



**City of Coral Gables
CITY COMMISSION MEETING
April 29, 2008**

AGENDA ITEM NO. _____

ITEM TITLE:

Ordinance on Second Reading and Resolution. Consideration of Application No. 12-07-042-P, consisting of the following two (2) items:

1. **Ordinance on Second Reading.** An Ordinance of the City of Coral Gables, Florida repealing Ordinance No. 1515, relocating a dedicated easement for public use from Lot 10 to 9, Block 17, Industrial Section (Gables Gateway); providing for a repealer provision, a savings clause, a severability clause, providing for codification; and providing for an effective date.
2. **Resolution.** 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; and providing for an effective date.

CITY MANAGER/PLANNING DEPARTMENT RECOMMENDATION:

The Planning Department recommends approval of the MXD site plan for the proposed "Gables Gateway" mixed use project subject to conditions of approval contained in the Ordinance and Resolution. The recommendation for approval is based on the findings of fact provided in this memorandum and associated supporting documents.

The proposed Ordinance is provided as Exhibit A, and the proposed Resolution as Exhibit B.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board on 03.12.08 recommended approval of the MXD site plan and alley relocation reviews (vote: 5-0) with the conditions of approval recommended by Staff.

Please see the attached Staff report and minutes (Exhibits D and E) for additional information.

BRIEF HISTORY:

On 04.08.08 the City Commission approved on 1st Reading the applicant's request to repeal Ordinance No. 1515 (vote: 5-0) and discussed the Resolution amending a previous site plan resolution (See Exhibit C).

During the meeting the Commission requested that the following issues be resolved prior to 2nd Reading:

- 1) Indicate location of proposed bike rack and storage locations;
- 2) Show proposed improvements for the intersection of Granello and Greco Avenues; and,
- 3) Reevaluate the loss of on-street parking resulting from this project.

Accordingly, Staff has completed the following:

- 1) Secured plans from the applicant indicating the locations of bike racks and storage facilities (See Exhibit F);

- 2) Secured list of required off-site roadway improvements and plans of proposed improvements for the intersection of Granello and Greco Avenues (Exhibit G); and,
- 3) Met with the applicant and Directors of the Parking and Public Service Departments to reevaluate the proposed on-street parking and landscaping plans and discussed feasible locations for providing additional on-street parking spaces. Staff requested the applicant provide plans of existing and proposed on-street parking and landscaping, as well as an alternative plan with recommendations from City Staff (Exhibit H).

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
04.08.08	Ordinance	Approved on First Reading with staff's conditions of approval (vote: 5-0).

OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
02.13.08	Planning and Zoning Board	Deferred application at the request of the applicant.
03.12.08	Planning and Zoning Board	Recommended approval of MXD project with conditions (vote: 5-0).

PUBLIC NOTIFICATION(S):

Date	Form of Notification
01.31.08	Property Owner Public Hearing Courtesy Notification to all properties within the Southern Industrial MXD District and within 1,500 feet of the district boundary.
01.28.08	Published ad giving Notice of Public Hearing.
04.14.08	Memorandum to City Clerk requesting advertising of Ordinance and Resolution heading (on file with Planning Department and available upon request).
04.25.08	Posted City Commission memo and exhibits on City web page.

APPROVED BY:

Department Director	City Attorney (If Applicable)	City Manager
Eric Riel, Jr. Planning Director		

EXHIBIT(S):

- Exhibit A: Ordinance - Easement relocation.
 Exhibit B: Resolution - MXD site plan review.
 Exhibit C: 04.08.08 City Commission cover memo.
 Exhibit D: 03.12.08 Planning Department Staff report with attachments.
 Exhibit E: 03.12.08 Planning and Zoning Board minutes.
 Exhibit F: Bike racks and storage facilities locations.
 Exhibit G: Proposed improvements for the intersection of Granello and Greco Avenues.
 Exhibit H: Existing and proposed on-street parking and landscaping with alternative recommendation.

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA REPEALING ORDINANCE NO. 1515, RELOCATING A DEDICATED EASEMENT FOR PUBLIC USE FROM LOT 10 TO 9, BLOCK 17, INDUSTRIAL SECTION (GABLES GATEWAY); PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, PROVIDING FOR 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, 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 deferred the application at the request of the applicant and continued consideration of the item at the March 12, 2008 meeting where the Board recommended approval of the proposed site plan and easement relocation review subject to Staff conditions of approval (vote: 5-0); and,

WHEREAS, after notice of a public hearing being duly published, the City Commission on April 8, 2008 approved this Ordinance on First Reading (vote: 5-0); and,

WHEREAS, after notice of a public hearing being duly published, the City Commission on April 29, 2008 approved this Ordinance on Second Reading (vote: _-_-); and,

WHEREAS, it is the City’s desire that if the owners of Lots 1-23, inclusive, and Lots 76 to 88, inclusive, Block 17, Industrial Section (Gables Gateway), 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, except as provided for in Section 3 herein, and all City Staff conditions included with the site plan are adopted via Resolution.

SECTION 3. If the owners of Lots 1-23, inclusive, and Lots 76 to 88, inclusive, Block 17, Industrial Section (Gables Gateway), 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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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; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Application No. 12-07-042-P was submitted requesting a mixed-use (MXD) site plan and alley relocation 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 revisions to the project which receive a revised site plan; 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 deferred the application at the request of the applicant and continued consideration of the item at the March 12, 2008 meeting at which time the Board recommended approval of the proposed site plan and easement relocation review subject to Staff conditions of approval (vote: 5-0); 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 revised site plan references; and,

WHEREAS, after notice of public hearing was duly published, a public hearing was held before the City Commission on April 8, 2008, at which hearing this item was presented and discussed, 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 April 29, 2008, at which hearing this item was presented and discussed as a public hearing item, and 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:

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 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, 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:
 - a. Install northeast bound left turn lane on Ponce de Leon Boulevard at project alleyway.
 - b. Extend southwest right turn lane on Ponce de Leon Boulevard at LeJeune Road.
 - c. Install westbound left turn lane on Granello Avenue at LeJeune Road.
 - d. Reconfigure intersection at Granello and Greco Avenues.
 - e. Reconfigure intersection at Biltmore and Riviera Drives.
 - f. 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 35 attainable (affordable) housing rental units on-site, subject to the following:
 - a. Expedited permit review incentive for providing attainable (affordable) housing:
 - i. The applicant may utilize an expedited building permit review process whereby building permit plans will be reviewed and approved by a private provider as permitted by Florida Statutes which also provide that the City Building Official retains the final authority to review plans of any disciplines, or the applicant may utilize an expedited parallel City building permit review. Either of the above options requires submittal of City comments for all disciplines within 30 calendar days after a submittal of completed plans. The applicant shall submit revised plans satisfying City comments within 30 calendar days of receipt of the City's comments. Any additional City comments and applicant resubmittal of plans for each round of comments are subject to a 20 calendar day turnaround.
 - ii. Zoning review shall be concluded concurrently within 30 calendar days of the initial submittal of a complete set of building permit plans, provided no changes are completed for the project which substantially varies from the previously provided Preliminary Zoning Analysis (PZA), dated 01.24.2008. If changes are completed which substantially vary from the PZA, the 30 calendar day review shall be void as determined by the Development Review Official.
 - b. Attainable (affordable) housing requirements:
 - i. Priority shall be given to the City of Coral Gables' senior citizens, residents, and public sector workforce.
 - ii. The applicant, its successors, or assigns shall provide a minimum of 15% of the residential units to be set aside exclusively to households whose income does not exceed 100% of the City's median income, based on the data and methodology

- established and adjusted annually (January of each calendar year) by the U.S. Department of Housing and Urban Development (HUD).
- iii. The maximum rental rates for these attainable (affordable) units shall follow the maximum rental rates for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income. This provision shall remain in effect for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.
 - iv. The management and all corresponding costs associated with this program, including, but not limited to administration, monitoring, enforcement, etc., shall be the sole responsibility of the applicant, its successors, or assigns. The property owner shall submit an annual report to the City's Planning Department by January 1st of each year advising as to compliance with these provisions. All provisions contained herein shall be controlled via a restrictive covenant that is effective for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.
 - v. Should the project convert from rental to owner-occupied units within the fifteen (15) year timeframe, the maximum sales price of the attainable (affordable) units shall follow the maximum sales price for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income, and all other provisions herein shall continue to apply.
 - vi. Failure to satisfy any or all of these requirements shall result in enforcement measures and/or penalties as prescribed in Article 7 of the City's Zoning Code.
- 4) Public access via Lot 9, Block 17, Industrial Section. The applicant shall provide a perpetual public access via an easement. 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, to relocate 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 that 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 4. 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
CITY COMMISSION MEETING
April 8, 2008

ITEM TITLE:

Ordinance on First Reading and Resolution (Adoption of Resolution will occur at which time Second Reading occurs). Consideration of Application No. 12-07-042-P, consisting of the following two (2) items:

1. **Ordinance on First Reading.** An Ordinance of the City of Coral Gables, Florida repealing Ordinance No. 1515, relocating a dedicated easement for public use from Lot 10 to 9, Block 17, Industrial Section (Gables Gateway); providing for a repealer provision, a savings clause, a severability clause, providing for codification; and providing for an effective date.
2. **Resolution.** 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; and providing for an effective date.

CITY MANAGER/PLANNING DEPARTMENT RECOMMENDATION:

The Planning Department recommends approval of the MXD site plan for the proposed “Gables Gateway” mixed use project subject to conditions of approval contained in the Ordinance and Resolution. The recommendation for approval is based on the findings of fact provided in this memorandum and associated supporting documents.

The proposed Ordinance is provided as Exhibit A, and the proposed Resolution as Exhibit B.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board on 03.12.08 recommended approval of the MXD site plan and alley relocation reviews (vote: 5-0) with the conditions of approval recommended by Staff.

Please see the attached Staff reports and minutes (Exhibits C and D) for additional information.

BRIEF HISTORY:

At its 02.13.08 meeting, the Planning and Zoning Board deferred the “Gables Gateway” application at the request of the applicant, in order to secure additional time to discuss attainable (affordable) housing issues.

At its 03.12.08 meeting, the Planning and Zoning Board continued consideration of the item, at which time it recommended approval of Staff’s recommendation, including a revised recommendation for attainable housing, as follows:

“Recommend approval of the Planning Department’s recommendation as provided in the February 13, 2008 Staff report, including the condition on attainable housing, with incentives [i.e. reductions

in City fees (excluding impact fees), expedited permitting, etc.] for only this project to achieve the delivery of attainable housing, as determined by City Staff and/or the City Commission.”

Since the 03.12.08 Planning and Zoning Board meeting, City Staff (including the Building and Zoning Department, City Manager’s Office and the Planning Department) have been meeting with the applicant to discuss the incentives available to the applicant with the intent of having the applicant provide affordable housing units. Planning Staff has the ability, in advance of a formal citywide program, to require major residential developments receiving increases in density, changes in zoning, changes in CLUP, PAD, MXD and/or conditional use reviews or “discretionary reviews,” to dedicate a portion of their units to attainable (affordable) housing.

City Staff and the applicant have agreed that expedited permitting is the appropriate incentive whereby the applicant will deliver, monitor and administer 35 affordable rental units. Therefore, Staff’s recommendation for the attainable (affordable) housing condition is as follows:

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

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

- e) 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.
- f) 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.

Please see the attached Staff reports and minutes provided as Exhibit C and D for additional information.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments

OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
02.13.08	Planning and Zoning Board	Deferred application at the request of the applicant.
03.12.08	Planning and Zoning Board	Recommended approval of MXD project with conditions (vote: 5-0).

PUBLIC NOTIFICATION(S):

Date	Form of Notification
01.31.08	Property Owner Public Hearing Courtesy Notification to all properties within the Southern Industrial MXD District and within 1,500 feet of the district boundary.
01.28.08	Published ad giving Notice of Public Hearing.
03.10.08	Memorandum to City Clerk requesting advertising of Ordinance and Resolution heading.
04.04.08	Posted City Commission memo and exhibits on City web page.

APPROVED BY:

Department Director	City Attorney (If Applicable)	City Manager
Eric Riel, Jr. Planning Director		

EXHIBIT(S):

- Exhibit A: Ordinance - Easement relocation.
- Exhibit B: Resolution - MXD site plan review.
- Exhibit C: 03.12.08 Planning Department Staff report with attachments.
- Exhibit D: 03.12.08 Excerpts of Planning and Zoning Board meeting minutes with attachment.
- Exhibit E: Staff's 04.08.08 PowerPoint Presentation.

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

Gables Gateway – Mixed-Use Site Plan and Alley Abandonment and Vacation Review

March 12, 2008

Page 2 of 3

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.

1 CITY OF CORAL GABLES
2 PLANNING AND ZONING BOARD MEETING
3 VERBATIM TRANSCRIPT
4 CORAL GABLES CITY HALL
5 405 BILTMORE WAY, COMMISSION CHAMBERS
6 CORAL GABLES, FLORIDA
7 WEDNESDAY, FEBRUARY 13, 2008, 6:00 P.M.

