provided on both private property and/or public open spaces including	Complies	Shown on proposed site plans (See also Zoning Analysis).

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
				but not limited to the following: • Benches. • Information kiosks. • Lighting. • Bike racks. • Refuse containers. • Sidewalk pavement treatments. • Statuary. • Street crosswalk paver treatments. • Wall mounted fountains. • Water fountains and other similar water features. All pedestrian amenities shall be permanently secured to the ground surface. Above amenities shall be consistent in design and form with the applicable City Public Realm Design Manual.		
14.	✓	✓	Pedestrian design features for building frontages (street level only).	On any front property line or primary street, where an adjoining pedestrian sidewalk is located, the following design features shall be included: • Display windows or retail display area; • Landscaping; and/or, • Architectural building design features. The intent is to create pedestrian and shopper interest, preclude inappropriate or inharmonious design, preclude blank walls of building faces, and prohibit windows from being permanently obstructed.	Complies	Shown on proposed site plans.
15.	✓	✓	Pedestrian pass-throughs/ paseo.	Pedestrian pass-throughs shall be provided for each two hundred and fifty (250) linear feet or fraction thereof of building frontage provided on the primary street. The pass through shall be subject to the following:	Complies	2 pedestrian pass-throughs are proposed; 1 – 20' in width and 1 – 10' in width (See also Zoning Analysis).

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
				• Minimum of ten (10) feet in width. • Include pedestrian amenities as defined herein. In lieu of providing one (1) pass through of ten (10) feet every two hundred and fifty (250) feet of building frontage, two (2) pass-throughs can be combined to provide one (1), twenty (20) foot wide pass-through.		
16.	✓	✓	Porte-cocheres.	Porte-cocheres are prohibited on front property line or primary street.	Complies	None proposed.
17.	✓	✓	Rooftop screening.	All mechanical, electrical, cellular antennas and other similar roof top building support services shall be entirely screened from public view subject to applicable requirements of these regulations.	Complies	Shown on proposed site plans.
G. Landscaping.						
1.	✓	✓	Landscape open space.	Landscape open space requirements are satisfied pursuant to the rights-of-way planting requirements listed in Article 5, Division 11.	Complies	Must be approved by Public Works and Public Services (See Zoning Analysis).
H. Parking/vehicle storage.						
1.	✓	✓	Bicycle storage.	To encourage the use of bicycles, etc., a minimum of one (1) ten (10) foot bicycle rack for each two hundred and fifty (250) parking spaces or fraction thereof shall be provided. The location shall be convenient to users and shall be subject to review as a part of the site plan review.	Complies	3 bike racks provided (See Zoning Analysis).
2.	✓	✓	Boats, trailers, etc.	Boats and recreational vehicles, or similar accessory vehicles. These vehicles shall be parked and/or stored within an enclosed garage, area or structure.	N/A	None proposed.
3.	✓	✓	Curbing.	Raised curbing. Six (6) inch raised curbing shall be provided on all streets abutting this use. Curb cuts and	Complies	Shown on proposed site plans.

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
				ramps for handicapped access shall also be provided at all street intersections and points of pedestrian crossing.		
4.	✓	✓	Loading/ unloading areas.	Off-street loading standards and requirements shall conform to the requirements as set forth in Article 5, Division 14. All loading/unloading areas and/or facilities shall be within fully enclosed areas with overhead doors. Overhead doors shall remain closed when not in use and after hours.	Complies	Shown on proposed site plans.
5.		✓	Nonresidential uses.	Off-street parking requirements shall be calculated utilizing a blended parking of one (1) space per two hundred and fifty (250) gross square feet. Restaurants shall require one (1) space per one hundred (100) gross square feet.	Complies	See Zoning Analysis.
6.	✓	✓	On-street parking.	On-street parking must be provided on both sides of the street on all primary streets, unless encroachments for arcades/loggias are requested. Evaluation as to the amount of on-street parking provided shall be evaluated on a case-by-case basis. On-street parking shall not be included as satisfying the required parking requirements. On-street parking is encouraged on alleys. Removal of on-street parking shall be subject to compensation to the City based upon established City provisions.	Complies	Must be determined and approved by Public Works (See Zoning Analysis).
7.	✓	✓	Parking garages.	Ground floor parking that is located and fronting on a primary street is prohibited. Ground floor parking is permitted on secondary streets and shall be fully	Complies	