8
9 Board Members Present:

10 Tom Korge, Chairman
11 Robert Behar
12 Jack Coe
13 Pat Keon
14 Javier Salman

15 City Staff:

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

22 Also Participating:

23 Application 01-08-043-P:

24 Roney Mateu
25 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

23

24

25

1 THEREUPON:

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

5 MR. BETANCOURT: Mr. Behar?

6 MR. BEHAR: Here.

7 MR. BETANCOURT: Mr. Coe?

8 MR. COE: Here.

9 MR. BETANCOURT: Mr. Salman?

10 MR. SALMAN: Here.

11 MR. BETANCOURT: Mr. Korge?

12 CHAIRMAN KORGE: Here.

13 MR. BEHAR: He's awake today.

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

16 MR. BETANCOURT: Okay. Mr. Aizenstat?

17 Ms. Keon?

18 Ms. Moreno?

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

23 MR. BEHAR: Motion to approve.

24 Mr. COE: I don't think we have a --

25 Mr. Chairman, we don't have a quorum for

1 the minutes.

2 CHAIRMAN KORGE: Why do we not have a
3 quorum?

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

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

7 CHAIRMAN KORGE: Okay.

8 MR. COE: So --

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

11 MR. COE: Just defer the minutes --

12 CHAIRMAN KORGE: We'll defer that.

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

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

17 MR. RIEL: No changes.

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

21 MR. RIEL: The 4311 Ponce.

22 CHAIRMAN KORGE: 4311 -- okay.

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

1 Proceed.

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

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

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

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

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

4 (Thereupon, Ms. Keon arrived.)

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

9 On that note --

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

13 Thank you. Go ahead.

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

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

1 The property is located in the north
2 MXD industrial district. This is the first
3 proposed MXD project submitted under the
4 recently adopted Zoning Code provisions.
5 Those recently adopted provisions allow
6 10,000 to 20,000-square-foot projects, MXD
7 project sites, within an established MXD
8 district. Again, this is in the north MXD
9 district. Anything which isn't in an
10 established MXD district requires a minimum
11 of 20,000 square feet.

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

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

25 All vehicular access to the building is

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

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

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

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

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

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

18 CHAIRMAN KORGE: Thank you --

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

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

1 City.

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

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

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

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

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

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

8 MR. RIEL: Right.

9 MR. COE: Okay.

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

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

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

24 MR. COE: Okay.

25 MR. RIEL: This is, again, Ponce.

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

3 MR. RIEL: Yes.

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

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

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

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

14 MR. COE: That's purple.

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

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

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

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

24 CHAIRMAN KORGE: Okay, so it's
25 comparable.

1 MS. KEON: No, the parking garage.

2 MR. RIEL: This one right here?

3 MS. KEON: No, the one --

4 CHAIRMAN KORGE: That one --

5 MR. BEHAR: That one.

6 CHAIRMAN KORGE: -- and the other
7 two -- the other two.

8 MR. RIEL: This one, I believe, is 97.
9 I'm not sure about this, but I want to say
10 it's 75.

11 MR. BEHAR: That's a seven-story
12 building, so it's very comparable or
13 similar to that, and then as you go further
14 to the east, in the City of Miami, it gets
15 much taller.

16 CHAIRMAN KORGE: All right. Thank you.

17 MR. RIEL: The lights.

18 MR. SALMAN: Mr. Riel, one of the
19 biggest concerns that the residents are
20 probably going to have is going to be
21 traffic. In the traffic study, most of the
22 access is coming from where?

23 MR. RIEL: I think I will defer to the
24 applicant and let them answer that better,
25 because they -- I assume they have their

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

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

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

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

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

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

21 CHAIRMAN KORGE: Thank you.

22 MR. MATEU: The old Burger King
23 building.

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

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

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

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

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

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

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

23 MR. COE: Could I interrupt a second?

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

1 supposedly done last month?

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

3 MR. CARLSON: I do.

4 MR. COE: That's not in our package.

5 Do we have that somewhere?

6 MR. RIEL: We have it on file.

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

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

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

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

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

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

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

12 CHAIRMAN KORGE: Any questions from the
13 Board? Nothing?

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

16 CHAIRMAN KORGE: From the alley?

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

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

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

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

4 MR. MATEU: Well, the part --

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

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

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

18 MR. COE: Well, I'm just a little bit
19 concerned. I'm at Page 24 of the study,
20 6.0, Conclusions, and it makes a statement:
21 However, minor signal timing modifications
22 are recommended at the Ponce de Leon
23 Boulevard/Bird Road intersection in
24 afternoon peak hour during future without
25 project conditions to accommodate the

1 increase in background traffic.

2 I'd like some elaboration on that,
3 frankly.

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

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

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

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

25 I'm not talking about -- The second

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

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

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

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

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

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

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

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

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

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

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

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

16 MR. COE: Sure.

17 The first paragraph, second sentence.

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

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

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

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

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

12 MR. FERNANDES: Correct.

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

15 MR. FERNANDES: Yes, sir.

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

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

22 CHAIRMAN KORGE: Any other questions?

23 MS. KEON: I have a couple of
24 questions.

25 CHAIRMAN KORGE: Sure, go ahead.

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

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

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

1 at it.

2 MS. KEON: Oh.

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

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

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

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

1 but --

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

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

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

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

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

25 MS. KEON: Right. I really would ask

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

4 MR. RIEL: There are provisions --

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

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

16 MS. KEON: Okay.

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

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

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

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

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

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

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

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

16 MS. KEON: We hope.

17 MR. BEHAR: We hope.

18 MS. KEON: You hope.

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

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

25 MR. SALMAN: Pat, I'd echo your

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 MS. KEON: A slot or something.

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

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

20 MS. KEON: Yeah.

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

25 MR. COE: Mr. Chairman, I have one

1 other concern.

2 CHAIRMAN KORGE: Yes.

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

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

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

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

18 MR. SALMAN: It's two blocks.

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

22 MS. KEON: Two.

23 MR. COE: Two blocks from the high school.

24 MR. BEHAR: Three blocks, actually.

25 MR. COE: Actually, not, because

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

4 CHAIRMAN KORGE: It's four blocks.

5 MR. COE: Not really, not Bird Road.

6 CHAIRMAN KORGE: One, two, three --

7 MR. SALMAN: Two short blocks.

8 MR. COE: Short blocks.

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

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

13 CHAIRMAN KORGE: Four blocks. One,
14 two, three, four blocks. One, two, three,
15 four.

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

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

21 CHAIRMAN KORGE: Right. Okay.

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

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

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

9 MS. KEON: For public parking.

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

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

16 MR. CARLSON: It's not --

17 MR. SALMAN: It's very small.

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

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

23 MR. CARLSON: Exactly.

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

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

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

7 MR. SALMAN: Okay.

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

11 MS. KEON: Yeah.

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

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

20 MR. CARLSON: Exactly.

21 MS. ALFONSIN RUIZ: Yes.

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

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

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

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

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

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

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

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

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

20 MR. RIEL: Mr. Chair --

21 MS. KEON: Okay.

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

25 MS. KEON: Okay.

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

5 MR. FERNANDES: Correct.

6 MR. BEHAR: Correct?

7 MR. FERNANDES: Yes.

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

11 MR. FERNANDES: Correct.

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

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

18 MR. FERNANDES: Right.

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

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

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

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

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

10 MR. FERNANDES: Correct.

11 MR. BEHAR: Okay. That was my concern.

12 MR. FERNANDES: No lifts, correct.

13 MR. BEHAR: That's fine.

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

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

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

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

22 MR. FERNANDES: No lifts, correct.

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

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

1 record if they agree with Staff's
2 conditions.

3 CHAIRMAN KORGE: Oh, yes, absolutely.

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

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

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

10 MS. KEON: Are there live/work
11 provisions?

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

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

22 MR. RIEL: No.

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

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

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

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

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

17 MR. RIEL: No, it's not.

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

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

25 MS. KEON: Well, you know who has an

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

3 MR. MATEU: Could I --

4 MS. KEON: Yeah.

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

8 MS. KEON: Right.

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

11 MS. KEON: Right.

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

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

6 MS. KEON: Absolutely.

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

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

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

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

1 MS. KEON: Okay.

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

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

15 MR. MATEU: Yes.

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

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

21 CHAIRMAN KORGE: Well, here it is.

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

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

3 MR. MATEU: It has a second level.

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

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

11 MS. KEON: Right.

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

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

16 CHAIRMAN KORGE: And the work area.

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

19 MR. MATEU: No.

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

25 MR. BEHAR: Chances are, this is always

1 going to remain a live/work with one user.

2 CHAIRMAN KORGE: Yeah.

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

8 MS. KEON: Absolutely.

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

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

15 CHAIRMAN KORGE: Well, it sounds --

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

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

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

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

1 CHAIRMAN KORGE: Any more questions of
2 the applicant?

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

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

8 MR. COE: Yes.

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

1 MR. FERNANDES: And it exists right
2 now.

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

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

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

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

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

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

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

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

10 Pardon me?

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

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

19 MS. ALFONSIN RUIZ: You have to be
20 sworn.

21 MR. CEO: Oh, sorry.

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

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

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

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

25 CHAIRMAN KORGE: Right.

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

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

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

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

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

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

25 MR. RIEL: What document are you

1 referring to, the Staff Report or --

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

7 MR. RIEL: It's the same one.

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

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

25 And then finally, I don't really have

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

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

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

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

15 MR. BEHAR: The City should implement
16 that program.

17 MR. CEO: I think so.

18 CHAIRMAN KORGE: Especially in your
19 neighborhood, yeah.

20 MR. BEHAR: Absolutely.

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

24 CHAIRMAN KORGE: Right.

25 MR. CEO: It's been going block by

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

3 CHAIRMAN KORGE: Thank you very much.

4 Anybody else wish to speak?

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

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

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

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

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

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

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

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

21 CHAIRMAN KORGE: Thank you very much.

22 Anybody else wish to speak?

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

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

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

5 MR. BEHAR: I'll second it.

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

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

12 MR. SALMAN: Ponce north of Bird.

13 MS. KEON: Along Ponce --

14 MR. BEHAR: North of Bird Road.

15 MS. KEON: -- north of Bird Road.

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

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

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

22 MS. KEON: Right.

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

25 MS. KEON: Public hearings and on and

1 on.

2 MR. RIEL: -- and City Commission
3 review.

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

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

9 CHAIRMAN KORGE: Right.

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

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

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

23 CHAIRMAN KORGE: Right.

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

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

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

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

17 MS. KEON: Right.

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

23 CHAIRMAN KORGE: Right.

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

1 whatever. That's --

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

5 MR. RIEL: Yes.

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

8 MR. RIEL: Correct.

9 CHAIRMAN KORGE: Any other discussion
10 or comments?

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

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

25 MR. BETANCOURT: Mr. Salman?

1 MR. SALMAN: Yes.

2 MR. BETANCOURT: Ms. Keon?

3 MS. KEON: Yes.

4 MR. BETANCOURT: Mr. Coe?

5 MR. COE: Yes.

6 MR. BETANCOURT: Mr. Behar?

7 MR. BEHAR: Yes.

8 MR. BETANCOURT: Mr. Korge?

9 CHAIRMAN KORGE: Yes.

10 And the second item on our agenda --

11 MR. BEHAR: Mr. Chairman, before -- I'm
12 going to have to recuse myself from the
13 second item, but before I do that, should
14 it be a good time to bring back
15 the minutes?

16 CHAIRMAN KORGE: Yes, thank you.

17 Let's --

18 MR. SALMAN: Can we take a five-minute
19 recess?

20 MR. BEHAR: Let's do the minutes.

21 CHAIRMAN KORGE: Let's do the minutes.
22 There's a motion to approve the minutes.

23 MR. BEHAR: I make a motion to approve.

24 MR. SALMAN: Second.

25 CHAIRMAN KORGE: Seconded. Any

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

3 MR. BETANCOURT: Mr. Coe?

4 MR. COE: I can't vote.

5 MR. BETANCOURT: Ms. Keon?

6 MS. KEON: Yes.

7 MR. BETANCOURT: Mr. Salman?

8 MR. SALMAN: Yes.

9 MR. BETANCOURT: Mr. Behar?

10 MR. BEHAR: Yes.

11 MR. BETANCOURT: Mr. Korge?

12 CHAIRMAN KORGE: Yes.

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

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

19 (Thereupon, a recess was taken.)

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

23 MR. BEHAR: I can leave, right?

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

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

3 MS. KEON: We need Javier back here.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 There he is.

14 MR. SALMAN: I like making an entrance.

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

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

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

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

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

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

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

11 A summary of the project. It's 10
12 stories and 99 feet in height. The ground
13 floor commercial uses will include almost
14 800 square feet for office, just under
15 30,000 square feet for retail, and 8,000
16 square feet for a restaurant. There will
17 be 230 rental residential units, and it has
18 653 on-site parking spaces, which is four
19 spaces above the Code requirements.

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

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

5 The traffic improvements include: They
6 are to install a northeast bound left-turn
7 lane on Ponce at the project alleyway,
8 extend the southwest right turn lane on
9 Ponce at LeJeune Road, install a westbound
10 left-turn lane on Granello at LeJeune Road,
11 reconfigure the intersection at Granello
12 and Greco Avenues, reconfigure the
13 intersection at Biltmore and Riviera
14 Drives, and install a roundabout at Blue
15 Road and Riviera Drive.

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

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

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

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

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

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

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

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

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

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

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

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

3 In summary, it requires a set-aside of
4 15 percent of the units, requires that the
5 units target the City's senior citizens,
6 its residents, its work force, at or below
7 100 percent of the City median income, and
8 it sets the maximum rental rate at 30
9 percent of 100 percent of that median
10 income over 12 months. And finally, it
11 would remain affordable for 15 years. Also
12 included in the condition is a requirement
13 for a management plan, an annual report,
14 and other requirements.

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

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

1 one-bedroom unit would be \$1,482; for two
2 bedrooms, 1,778. The difference between
3 the attainable and the proposed are about
4 \$458 for a one-bedroom, and \$742 for a
5 two-bedroom.

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

11 MR. BOLYARD: In the alley abandonment
12 vacation review request, they're requesting
13 to repeal Ordinance Number 1515, which was
14 approved by the Commission on December 7th,
15 1965. This effectively vacated a portion
16 of the alley on the condition that Lot 10
17 shall be dedicated for public use. The
18 applicant is going to provide Lot 9 for
19 public use in exchange for Lot 10.

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

1 proposed project, that Ordinance Number
2 1515 shall remain valid and enforceable.

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

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

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

16 CHAIRMAN KORGE: Any questions?

17 No?

18 We'll hear from the applicant, then.

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

25 I'm accompanied by Omar Del Rio, who is

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

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

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

1 a slightly different intended use than the
2 last applicant.

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

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

1 building standards.

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

5 CHAIRMAN KORGE: Well, your renditions
6 are beautiful.

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

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

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

25 So right here, at this point, which is

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

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

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

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

3 The ground floor is going to be
4 entirely retail. This site we have
5 proposed for as a restaurant site, about
6 8,000 square feet of restaurant here on the
7 corner, facing out into the plaza, the rest
8 standard retail.

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

25 Then, as you go up in the building --

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

9 MR. DEL RIO: Three stories of parking.

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

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

1 at better on your reduced-size plans.

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

4 So our first request is to modify the
5 previously approved site plan so as to
6 incorporate some of these changes.

7 However, we are keeping the conditions of
8 the original approval regarding traffic
9 improvements. When this item originally
10 came to this Board and also to the City
11 Commission, several different traffic
12 improvements were recommended by our
13 traffic engineer, David Plummer, approved
14 by this Board and by the City Commission,
15 and the City Commission also added two
16 additional improvements, which were
17 improvements in that single-family
18 residential neighborhood west of LeJeune.
19 We were going to be placing different
20 traffic-calming roundabouts there and other
21 improvements, which resulted, actually,
22 from a previous study that had been done by
23 the Village of Merrick Park but had never
24 been funded. So we're essentially taking
25 responsibility for those improvements and

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

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

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

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

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

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

3 CHAIRMAN KORGE: Okay.

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

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

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

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

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

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

19 Okay, I'm going to -- okay, here we go.
20 I'm going to take you back in history to
21 1965, which is when the ordinance which
22 vacated this portion of the alley was
23 originally approved, what you see here in
24 brown, and that was done by Ordinance
25 Number 1515, and what Ordinance Number 1515

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

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

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

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

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

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

1 a good thing.

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

9 Right now, the current covenant that
10 runs on this property, as a result of the
11 approval of the project in 2006, had a
12 condition which said that the developer
13 would have to comply with whatever
14 affordable housing legislation is adopted
15 by the City within one year of issuance of
16 a building permit. Now, that was back in
17 2006. In the meantime, between 2006 and
18 2008, there has been no affordable housing
19 legislation adopted by the City. It's
20 still an issue that's out there. I think
21 it's still an issue that Staff is dealing
22 with, and State agencies are commenting on
23 it from time to time, and what my client
24 basically wanted to do was still find a way
25 to help the City in addressing this

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

25 I've also prepared some exhibits which

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

3 Okay. Here, what you have on this
4 board is essentially Staff's recommended
5 condition for attainable housing, and I've
6 highlighted both what their recommendation
7 is and what we are proffering, and as you
8 can see, as you go through the text of the
9 condition, where we are disagreeing is,
10 number one, on the length of the
11 restriction. Staff is requesting 15 years.
12 We're requesting 10 years. And also on
13 what the base median income should be used
14 so as to calculate these rents. We both
15 agree that it should be 15 percent of the
16 total number of units. We agree that it
17 should be based on 30 percent of the
18 HUD-determined median income for the City
19 of Coral Gables. Where we disagree is that
20 Staff is saying that it should be based on
21 100 percent of median income and we're
22 saying that it should be based on 120
23 percent of the median income for Coral
24 Gables, and I'll tell you why we're
25 requesting what we're requesting.

1 Okay, the City of Coral Gables median
2 income, as calculated in 2006, which is the
3 last year in which we were able to find any
4 data, for a four-person family, is \$79,033.
5 We adjusted that figure so as to reflect a
6 typical family that would be living in a
7 one or a two-bedroom home, so as to reflect
8 a 1.5-person household in a one-bedroom
9 apartment and a three-person household in a
10 two-bedroom apartment, and then came up
11 with these household income numbers of
12 59,275 and 71,130.

13 The median income, at our recommended
14 rate of using the 120 percent Coral Gables
15 median income, results in these household
16 incomes here, 71,130 and 85,356. If you do
17 30 percent of each of those, you get these
18 amounts, 21,339 and 25,607, and then how do
19 we figure out what's a fair rate, a fair
20 rental rate, for that family, is, we divide
21 that 30 percent by 12 months out of the
22 year, and get 1,778 for the one-bedroom
23 unit and 2,134 for the two-bedroom unit.

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

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

9 Now, my client looked at the City's
10 proposed rates and said, "What would I have
11 to do? What's the net present value of
12 changing these rental rate amounts, that I
13 would have to find an alternative income or
14 in perhaps cost savings, or somehow make up
15 for this money so I could give the City the
16 rental rates that it wants over a 10-year
17 period," which is our proposed length of
18 restriction, and that number came out to
19 1.1 million dollars.

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

1 apartment development in close proximity,
2 and we looked to see what their current
3 monthly rental amount is, which is \$1,908
4 for a one-bedroom with 851 square feet,
5 coming out to \$2.24 per square foot for
6 rent, and then we also looked at the One
7 Broadway development, which is fairly new,
8 in the Brickell Avenue area. Their
9 two-bedroom units are 1,152 square feet,
10 with \$2,241 of monthly rent. You divide
11 that by the square footage and you get
12 \$1.95 of rent per square foot.

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

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

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

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

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

9 If you look at the County, Miami-Dade
10 County, or the City of Miami, or most other
11 large municipalities in Dade County, such
12 as North Miami and Miami Beach, they have
13 first-time home buyer programs, where the
14 City of Miami, for example, offers a
15 \$40,000 interest-free loan which is
16 forgiven after an initial 30-year term.

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

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

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

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

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

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

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

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

25 Again, here, we're not getting any of

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

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

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

1 ourselves to any more than 10 years.

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

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

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

20 MR. GARCIA-SERRA: Correct.

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

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

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

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

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

1 Commission's policy direction at that time,
2 which was two years ago, was, they didn't
3 feel that density bonuses were proper,
4 reduction in parking were proper. That's
5 an issue that we're going to have to deal
6 with as a part of the Comp Plan rewrite.
7 And this developer, as Mr. Serra indicated,
8 did come forward and say that, you know,
9 "We want to do rental units," and we were
10 glad of that, and we feel confident on our
11 15 percent (sic) and our hundred percent.

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

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

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

19 MR. SALMAN: It's the term issue.

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

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

1 outside the limits of the project?

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

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

8 MR. GARCIA-SERRA: How much --
9 Omar, would you have a good estimate of
10 what that is?

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

14 MR. SALMAN: All right.

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

17 MR. SALMAN: All right.

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

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

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

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

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

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

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

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

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

22 MR. GARCIA-SERRA: Correct.

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

25 MR. GARCIA-SERRA: The fountain and the

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

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

6 MR. GARCIA-SERRA: Yes.

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

9 MR. SALMAN: With regards to the
10 percentage of the overall project that this
11 1.1 million represents, what are we arguing
12 about? What are we talking about?

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

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

17 MR. GARCIA-SERRA: Okay.

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

25 MR. GARCIA-SERRA: Exactly.

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

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

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

12 MR. GARCIA-SERRA: Yeah.

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

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

22 When the application previously, in
23 2006, came forward, the City Commission
24 asked for additional traffic calming, based
25 upon some of the residents that attended

1 the meeting, to the west of the property.

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

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

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

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

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

25 CHAIRMAN KORGE: Right.

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

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

12 MR. RIEL: It's not unacceptable --

13 CHAIRMAN KORGE: -- and usage?

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

25 CHAIRMAN KORGE: Okay. So the

1 advantage they get --

2 MR. RIEL: The advantage they get is
3 125 units an acre, which is zero right now,
4 zero units per acre. They get two
5 additional floors, because we're not
6 counting floors, it's 10, and they get
7 about another foot or two in terms of
8 height.

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

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

15 CHAIRMAN KORGE: All right.

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

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

1 that the residential is not permitted
2 except with conditions.

3 MR. RIEL: Mixed-use.

4 MR. GARCIA-SERRA: Correct.

5 CHAIRMAN KORGE: Right.

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

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

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

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

21 MR. RIEL: Correct.

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

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

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

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

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

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

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

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

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

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

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

6 MR. COE: Exactly.

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

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

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

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

23 MR. RIEL: Yes.

24 MR. COE: Okay.

25 MR. RIEL: You obviously have the

1 flexibility, because it's a conditional
2 use.

3 MR. DEL RIO: And --

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

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

18 For the Board then to say, 10 years,
19 120 is fine for this project, the Board is
20 going to almost be in a position, for the
21 next project, to say the same thing. We
22 certainly can't go back and say, well, the
23 next project is going to be 15 and 100,
24 because that wouldn't make any sense.

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

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

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

13 MR. RIEL: Understood.

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

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

20 MR. COE: Exactly.

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

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

25 MR. RIEL: Yes, it does.

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

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

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

22 MR. COE: Exactly.

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

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

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

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

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

18 CHAIRMAN KORGE: Excuse me for
19 interrupting --

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

1 possibly do that?

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

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

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

13 MR. SALMAN: I understand that.

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

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

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

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

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

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

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

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

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

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

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

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

25 MR. COE: So are you suggesting, then,

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

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

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

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

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

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

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

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

1 this point?

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

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

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

18 MR. COE: -- "Well, we'll try it out
19 for 10 years and 120 percent, and see how
20 that works," and the next month or the
21 month after, the next applicant comes in
22 and says, "Well, in February, you approved
23 10 years and 120 percent, and we want 10
24 years and 120 percent," that's the
25 benchmark. It's not -- you don't try it on

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

6 MR. GARCIA-SERRA: Neither do I.

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

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

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

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

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

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

25 CHAIRMAN KORGE: See, my problem is a

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

7 MR. COE: Ah.

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

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

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

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

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

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

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

25 MR. COE: I'm only saying facetiously.

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

5 MR. COE: Of course.

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

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

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

19 MR. SALMAN: 1.1 million.

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

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

1 right.

2 CHAIRMAN KORGE: Pardon me?

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

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

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

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

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

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

8 CHAIRMAN KORGE: Right.

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

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

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

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

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

5 CHAIRMAN KORGE: Well, I think, though --

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

10 CHAIRMAN KORGE: But that could be
11 years.

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

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

17 MR. BETANCOURT: By early next year.

18 MR. RIEL: Early next year.

19 MR. COE: Early next year.

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

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

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

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

12 MR. SALMAN: No.

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

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

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

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

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

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

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

25 MR. RIEL: It could cause us some

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

8 MS. KEON: 54. Is it 54?

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

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

17 MS. KEON: Yeah.

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

20 MR. COE: But they would be
21 grandfathered in.

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

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

5 CHAIRMAN KORGE: Right.

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

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

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

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

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

20 CHAIRMAN KORGE: I understand that.

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

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

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

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

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

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

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

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

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

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

1 \$2,000 for a two-bedroom unit. I don't
2 know how we can call that an affordable and
3 attainable or workforce unit. It just
4 doesn't make sense, and what it comes down
5 to for us is that rental rate. I think
6 ours, as it is, is already high. Theirs
7 would be, I think, just completely
8 unaffordable.

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

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

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

17 MR. RIEL: Yes, absolutely.

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

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

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

1 then deal with it any way we want.

2 MS. KEON: But then you --

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

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

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

8 MR. COE: (Inaudible).

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

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

25 MR. SALMAN: Right.

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

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

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

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

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

15 MS. KEON: Yeah, can I --

16 CHAIRMAN KORGE: Pat, do you have some
17 questions?

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

21 MR. BETANCOURT: San Diego is one.

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

1 know, because I think that makes a huge
2 difference.

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

9 CHAIRMAN KORGE: Right.

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

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

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

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

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

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

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

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

4 MR. RIEL: I don't think so.

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

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

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

14 MS. KEON: Right.

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

17 MS. KEON: Have we looked into that?

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

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

1 (Simultaneous voices)

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

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

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

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

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

1 affordable housing in this community.

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

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

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

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

11 MS. KEON: Right.

12 MR. BETANCOURT: Most communities --

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

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

17 CHAIRMAN KORGE: Averaging.

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

22 MR. SALMAN: We don't know.

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

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

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

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

1 100 percent that you're at.

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

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

8 CHAIRMAN KORGE: Yes, please.

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

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

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

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

10 MR. GARCIA-SERRA: Correct.

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

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

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

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

14 MR. COE: Is there any public
15 testimony?

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

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

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

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

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

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

12 MR. COE: No.

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

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

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

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

21 MS. KEON: Yeah, I do, too.

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

25 MR. RIEL: It hasn't been deferred.

1 MS. KEON: Oh, okay.

2 MR. COE: We have to vote on it.

3 CHAIRMAN KORGE: Do we vote on a
4 deferral?

5 MR. COE: He's asking --

6 MR. RIEL: Is the applicant requesting
7 a deferral?

8 MR. GARCIA-SERRA: Well, I can give you
9 a little bit of my knowledge of the Code.
10 The fact of the matter is that when you
11 have a short Board, only four members,
12 we're entitled to a deferral.