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
				enclosed within the structure and shall be surrounded by retail uses. Ground floor parking is permitted on alley frontages. Parking facilities shall accommodate pedestrian access to all adjacent street(s) and alleys.		
8.	✓	✓	Parking space limitations.	Restricting and/or assignment of off-street parking spaces for individual tenant or users with the use of signage, pavement markings, etc., are permitted.	Complies	
9.	✓	✓	Residential uses.	Off-street parking requirements shall conform to the requirements as set forth in Article 5, Division 14.	Complies	
10.	✓	✓	Surface parking areas.	Surface parking lots and/or similar vehicle use areas are prohibited to front on primary streets.	Complies	
11.		✓	Valet parking areas.	If valet parking is desired, the valet parking drop-off areas shall be provided on private property. Tandem and/or stacking of parking are prohibited.	Complies	Residential drop-off area provided in the interior of the building.
I. Sanitation and service areas.						
1.	✓	✓	General.	In accordance with Article 5, Division 17	Complies	Shall be required to comply.
J. Signs.						
1.	✓	✓	General.	In accordance with Article 5, Division 19.	Complies	Shall be required to comply.
K. Streets and alleys.						
1.	✓	✓	Streets and alleys.	Property owner(s) may request the vacation and/or abandonment of a public right-of-way subject to the criteria and procedure in Article 3, Division 12.	Complies	Applicant has requested alley abandonment and vacation review.
2.	✓	✓	Driveways.	Vehicular access to parking garages shall be from a side street or alley. Vehicular egress/ingress, including	Complies	Garage entrances are accessed via Granello Avenue and all other vehicular

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
				but not limited to driveways, service drives, drive-throughs, etc., may be permitted from a primary street and shall be evaluated as part of site plan review based upon the project design in relation to existing surrounding circulation. Valet access points are exempt from these provisions. Vehicular entrances for drive-through facilities, garage entrances, service bays and loading/unloading facilities should be consolidated into one (1) curb cut to reduce the amount of vehicular penetration into pedestrian sidewalks and adjoining rights-of-way.		access is provided via public alleyway.
3.	✓	✓	Sidewalks.	Pedestrian pathways and/or sidewalks shall connect to one another to form a continuous pedestrian network from parking garage entrances, parking areas, primary and secondary pedestrian entrances, etc. Wherever possible pathways shall be separated from vehicular traffic. Sidewalks shall be located on both sides of all streets with a minimum of four (4) foot unobstructed clear area. The clear area shall be unobstructed by utility poles, fire hydrants, benches, trash receptacles, newspaper stands, light poles, planter boxes, telephone booths or other similar temporary or permanent structures (traffic signage shall be exempt from the above regulations). Sidewalks at points of street intersections or pedestrian crossing shall be sloped in such a manner as to accommodate handicapped access with the use of two (2) curb cuts and/or ramps at each street intersection.	Complies	Shown on proposed site plans.

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
L. Utilities.						
1.	✓	✓	Underground utilities.	All utilities shall be installed underground in accordance with the provisions of Article 5, Division 22.	Complies	Shall be required to comply.
2.	✓	✓	Above ground utilities.	Above ground, façade, roof, mechanical and electrical facilities shall be appropriately screened to entirely hide the facility in accordance with the provisions of Article 5, Divisions 11 and 18. Screening materials may include landscaping, walls, fencing, etc., to achieve one hundred (100%) percent opacity. Approval of type of screening shall be determined at time of site plan review.	Complies	Shown on proposed site plans.
M. Miscellaneous						
1.	✓	✓	Configuration of land.	The parcel proposed for development shall be a contiguous unified parcel with sufficient width and depth to accommodate the proposed uses. Public rights-of-way or other public lands shall not be considered as a separation.	Complies	Entire property is contiguous.
2.	✓	✓	Easements.	The City may, as a condition of approval, require that suitable areas for easements be set aside, dedicated and/or improved for the installation of public utilities and purposes which include, but shall not be limited to water, gas, telephone, electric power, sewer, drainage, public access, ingress, egress, open space, recreation and other public purposes which may be deemed necessary by the City Commission.	Complies	Applicant is relocating easement via alley abandonment and vacation review and MXD provisions require undergrounding of all utilities.
3.	✓	✓	Encroachments into public rights-of-way.	Any encroachments, construction and penetration into the rights-of-way shall be subject to the following: • The property owners shall be responsible for all	N/A	None proposed.