13 MS. KEON: Yeah.

14 CHAIRMAN KORGE: I don't have a problem
15 with deferring it. I'm just asking, do we
16 need to have a formal vote on that?

17 MR. COE: I think you need a formal
18 vote. That's the normal procedure. I
19 don't think you're going to have a problem
20 with the vote. I'll be shocked if people
21 say we shouldn't defer it.

22 CHAIRMAN KORGE: Do I have a motion to
23 defer?

24 MR. COE: I move to defer.

25 CHAIRMAN KORGE: Is there a second?

1 MR. SALMAN: I'll second.

2 CHAIRMAN KORGE: Is there any
3 discussion?

4 MR. COE: Call the roll.

5 CHAIRMAN KORGE: Call the roll, please.

6 MR. BETANCOURT: Ms. Keon?

7 MS. KEON: Yes.

8 MR. BETANCOURT: Mr. Salman?

9 MR. SALMAN: Yes.

10 MR. BETANCOURT: Mr. Coe?

11 MR. COE: Yes.

12 MR. BETANCOURT: Mr. Korge?

13 CHAIRMAN KORGE: Yes.

14 MR. GARCIA-SERRA: We'll be back to see
15 you in March. Thank you.

16 CHAIRMAN KORGE: Thank you.

17 MS. KEON: Can I -- one thing.

18 MR. COE: In March, I just recommend a
19 more streamlined position, so we don't do
20 an hour and 20 to get to this point.

21 MR. GARCIA-SERRA: I tried to
22 streamline it as much as I could, but I'll
23 try more.

24 CHAIRMAN KORGE: Well, I guess what
25 he's suggesting is that in March, we don't

1 need to have the full-blown presentation.

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

4 MR. COE: The only issue of
5 controversy --

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

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

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

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

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

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

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

1 tell you.

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

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

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

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

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

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

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

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

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

9 MR. BETANCOURT: We require an annual
10 report.

11 CHAIRMAN KORGE: Has the applicant
12 already gone through that?

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

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

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

25 That restriction will also be

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

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

25 MR. RIEL: Yes.

1 CHAIRMAN KORGE: -- and it should work
2 fine.

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

5 MR. RIEL: Again, remember --

6 MR. COE: Move to adjourn.

7 MR. SALMAN: Second.

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

10 CHAIRMAN KORGE: We're adjourned.

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

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1 C E R T I F I C A T E

2

3 STATE OF FLORIDA:

4 SS.

5 COUNTY OF MIAMI-DADE:

6

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

14

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

18

19 DATED this 19th day of February, 2008.

20

21

22

JOAN L. BAILEY, RDR, FPR

23

24 Notary Commission Number DD 64037
25 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.

<i>Application</i>	<i>Request</i>
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:

Gables Gateway – Mixed-Use Site Plan and Alley Abandonment and Vacation Review
February 13, 2008
Page 5 of 15

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, 1 st reading (Mixed-use site plan amendment)	02.26.08
City Commission, 2 nd 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.

Gables Gateway – Mixed-Use Site Plan and Alley Abandonment and Vacation Review
February 13, 2008
Page 6 of 15

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.	<i>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.</i>	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.	<i>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.</i>	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.	<i>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.</i>	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.	<i>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.</i>	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.	<i>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</i>	This development encourages infill development and redevelopment while providing needed public realm improvements for the South Industrial MXD.
6.	<i>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.</i>	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.	<i>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.</i>	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.	<i>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).</i>	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.	<i>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.</i>	The Concurrency Impact Statement (CIS) issued by the Building and Zoning Department indicates that the necessary levels of public service are currently available.
10.	<i>OBJECTIVE 1-1.9: INNOVATIVE DEVELOPMENT REGULATIONS. Encourage sound innovation in development regulations which provide a continuing process to respond to community needs</i>	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.	<i>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.</i>	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.	<i>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:</i> <ul style="list-style-type: none"> • Residential; • Retail/Commercial; • Office; • Industrial; and • Public Open Spaces. <i>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.</i>	This project was designed in accordance with this policy.

Ref. No.	CLUP Goal, Policy and Objective	Basis for consistency															
	<p><i>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.</i></p> <p><i>Properties assigned the MXD3 overlay, have the option of developing their property in accordance with the underlying land use.</i></p> <p><i>No single use may comprise of more than 85% of the MXD3 floor area ratio.</i></p> <p><i>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.</i></p> <p><i>Mix of Uses</i></p> <p><i>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.</i></p> <table border="1" data-bbox="284 1220 787 1444"> <thead> <tr> <th>Type of Use</th><th>Minimum % of FAR</th><th>Maximum % of FAR</th></tr> </thead> <tbody> <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> </tbody> </table> <p><i>A MXD may be permitted in Commercial Low Intensity (CL), Commercial Medium Intensity (CM), Commercial High Intensity (CH) and Industrial (I) land use categories."</i></p>	Type of Use	Minimum % of FAR	Maximum % of FAR	Residential	0%	85%	Retail/Commercial	8%	40%	Office	0%	85%	Industrial	0%	5%	
Type of Use	Minimum % of FAR	Maximum % of FAR															
Residential	0%	85%															
Retail/Commercial	8%	40%															
Office	0%	85%															
Industrial	0%	5%															
13.	<p>POLICY 2-1.7.3: CONTROLLING THROUGH TRAFFIC MOVEMENTS. <i>The City shall discourage through traffic in neighborhoods by use of traffic management techniques, including signage, landscape design and roadway design.</i></p>	<p>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.</p>															
14.	<p>POLICY 2-1.8.1: PROVIDE ROADWAY LANDSCAPING. <i>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.</i></p>	<p>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.</p>															
15.	<p>POLICY 3-1.2.6: COMPATIBILITY OF NEW DEVELOPMENT. <i>New development shall be compatible with adjacent established residential areas.</i></p>	<p>The proposed project is not adjacent to any existing development that contains a residential component.</p>															

Ref. No.	CLUP Goal, Policy and Objective	Basis for consistency
16.	<i>OBJECTIVE 3-1.1: PROVIDE ADEQUATE AND AFFORDABLE HOUSING. Provisions for adequate and affordable housing for existing and future residents shall be made.</i>	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 statutes, 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 satisfactorily 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.

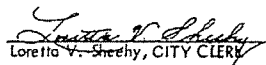
SECTION 3. That all ordinances or parts of ordinances inconsistent or in conflict herewith hereby are repealed, but only insofar as there is conflict or inconsistency.

PASSED AND ADOPTED THIS SEVENTH DAY OF DECEMBER, A.D. 1965.

APPROVED:


C. L. Dresser, MAYOR

ATTEST:


Lorella V. Greehy, 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

<i>CODE SECTION</i>	<i>REQUIRED</i>	<i>PROVIDED</i>
	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 <u>(Overlay district only)</u>	<u>Mandatory for overlay districts only to be determined by city architect and BOA</u>
4-201-E-1	Bridges over right of way <u>(Overlay district only)</u>	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 / <u>Must comply with table 1 – table 2 and table 3 of MED bonus –</u>	100,845 x .05 = 50,422 sq. ft. Must be granted by BOA and city architect – show approval on preliminary and permit

	<u><i>this must be approved by BOA and city architect</i></u>	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 – <u><i>CLUP governs stories / floors</i></u>
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 <u><i>(Overlay district only)</i></u>	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 $949 \times .50 = 474$ ln. ft.	Total = 501 ln. ft.
4-201-E-11	Retail or public street frontage Minimum 40% of frontage on side street Required $221 \times .40 = 88'-4''$ ln. ft	Required $221 \times .40 = 88'-4''$ 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 $\times 125 = 289$ 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 \times 50%) Minimum required area (500 sq. ft)	N/A
4-201-E-15	Setback relief / Vertical Building Stepback Required <u>10'-0" after 3 stories or 45'-0" whichever is less on all facades</u>	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 <u>(required for overlay district only)</u> 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 – <u>(required for overlay district only) / over by 13 sq. ft. requires site plan approval</u>
4-201-F-2	Architectural Relief Elements on all sides of the Building	<u>To be determined by BOA and city architect</u>
4-201-F-3	All support services located within the building	Yes
4-201-F-4	Facade breaks at 100 foot intervals	<u>To be determined by BOA and city architect</u>
4-201-F-5	Decorative street lighting provided (max 35'-0" in height)	Show on plans <u>(to be approved by public works)</u>
4-201-F-6	Building lighting	<u>Requires Planning, Planning and zoning board and Commission approval – indicate if this is being used</u>
4-201-F-7	Landscape lighting	Is encouraged
4-201-F-8	Storage - Prohibited outside the building	Not outside 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)	<u>To be determined and approved by public works and public services</u>
4-201-F-11	Parking Garage - Shall include exterior	<u>To be determined by BOA and city architect</u>

	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	<u>To be coordinated with public works</u>
	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	<u>To be determined by BOA and city architect</u>
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	<u>Must be approved by Public Works and Public services</u>

	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.	<u>Must be approved by Public Works</u> 27 shade (Oaks) - <u>5 short</u> 2 palms <u>Shrubs not shown</u>
	Median planting must comply with 5-1105-A-4 - Is a median possible?	Is a median possible? <u>Must be determined and approved by Public Works and public services</u>
	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 = $100,845 \times 10\% = 10,084$ sq. ft.	<u>Provide landscape plan to be able to calculate – must comply or be mitigated</u>
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 <u>(30 spaces in alley must be approved by public works)</u>
	<u>Surplus</u> / Deficit	4 spaces
4-201-H-6	On street parking	<u>Must be determined and approved by Public Works</u>
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 - <u>Must be approved by waste management</u>
4-201-J-1	Signs As per Article 5 Division 19	Under separate permit
4-201-K-1	Alley and street vacation	<u>Must be determined and approved by Public Works</u>
4-201-K-2	Driveways – Access must be from a side street or	<u>Access from front street – does not comply 4 curb cuts provided</u>

	alley	
4-201-K-3	Sidewalks Min. 4'-0" Connect to one another/ separated from vehicular traffic	<u>Must be determined and approved by Public Works</u>
4-201-L-1	Underground utilities All utilities must be installed underground as per Article 5, Division 22	<u>Must be determined and approved by Public Works</u>
4-201-L-2	Above ground utilities Must be screened and comply with Division 5, Article 11 and 18	<u>Must be determined and approved by Public Works</u>
4-201-M-1	Configuration of land Parcel shall be contiguous	<u>Alley – To be determined by planning</u>
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	<u>Light on arcade- Must be determined and approved by Public Works</u>
4-201-M-4	Live work units	N/A
4-201-M-5	Public Realm improvements (required for overlay district only)	N/A – <u>To be determined by planning</u>
	Notes	
		<p>1. Commercial requirements 4-302 – FOR REFERENCE ONLY</p> <ul style="list-style-type: none"> • 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"

		<ul style="list-style-type: none"> • 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.	<p>The permitted heights for habitable space for the following underlying zoning designations shall be as follows:</p> <ul style="list-style-type: none"> 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. <p>Commercial District up to a maximum of one hundred (100) feet.</p>	Complies	<p>Proposed heights:</p> <p>Underlying Industrial District – 99'-0"</p> <p>Underlying Commercial District – 72'-2"</p>
7.	✓	✓	Heights of architectural elements, etc.	<p>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:</p> <ul style="list-style-type: none"> Commercial Limited District: up to a maximum of fifteen (15) feet. Industrial and Commercial Districts: up to a maximum of twenty-five (25) feet. <p>Manufacturing uses shall be limited to ten (10) feet.</p>	Complies	<p>Proposed heights with architectural elements:</p> <p>Underlying Industrial District – 116'-0"</p> <p>Underlying Commercial District – 99'-0"</p>

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.	<p>Reduction in setbacks. Setbacks may be reduced subject to the following standards:</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>	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, setbacks 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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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
				<p>but not limited to the following:</p> <ul style="list-style-type: none"> • 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. <p>All pedestrian amenities shall be permanently secured to the ground surface.</p> <p>Above amenities shall be consistent in design and form with the applicable City Public Realm Design Manual.</p>		
14.	✓	✓	Pedestrian design features for building frontages (street level only).	<p>On any front property line or primary street, where an adjoining pedestrian sidewalk is located, the following design features shall be included:</p> <ul style="list-style-type: none"> • Display windows or retail display area; • Landscaping; and/or, • Architectural building design features. <p>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.</p>	Complies	Shown on proposed site plans.
15.	✓	✓	Pedestrian pass-throughs/ paseo.	<p>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:</p>	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
				<ul style="list-style-type: none"> Minimum of ten (10) feet in width. Include pedestrian amenities as defined herein. <p>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.</p>		
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
				<p>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.</p> <p>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.</p>		access is provided via public alleyway.
3.	✓	✓	Sidewalks.	<p>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.</p> <p>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).</p> <p>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.</p>	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: <ul style="list-style-type: none"> 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
				<p>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.</p> <ul style="list-style-type: none"> • The property owners shall be responsible for liability insurance, local taxes, and the maintenance of the encroachment and/or property. 		
4.	✓	✓	Live work units.	<ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> ○ 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
				<p>a development approval.</p> <ul style="list-style-type: none"> Deliveries for nonresidential uses in the live work unit shall be limited to the hours of 8:00 AM to 8:00 PM. 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.	<p>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.</p> <p>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</p>	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
				<p>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.</p> <p>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.</p> <p>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</p>		

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
				<p>in compliance with the Master Streetscape Plan and Underground Facilities Master Plan.</p> <p>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.</p> <p>Easements. The property owners shall provide easements to all applicable utility companies for the installation and maintenance of underground utilities.</p> <p>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.</p>		
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	

Gables Gateway Neighborhood Meeting Sign In

<u>Name</u>	<u>Address</u>
Lucille McKey	4615 Ponce de Leon
Victor Rossinsky	CRB 45 73 Pnce
Alfonso Jimenez	461 Loretto AVE Coral Gables FL 33146
John Forbes	4565 Ponce de Leon #100 CG 33146
Ann Duncanson	4750 Jefferson
Elizabeth Stone	425 Cadagua Ave
Bob Dwanh	604 Cadagua Ave
John John MORRIS	4720 Jefferson
Ike Fisher	4601 Pnce #300

Greenberg Taurig

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.

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

Page 2

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.

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.						

1 CITY OF CORAL GABLES
2 PLANNING AND ZONING BOARD MEETING
3 VERBATIM TRANSCRIPT
4 CORAL GABLES CITY COMMISSION CHAMBERS
5 405 BILTMORE WAY, CORAL GABLES, FLORIDA
6 WEDNESDAY, MARCH 12, 2008, 6:00 P.M.

7 Board Members Present:

8 Tom Korge, Chairman
9 Eibi Aizenstat, Vice-Chairman
10 Robert Behar
11 Jack Coe
12 Cristina Moreno
13 Javier Salman

14 City Staff Present:

15 Eric Riel, Jr., Planning Director
16 Lourdes Alfonsin Ruiz, Assistant City Attorney
17 Javier Betancourt, Principal Planner
18 Scot Bolyard, Planner
19 Edward Weller, Assistant Building Director
20 Martha Salazar-Blanco, Zoning Administrator
21 Carlos Mindreau, City Architect
22 Dona Lubin, Assistant City Manager
23 Kara Kautz, Historic Preservation Director

24 Also Participating:

25 (Application 12-07-042-P)

26 Lucia A. Dougherty, Esq.,
27 Greenberg Traurig,
28 On behalf of LG Coral Gables, LLC

29 EXCERPT OF MEETING: APPLICATION 12-07-042-P

1 THEREUPON:

2 The following proceedings were had:

3 MR. AIZENSTAT: Let's go ahead. We'll
4 ask if there's anybody here that would like
5 to speak at all, if they could just please
6 go up over and sign in, that would be
7 greatly appreciated, if anybody has not
8 signed in.

9 The attorneys don't need to sign in, if
10 I'm not mistaken, but if there's anybody
11 from the public.

12 (Discussion off the record)

13 MR. AIZENSTAT: Okay, why don't we go
14 ahead? While our Chair is on the way or
15 coming in, let's go ahead and take a roll
16 call, please.

17 MS. MENENDEZ: Eibi Aizenstat?

18 MR. AIZENSTAT: Here.

19 MS. MENENDEZ: Robert Behar?

20 MR. BEHAR: Here.

21 MS. MENENDEZ: Jack Coe?

22 MR. COE: Here.

23 MS. MENENDEZ: Pat Keon?

24 Cristina Moreno?

25 MS. MORENO: Here.

1 MS. MENENDEZ: Javier Salman?

2 MR. SALMAN: Here.

3 MS. MENENDEZ: Tom Korge?

4 MR. AIZENSTAT: Has everybody gone
5 ahead and gotten a chance to take a look at
6 the minutes from February 13th?

7 MR. COE: Move approval, Mr. Chairman.

8 MR. BEHAR: Second.

9 MR. AIZENSTAT: Actually, I was not
10 here, so I can't vote on it. Do we have
11 enough people?

12 MS. MORENO: I wasn't here, either.

13 MR. AIZENSTAT: So we might not be able
14 to, because we'll only have one, two --
15 three individuals here. Two of us were not
16 here.

17 MR. COE: Well, let's -- Are there any
18 changes to the agenda? That's the next
19 item.

20 MR. AIZENSTAT: Eric, any changes?

21 MR. RIEL: No, no changes to the
22 agenda.

23 MR. AIZENSTAT: Okay. Let's go ahead
24 and start. Do we need to swear in any of
25 the people that will be speaking tonight?

1 MR. COE: Why don't we do 042-P?

2 MR. AIZENSTAT: Madam Assistant City
3 Attorney --

4 MS. ALFONSIN RUIZ: Yes.

5 MR. AIZENSTAT: -- do we need to swear
6 in anybody that's going to be speaking
7 tonight or -- I understand, apart from
8 attorneys?

9 MS. ALFONSIN RUIZ: Apart from
10 attorneys, unless anyone else is going to
11 speak on any of the items.

12 MR. AIZENSTAT: Is there people here
13 that are going to speak on any of the
14 items? Could you please stand up, if there
15 are and you signed in?

16 (Thereupon, all who were to speak were
17 duly sworn by the court reporter.)

18 MR. AIZENSTAT: Okay, thank you.

19 MR. COE: Let's go to 042-P, the first
20 one.

21 MR. AIZENSTAT: Eric, do you want to go
22 ahead and --

23 MR. RIEL: Yeah.

24 MR. AIZENSTAT: -- start?

25 MR. RIEL: We're going to take up Item

5

1 Number 5. This is a mixed-use site plan
 2 review, alley abandonment and vacation
 3 review. This is amendments to a previously
 4 approved mixed-used project, referred to as
 5 Gables Gateway, located in the industrial
 6 section, the intersection of LeJeune,
 7 Granello and Ponce Boulevard.
 8 This is continued from the February
 9 13th, 2008 meeting.
 10 MR. AIZENSTAT: Okay.
 11 MR. BEHAR: Mr. Chairman, at this
 12 time --
 13 MR. RIEL: No, wait a minute, I have
 14 some more -- I don't know, if you want to
 15 go ahead --
 16 MR. BEHAR: Mr. Chairman, at this time,
 17 I'd like to recuse myself, since this is a
 18 project that we're involved with, and I'll
 19 be back for the following item.
 20 MR. AIZENSTAT: Okay, thank you.
 21 (Thereupon, Mr. Behar left the
 22 Commission Chambers.)
 23 MR. RIEL: Basically, at the last
 24 meeting, the Board continued this
 25 application, at the request of the

6

1 applicant. The main issue was the
 2 unresolved attainable or affordable housing
 3 issue.
 4 Based upon a discussion, all the other
 5 issues of the project were discussed at
 6 that time, and I don't want to put words in
 7 the Board's mouth, but typically the Board
 8 was in favor of the project. Therefore,
 9 the Staff is going to focus its discussion
 10 on just the affordable housing issue.
 11 However, since we do have two members
 12 that were not here, absolutely feel free to
 13 ask Staff, as well as the applicant, any
 14 question about the project, per se.
 15 (Thereupon, Chairman Korge arrived.)
 16 MR. RIEL: What I'd like to have Javier
 17 do is just come up and give you just a
 18 very, very brief overview of why the City
 19 is requiring affordable housing on this
 20 project, and then I have some additional --
 21 MR. AIZENSTAT: If we can also go ahead
 22 and note that Tom Korge has joined us.
 23 MR. COE: Are you passing the gavel to him?
 24 MR. BETANCOURT: Good evening, Mr.
 25 Chair, Mr. Vice-Chair, Members of the

7

1 Board. For the record, Javier Betancourt,
 2 with the City's Planning Department.
 3 I'm just going to provide a very quick
 4 overview of why we're focused on this issue
 5 today, and many of you will recall that
 6 over the past number of years, affordable
 7 housing, or what we're now calling
 8 attainable housing -- it's the new term --
 9 has become a priority issue at both the
 10 State, Regional and County levels.
 11 The City has been taken to task in the
 12 past by the South Florida Regional Planning
 13 Council and the State Department of
 14 Community Affairs for not addressing this
 15 issue. As a result, we worked with a
 16 consultant in developing an affordable
 17 housing study which identified the City's
 18 needs, as well as strategies for addressing
 19 those needs. That study concluded that the
 20 City has a total affordable housing need,
 21 or attainable housing need, of 2,442 units
 22 that we need to address.
 23 That number was then divided over 10
 24 years, and frankly, to address it in a more
 25 doable way, we're only taking a certain

8

1 percentage of that total number, so that
 2 it's a realistic goal, and what we're
 3 looking to meet is a need of 437 units over
 4 10 years, which translates roughly into
 5 about 44 units a year that we need to
 6 produce in the City of Coral Gables to meet
 7 our housing need and to address the
 8 concerns of the Regional Planning Council
 9 and the State Department of Community
 10 Affairs.
 11 Failure to do that will result in
 12 penalties and/or the City's inability to
 13 pass amendments to the Comprehensive Land
 14 Use Plan, and that's particularly important
 15 because we are, in the coming months, going
 16 to completely rewrite our Comprehensive
 17 Land Use Plan. We're doing that as we
 18 speak, and we need to get the Regional
 19 Planning Council and the State Department
 20 of Community Affairs to allow us to adopt
 21 that plan.
 22 One of the strategies identified in the
 23 affordable housing study was inclusionary
 24 zoning, where essentially you take a market
 25 rate development and you require a

9

1 set-aside of units for attainable or
2 affordable housing. The ranges in other
3 local governments are between 10, 15, 20,
4 sometimes 25 percent. Oftentimes, in
5 exchange for that requirement, you will --
6 a local government will provide bonuses or
7 incentives, and those range anywhere from
8 height and density bonuses and incentives
9 to waiver of fees, expedited review.

10 The City has been working on developing
11 regulations that will hopefully incorporate
12 some of those incentives. In the meantime,
13 we are requiring that major developments
14 that go through a conditional site plan
15 review process, Zoning Code changes,
16 Comprehensive Land Use Plan changes --
17 we're requiring that those developments go
18 ahead and set aside a percentage of their
19 units for attainable housing.

20 We're being reasonable in our request,
21 particularly considering that we're not
22 providing large incentives with respect to
23 height, density, et cetera. We are looking
24 at some other incentives. In particular,
25 with respect to this project, we're going

10

1 to try and provide some incentives or a
2 waiver of fees, and I think we'll probably
3 get into that in a little bit, but that's
4 where we are. That's just a very quick
5 overview. If you have any questions
6 concerning this topic, by all means, I'm
7 here to answer your questions.

8 MR. RIEL: And then just to go further,
9 at the last meeting, you know, we debated
10 the issue in terms of the applicability.
11 As Javier said, we're of the opinion, based
12 upon the fact that this is a conditional
13 use review -- they're asking for, you know,
14 residential density, which is not a
15 permitted use -- that we have the
16 opportunity to request affordable housing.

17 We've been working with the applicant
18 since October of 2007 to resolve this
19 issue. As you know, there was some general
20 language in the previous approval that was
21 not very definite, so the applicant wanted
22 some more definitive direction, so we
23 proceeded to go forward with crunching the
24 numbers and whatnot, and as you know, at
25 the last meeting we debated 15 years, 30

11

1 years, you know, 50 years, and the
2 percentages.

3 I can tell you, since the last meeting,
4 we've discussed different alternatives that
5 Javier has mentioned. As you know, we went
6 to the Commission and suggested bonuses in
7 the past. The Commission didn't support
8 that. We're going to again go forward, not
9 on this project, but to deal with the
10 affordable housing issue, and suggest that
11 for future legislation.

12 Where have we come since the last
13 meeting? The applicant has met with the
14 City Manager and other departments.
15 Basically, I think -- and the applicant and
16 Staff have been very cooperative together.
17 I think we've worked out a solution. The
18 solution -- Let me just say the bottom line
19 is not for the City to secure fees. We
20 want delivery of the units. Some of the
21 solutions that we looked at are reductions
22 in building permit fees, reduction in or
23 elimination of building permit fees for the
24 affordable units only, which is 35 units.
25 We're looking at other incentives, economic

12

1 incentives, that would be available to this
2 applicant, and I say only this applicant,
3 because as we discussed last time, the
4 precedents it might set. We're working
5 with them closely, and we don't have the
6 information today for this Board in terms
7 of what that will mean, if it's a 10
8 percent reduction, a 20 percent reduction
9 in fees, because we're still working those
10 numbers out.

11 Therefore, the Staff is suggesting,
12 obviously, the Planning Board has a couple
13 alternatives: Recommend as Staff has
14 recommended with the attainable fee;
15 recommend the project with no
16 recommendation on affordable housing, and
17 then that proceeds forward to the
18 Commission; or what we're going to suggest,
19 and we have put some alternative language
20 on a green sheet of paper here, and
21 basically, what we're suggesting is the
22 Board recommend approval of the
23 Department's recommendation from the
24 February 13th Staff Report, including the
25 condition on affordable housing, with the

13

1 incentives, and just as an example,
2 reduction of City's fees -- I just want to
3 note, this does not -- this excludes impact
4 fees, we're not going to look at a
5 reduction in impact fees -- expedited
6 permitting, for this project only, to
7 achieve the delivery of attainable housing,
8 and hopefully when we get this item before
9 the Commission, since that kind of is a
10 fiscal/financial issue, it's probably more
11 appropriate for the Commission to research
12 this issue, and also, as a part of this,
13 we're looking at some other incentives that
14 would go well beyond -- reduction in
15 parking fees, we're looking at all kinds
16 of -- a gamut of all kinds of things, but
17 we haven't finalized those programs yet.