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
				maintenance of all encroachments and/or property of all surrounding public rights-of-way, including but not limited to the following: landscaping (hard and softscape); benches; trash receptacles; irrigation; kiosks; plazas; open spaces; recreational facilities; private streets, etc. subject to all the provisions for which the development was approved as may be amended. • The property owners shall be responsible for liability insurance, local taxes, and the maintenance of the encroachment and/or property.		
4.	✓	✓	Live work units.	• Live work units shall satisfy all applicable building code and fire and life safety code requirements at time of completion. • Each live work unit, including the garage (if applicable), shall be separated by walls from other live work units or other uses in the building, and shall have the ability to construct separate entrances to each use in the future. • The nonresidential space of a live work unit may be expanded to include the nonresidential space of an abutting live work unit if the applicant meets all applicable building codes. • Changes in use to allow for nonresidential uses shall be required to pay impact and water fees, meet the applicable building codes, and the parking requirements. • Operation of live work unit. o Prior to the issuance of an Occupational License for a nonresidential use, the applicant shall apply for a change in use permit if the unit was previously designated as a live work unit as part of	N/A	

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
				a development approval. o Deliveries for nonresidential uses in the live work unit shall be limited to the hours of 8:00 AM to 8:00 PM. o Live work units shall not be used for storage of flammable liquids, or toxic hazardous materials which means any and all materials, substances, waste or chemicals classified under applicable governmental laws, rules or regulations as hazardous or toxic substances, materials, waste or chemicals.		
5.		✓	Public realm improvements.	Responsibility. All property owner(s) that desire to develop pursuant to these regulations shall be required to fund, install, and maintain all public realm improvements required herein on private property as well as those required from the property boundary to the centerline of all contiguous public rights-of-way. A property owner may also provide public realm improvements up to the property line on the far side of rights-of-way abutting his/her property. These improvements as identified in the "Master Streetscape Plan" and "Underground Facilities Master Plan" include, but are not limited, to the following: landscaping; paving; signage; street furniture; public right-of-way improvements; and undergrounding of all utilities. Any other abutting property owner who subsequently develops property abutting an improved public realm area pursuant to these provisions shall reimburse the property owner who funded the improvements the pro rata share attributable to his property based on street or alley frontage along with the amount of interest	Complies	Applicant is providing various public realm improvements, required in the conditions of approval, which are shown on proposed site plans.

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
				permitted by this provision. Per annum simple interest as established and authorized by Section 687.01, Florida Statutes will accrue from the date of full payment for all improvements. Property owners who develop property abutting already improved public realm areas shall restore the public realm areas to their condition prior to the commencement of construction. The costs of such restoration shall not affect the total amount of reimbursement which another abutting property owner may be entitled to under this section. Administration of improvements. Prior to issuance of a building permit for construction, the property owner(s) shall provide surety equating to one hundred (100%) percent of the costs for completion of all improvements. The monies shall be deposited into a "Mixed Use District Public Realm Improvements Fund" (hereinafter referred to as the "Fund") and disbursed by the City according to this section. The pro rata share of each property owner's contribution to the fund shall be based on its street frontage measured in linear feet or other means of equitable distribution. Per annum simple interest as established and authorized by Section 687.01, Florida Statutes will accrue from the date of full payment for all improvements. The City shall also collect an administrative fee as authorized by Florida Statutes for the administration and implementation of the Fund. Invoices submitted by the developer to the City in connection with the public realm improvements shall be paid by the City from the Fund. The City's Public Works Department shall monitor construction and disperse the monies from the Fund based upon completion of work and		