18 Unfortunately, you know, we're not --
19 we weren't able to do that, given the
20 number of departments involved, and as you
21 know, the applicant stated at the last
22 meeting, they look at it from an economic
23 standpoint, in terms of the bottom line.
24 We're looking at it from the standpoint of
25 delivery of units.

14

1 So that's where we're at today.
2 MR. COE: Where's the applicant?
3 Do you care to respond to what Staff
4 has just said?
5 MS. DOUGHERTY: Yes. Mr. Chairman,
6 Members of the Board, Lucia Dougherty, with
7 offices at 1221 Brickell Avenue, here today
8 on behalf of the owner and the applicant,
9 and joining me this evening is Omar Del
10 Rio, who is a Gables resident and also the
11 principal, as well as Patrick Valent and
12 Javier Font, from Behar & Font, who are the
13 architects, and Juan Espinosa is our
14 traffic engineer.

15 And to answer your question, where we
16 are in terms of the recommendation of the
17 Staff, I think that the Staff recognizes
18 and agrees with us that they should give
19 some sort of financial incentive. They
20 just haven't had the time to quantify what
21 that would be. In other words, we've been
22 talking about if you want a 15 percent
23 reduction -- I mean, 15 percent attainable
24 housing, we think that we should have a 15
25 percent reduction in permit fees, and

15

1 basically, the City says, well -- the Staff
2 has said, "We can't tell you what that is
3 right now," and our architect can't tell us
4 exactly how much that is right now.

5 So what I think the Staff is
6 recommending is that you recommend approval
7 of this project, with an attainable
8 component, but say to the City Commission,
9 "We also believe that there should be some
10 financial incentives," and we would agree
11 with that condition.

12 MR. RIEL: The only correction I would
13 make is incentive, not necessarily
14 financial.

15 MS. DOUGHERTY: Well, I thought you
16 took everything else off the Board so far,
17 so --

18 MR. RIEL: Well --

19 MR. COE: You're still negotiating now
20 with the City?

21 MR. SALMAN: Well, that's what it
22 appears to me, that we're still not done
23 with negotiating.

24 MS. DOUGHERTY: In other words, we
25 don't know what it is. No, that's correct.

16

1 We don't know the answer yet.

2 MR. COE: Do you want to move this to
3 the next meeting again?

4 MR. SALMAN: That's my point.

5 MS. DOUGHERTY: No, we would like to
6 have it approved.

7 MR. COE: You want a determination from
8 us today, right?

9 MS. DOUGHERTY: We'd like a
10 recommendation of approval of the project,
11 moving it forward with an attainable
12 requirement and with some incentives.
13 That's what we would ask.

14 CHAIRMAN KORGE: Well, is it fair to
15 say that nobody has a handle on how many
16 dollars of incentive are needed?

17 MS. DOUGHERTY: That's correct.

18 MR. SALMAN: But you will have a handle
19 on that by the time you reach the
20 Commission?

21 MS. DOUGHERTY: We believe so.

22 MR. SALMAN: You will have a complete
23 package of concessions on behalf of the
24 City versus the -- your concession of the
25 35 units?

17

1 MS. DOUGHERTY: That's correct.
 2 MR. SALMAN: You will reach a meeting
 3 of minds before you go to the Commission.
 4 MS. DOUGHERTY: We've agreed to the
 5 amount of units. The only issue left is
 6 really how much incentives can the City
 7 give us, and we think that appropriately,
 8 that's the City Commission that's going to
 9 make that decision, anyway, so if you -- if
 10 we are favorable, if we have your favorable
 11 vote, then we'd let that issue be resolved
 12 by the Commission.
 13 MR. AIZENSTAT: I would think that that
 14 should be up to the Commission --
 15 MS. DOUGHERTY: Yes.
 16 MR. AIZENSTAT: -- and the City
 17 Manager's Office and the Building
 18 Department.
 19 MR. RIEL: And as I said, the City
 20 Manager's Office was involved in this. It
 21 does include a lot of departments. I think
 22 we're there. We just need to see what the
 23 bottom line is, and obviously, Staff is
 24 going to present to the Commission, but
 25 ultimately, the decision is the

18

1 Commission's, whether or not -- you know,
 2 if they feel that incentives are not
 3 appropriate, financial, you know, and they
 4 want to refer it back to -- I mean, that's
 5 an item that will be discussed, I'm sure,
 6 at length at the Commission.
 7 MR. SALMAN: They can always kick it
 8 back down.
 9 MS. MORENO: It's a Commission issue.
 10 MR. AIZENSTAT: Right. I mean, it
 11 appears that you're on the right track, is
 12 what I'm hearing.
 13 MR. RIEL: Yes. Yes.
 14 MR. COE: So you're suggesting Number
 15 2?
 16 MR. RIEL: Number 4.
 17 MR. SALMAN: Number 4, the bold one.
 18 MR. RIEL: The bold blue.
 19 MS. MORENO: I so move. I move that we
 20 recommend approval of the Planning
 21 Department's recommendation as provided in
 22 the February 13th, 2008 Staff Report.
 23 CHAIRMAN KORGE: Well, before -- Excuse
 24 me for interrupting. Before we take your
 25 motion, perhaps we should hear from the

19

1 public, if anybody in the public --
 2 MS. MORENO: But don't you do the
 3 motion and then you open it up for
 4 discussion?
 5 CHAIRMAN KORGE: That's fine. Go
 6 ahead. I don't care, go ahead.
 7 MS. MORENO: Including the condition on
 8 attainable housing, with incentives,
 9 expedited permitting, reduction in City
 10 fees, whatever the Commission may decide,
 11 for only this project, to achieve the
 12 delivery of attainable housing as
 13 determined by City Staff and/or the City
 14 Commission.
 15 CHAIRMAN KORGE: Is there a second to
 16 that motion?
 17 MR. SALMAN: I'll second the motion,
 18 but I have a friendly amendment. I'd like
 19 to insert the language that prior to the
 20 development of legislation by the
 21 Commission with regards to a program for
 22 attainable housing, we are making this
 23 motion for this project and this project
 24 only.
 25 MS. MORENO: I accept the amendment.

20

1 MR. AIZENSTAT: Well, that's the way I
 2 understand it.
 3 MR. RIEL: That's the intent.
 4 MR. AIZENSTAT: It's only for this
 5 project.
 6 MR. RIEL: That's why we said what we
 7 said before.
 8 MR. SALMAN: Intent is one thing; words
 9 are another.
 10 MR. AIZENSTAT: Okay, but it says it's
 11 supposed to be site-specific.
 12 MR. RIEL: Well, it says for only this
 13 project, in the fourth line down.
 14 MR. COE: That's what it says.
 15 CHAIRMAN KORGE: Okay.
 16 MR. AIZENSTAT: Yeah.
 17 CHAIRMAN KORGE: So the friendly
 18 amendment is accepted. Is there a second?
 19 MR. AIZENSTAT: The gentleman went
 20 ahead and made his second with --
 21 MS. MORENO: He seconded.
 22 CHAIRMAN KORGE: Oh, you seconded with
 23 a friendly amendment. Okay, so --
 24 MR. COE: Yeah, the friendly amendment
 25 was the second.

21

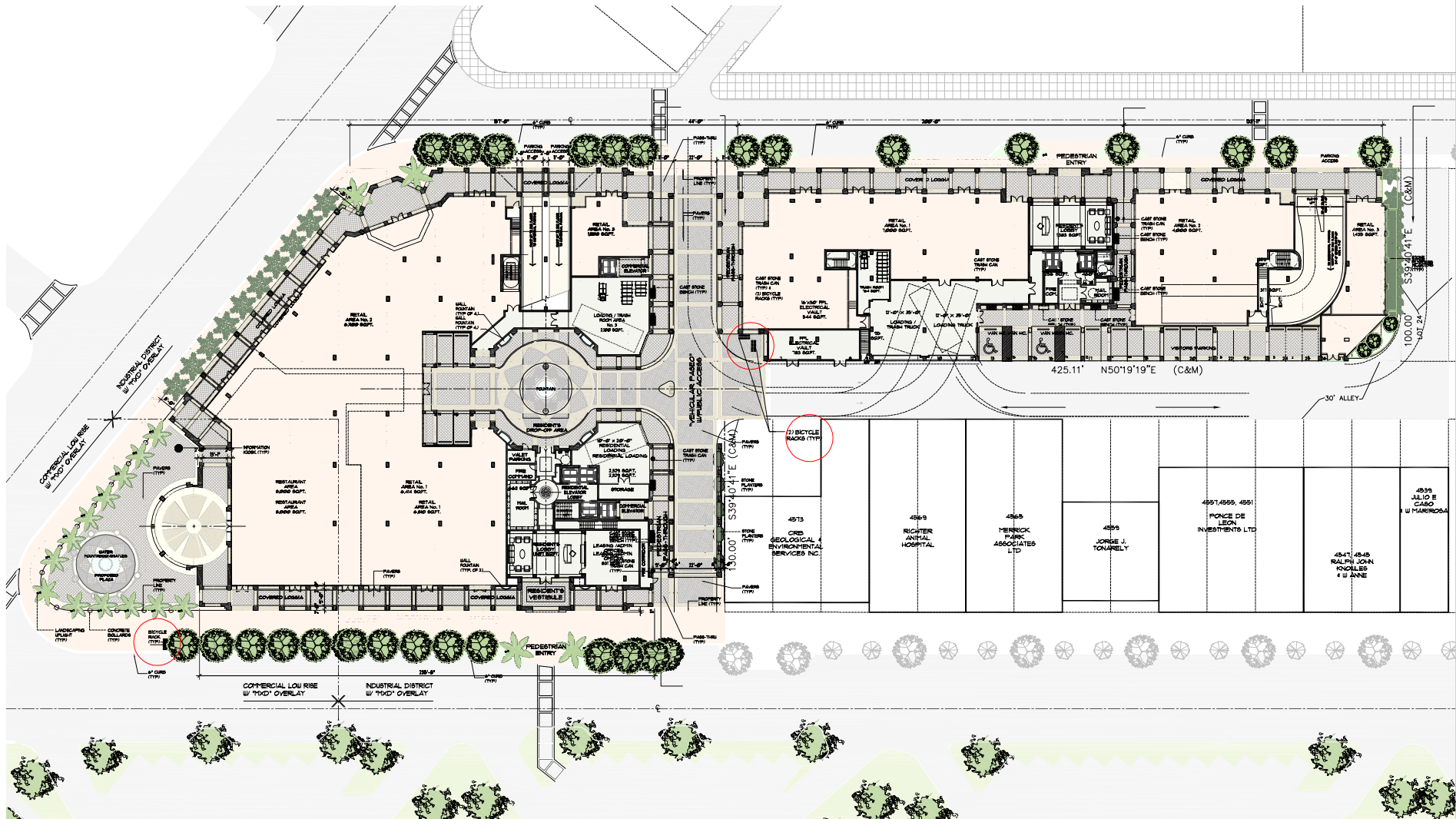
1 CHAIRMAN KORGE: -- the motion is on
2 the table.
3 Let me go back to where we were. Is
4 there anybody in the public here who would
5 like to speak on this proposal?
6 Nobody?
7 Lucia, do you have anything else you
8 want to add?
9 MS. DOUGHERTY: No. I have the boards,
10 and if anybody who wasn't -- never mind.
11 MR. COE: Call the question,
12 Mr. Chairman.
13 CHAIRMAN KORGE: No further discussion?
14 MS. MORENO: No.
15 CHAIRMAN KORGE: Let's call the vote,
16 please.
17 MS. MENENDEZ: Jack Coe?
18 MR. COE: Yes.
19 MS. MENENDEZ: Cristina Moreno?
20 MS. MORENO: Yes.
21 MS. MENENDEZ: Javier Salman?
22 MR. SALMAN: Yes.
23 MS. MENENDEZ: Eibi Aizenstat?
24 MR. AIZENSTAT: Yes.
25 MS. MENENDEZ: Tom Korge?

22

1 CHAIRMAN KORGE: Yes.
2 MS. DOUGHERTY: Thanks very much.
3 * * * * *
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1 C E R T I F I C A T E
2
3 STATE OF FLORIDA:
4 SS.
5 COUNTY OF MIAMI-DADE:
6
7 I, JOAN L. BAILEY, Registered Diplomat
8 Reporter, Florida Professional Reporter, and a
9 Notary Public for the State of Florida at Large, do
10 hereby certify that I was authorized to and did
11 stenographically report the foregoing proceedings
12 and that the transcript is a true and complete
13 record of my stenographic notes on the foregoing
14 application.
15
16 I, JOAN L. BAILEY, a Notary Public in and
17 for the State of Florida at large, do hereby certify
18 that all witnesses were duly sworn by me.
19
20 DATED this 17th day of March, 2008.
21
22
23 _____
24 JOAN L. BAILEY, RDR, FPR
25 Notary Commission Number DD 64037
Expiration June 14, 2011.



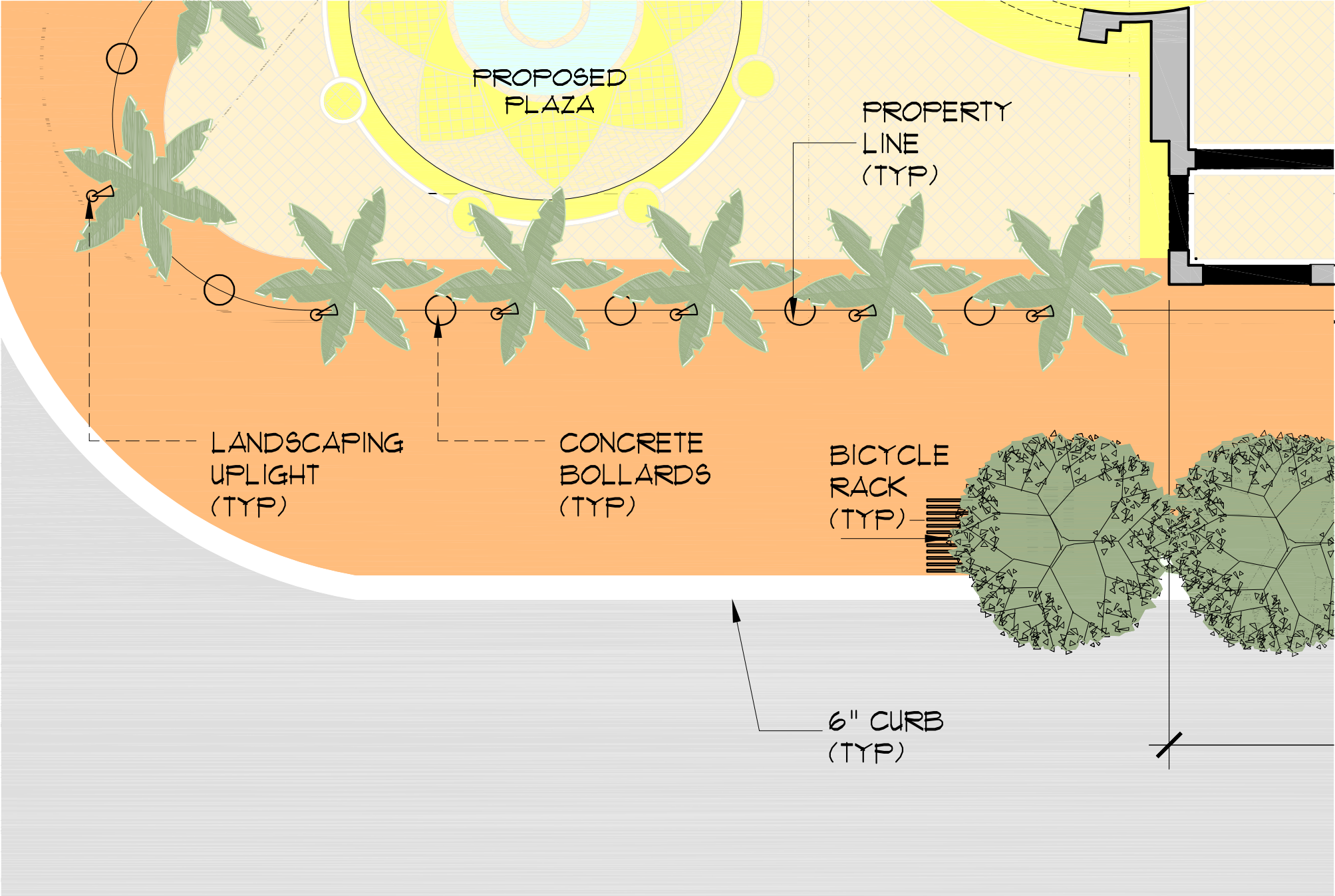
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PROPOSED MIXED-USE DEVELOPMENT
GABLES GATEWAY
4555 PONCE DE LEON BLVD, CORAL GABLES, FL.

DATE
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07-023
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JIB
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AS SHOWN
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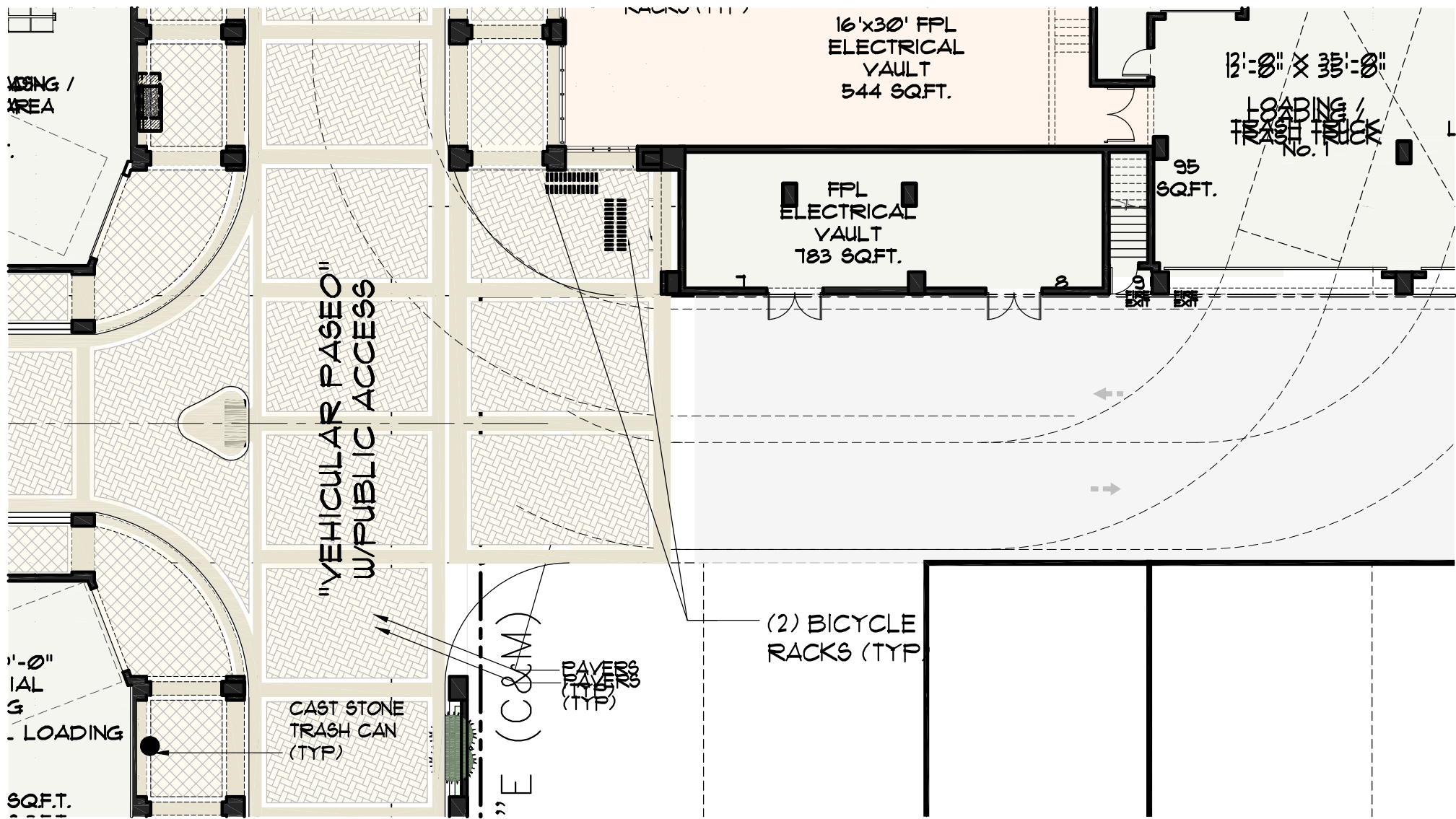
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LINE
(TYP)

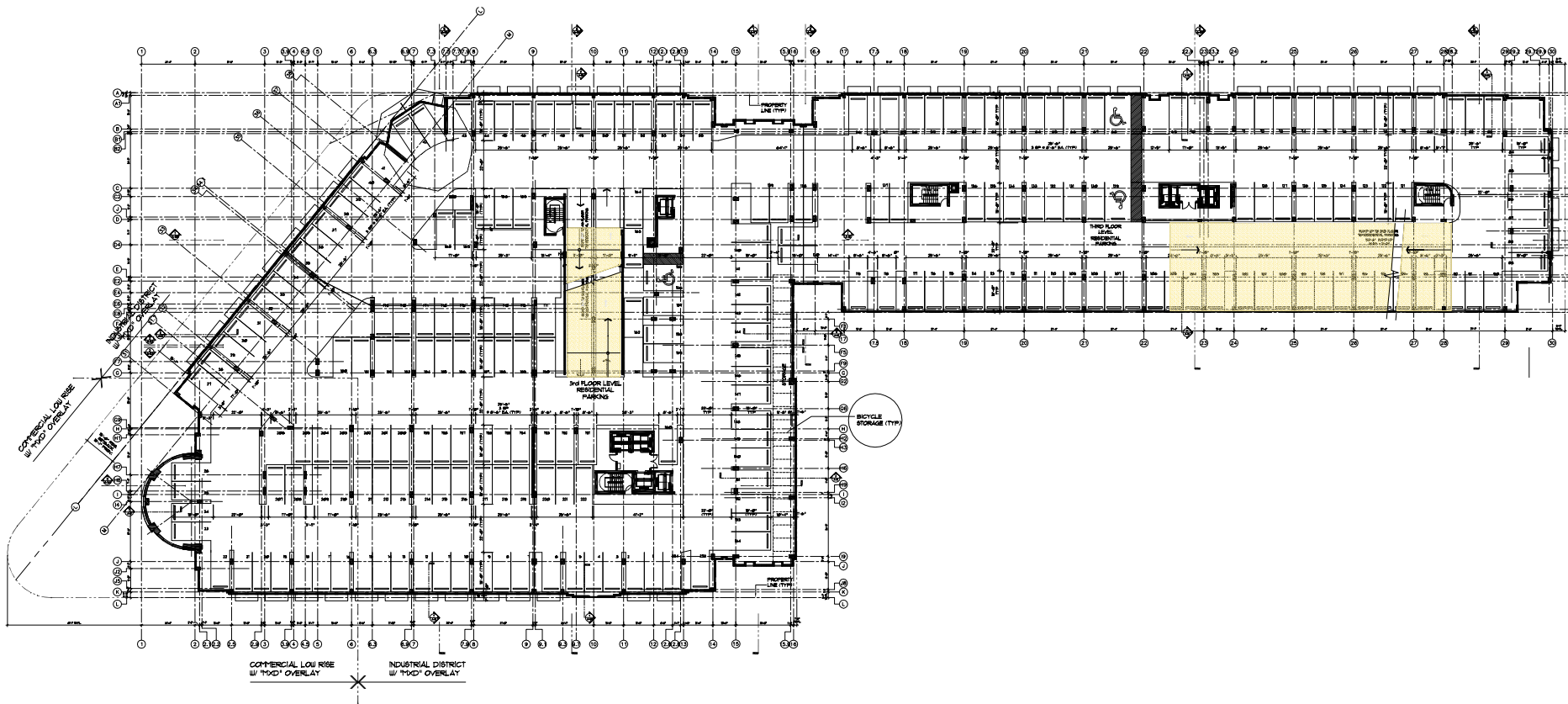
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UPLIGHT
(TYP)

CONCRETE
BOLLARDS
(TYP)

BICYCLE
RACK
(TYP)

6" CURB
(TYP)





3rd PARKING FLOOR PLAN

SCALE: 1/8" = 1'-0"
224 PARKING SPACES (INCLUDES 2 ASSIGNED TANDY SPACES)