Table 1.						
Reference	*Individual building(s)*	*Overlay District*	*Type*	*Requirements*	*Compliance Determination*	*Comments*
				in compliance with the Master Streetscape Plan and Underground Facilities Master Plan. Underground utility provisions. Underground utilities shall be installed pursuant to an Underground Facilities Master Plan which will be prepared by the Public Works Department in cooperation with the Planning Department. The necessary support facilities for the installation of all underground utility facilities, including but not limited to utility vaults and transformers shall be located on private property. Property owners will receive an FAR credit equivalent to the amount of space occupied by the necessary utility facility. Easements. The property owners shall provide easements to all applicable utility companies for the installation and maintenance of underground utilities. Alternative funding mechanism. A Special Taxing District or Special Assessment District may be created pursuant to Florida Statutes to fund the installation and maintenance of underground utilities and all public realm improvements.		
6.	✓	✓	Transfer of density and floor area ratio within the site plan.	The density and floor area ratio may be transferred throughout the contiguous unified parcel.	Complies	

Attachment G

Gables Gateway
Neighborhood Meeting
Sign In

Name	Address
LUCILLE MCKEY	4615 PONCE DE LEON
Victor Rossinsky	ORB 45~~73~~ Ponce
ALFONSO JIMENEZ	461 Loretto AVE Coral Gables Fl 33146
John Forbes	4565 Ponce de Leon #100 CG 33146
Kim Duncanson	4750 Jefferson
Elizabeth Stone	425 Cadagua Ave
Bob Roark	604 Cadagua Ave
~~John~~ John Norton	4720 Tedjunsd
Ilse Fisher	4601 Ponce # 300

Greenberg Traurig

Memorandum

TO: Mr. Eric Riel
Coral Gables Planning Director

FROM: Mario J. Garcia-Serra, Esq.

DATE: January 22, 2008

RE: Gables Gateway / January 3rd Neighborhood Meeting

The Neighborhood Meeting to discuss the new proposed Gables Gateway project was convened at approximately 6:10 p.m. on January 3, 2008, at the office of the project architects, Behar Font and Partners, located at 4533 Ponce de Leon Boulevard. Approximately 12 neighboring property owners were in attendance and the following individuals were in attendance on behalf of the applicant: Omar del Rio (Gables Residential), Robert Behar and Patrick Valent (project architects), Mario Garcia-Serra (land use / zoning counsel), Sonia Schreffler Bogart (traffic engineer). Scot Bolyard, of the City of Coral Gables Planning Department, was also in attendance on behalf of the City.

After a short introduction of the project team by Mr. Garcia-Serra and an explanation as to why the meeting was being held, Mr. Behar gave a presentation of the proposed project. In response to questions and comments by the neighboring property owners, Mr. Behar emphasized the reduced height of the project on the Le Jeune Road side of the property as well as the various pedestrian amenities being proposed. Mr. del Rio responded to questions regarding the ownership of the project and potential retail tenants while Mr. Garcia-Serra responded to questions regarding the necessary zoning approvals as well as the "attainable housing" component of the project.

The majority of the comments and questions by the neighboring property owners regarded traffic impacts so Ms. Schreffler Bogart made a presentation regarding the various traffic improvements proposed as part of the project. The meeting attendees expressed support in particular for the traffic calming circles proposed for the single family neighborhood to the west of the project site and one of the commercial property owners requested that the median extension along Le Jeune Road not block the ability of northbound motorists to make a left hand turn into this property.

All of the neighboring property owners in attendance expressed their support for the project with the exception of one gentleman who refused to provide his name or sign the sign in sheet. The meeting concluded at approximately 7:30pm.

Attachment H

February 8, 2008
City of Coral Gables - Planning Department
Letters Received from Property Owners
Application No. 12-07-042-P- Mixed-Use (MXD) Site Plan and Alley Abandonment and Vacation Review
Gables Gateway

	Date Received	Name and Address	Object	No Objection	No Comment	Comments (Verbatim)
1.	02/07/08	John C. Nordt 4720 Le Jeune Road Coral Gables, Fl 33146		X	X	
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						