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Suite 200, Coral Gables, FL 33134
TEL: (305) 740-0840
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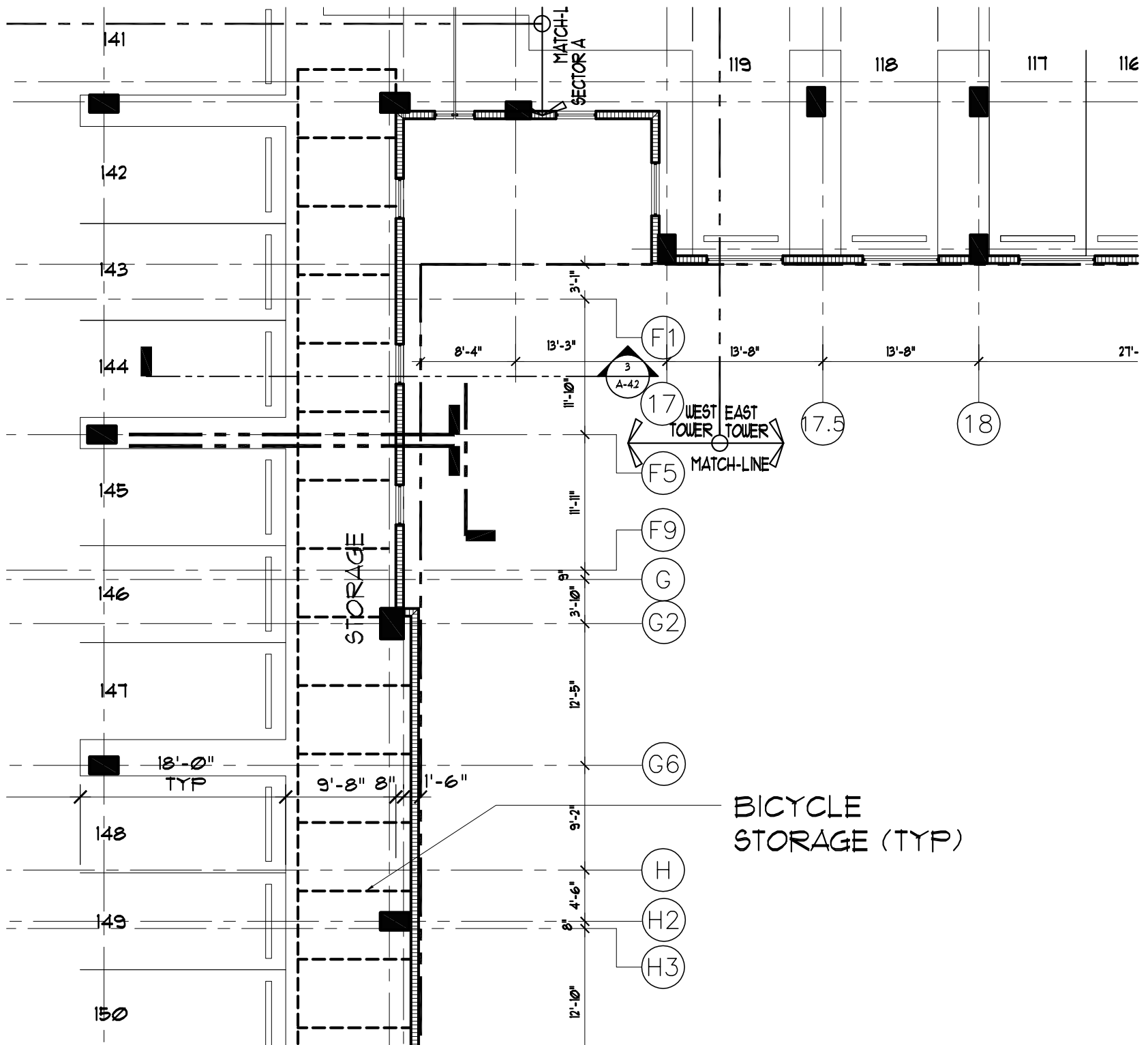
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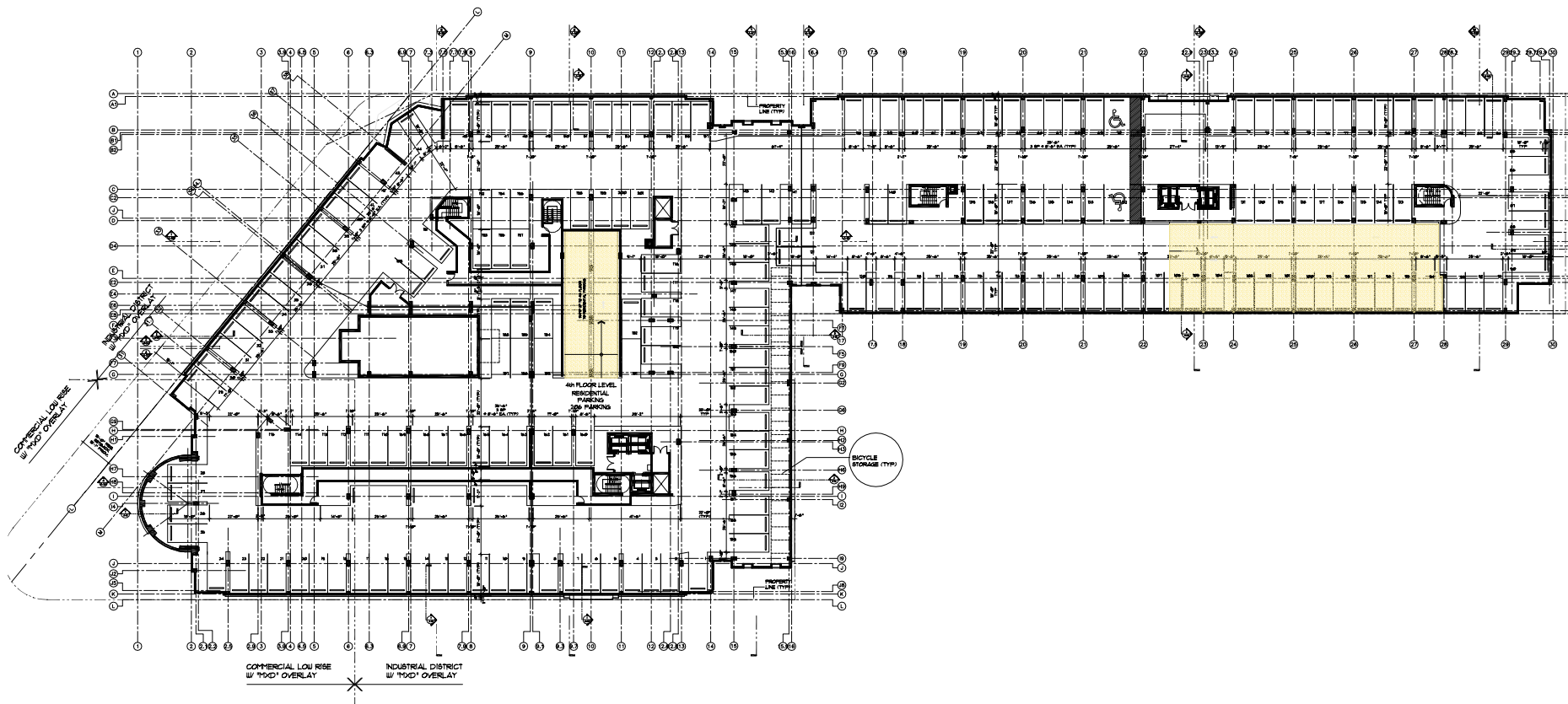
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GABLES GATEWAY
4885 PONCE DE LEON BLVD, CORAL GABLES, FL.

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4th PARKING FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 101 PARKING SPACES (INCLUDES 8 ASSIGNED TANDY SPACES)

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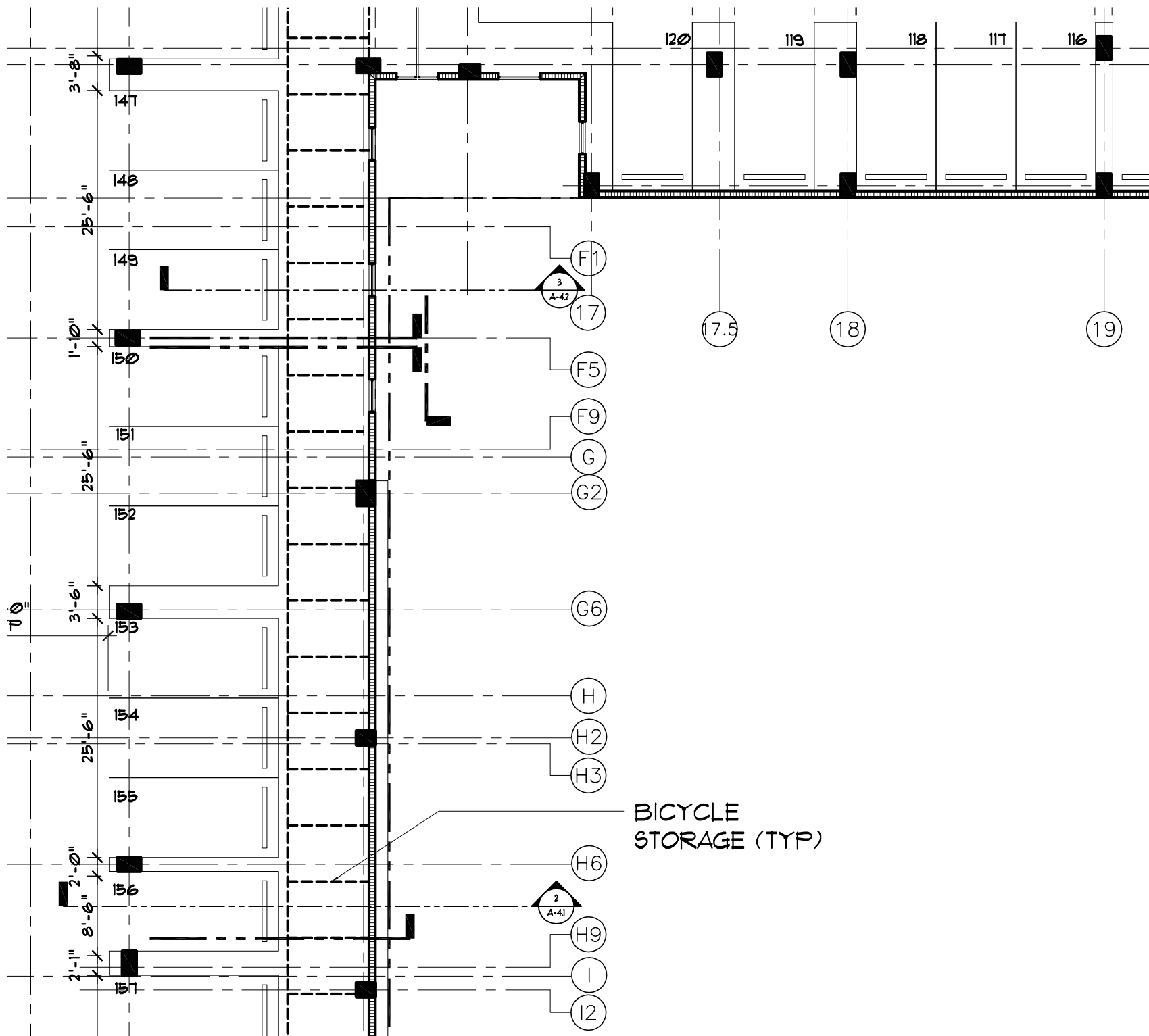
Robert R. R. R. R.
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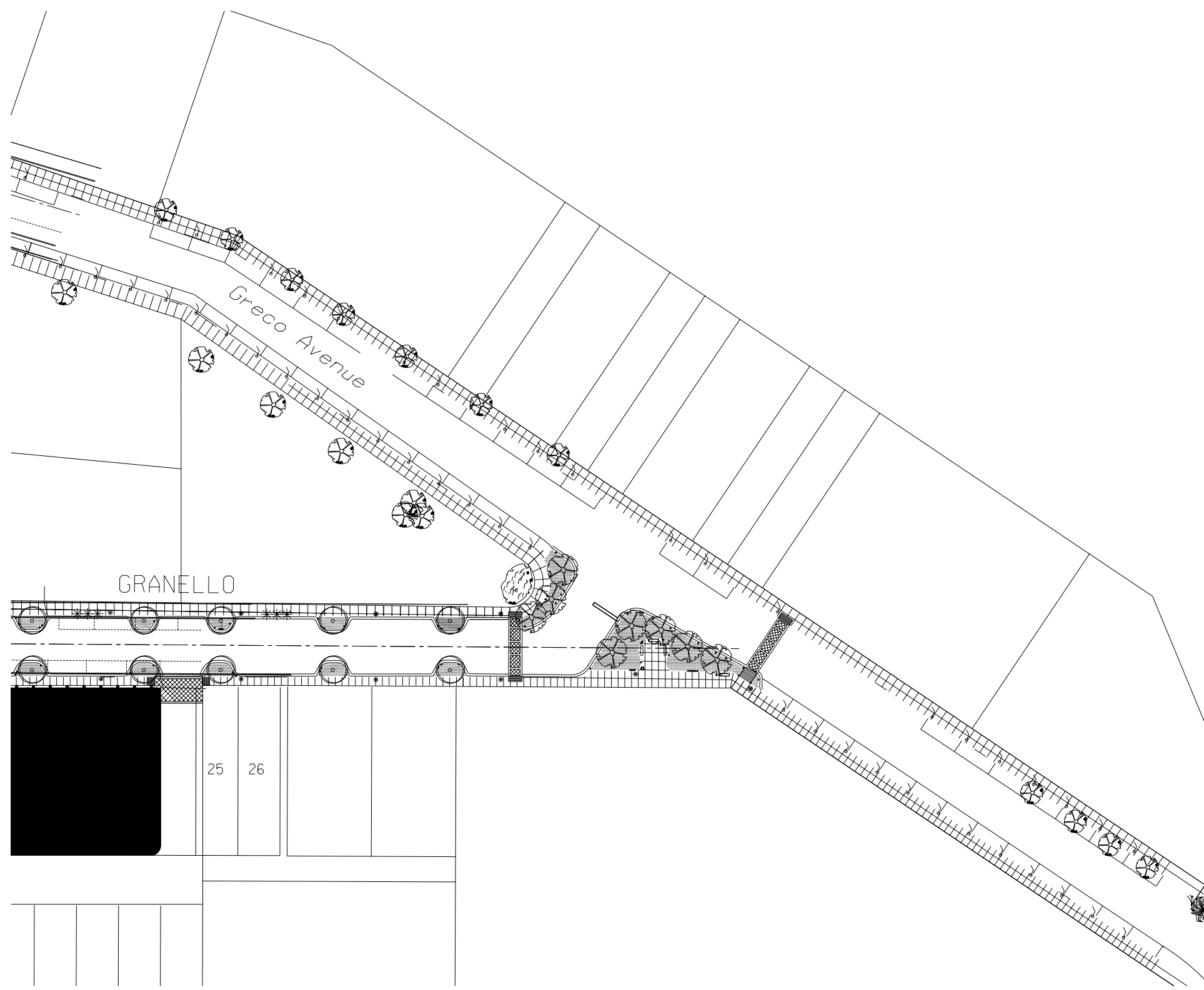
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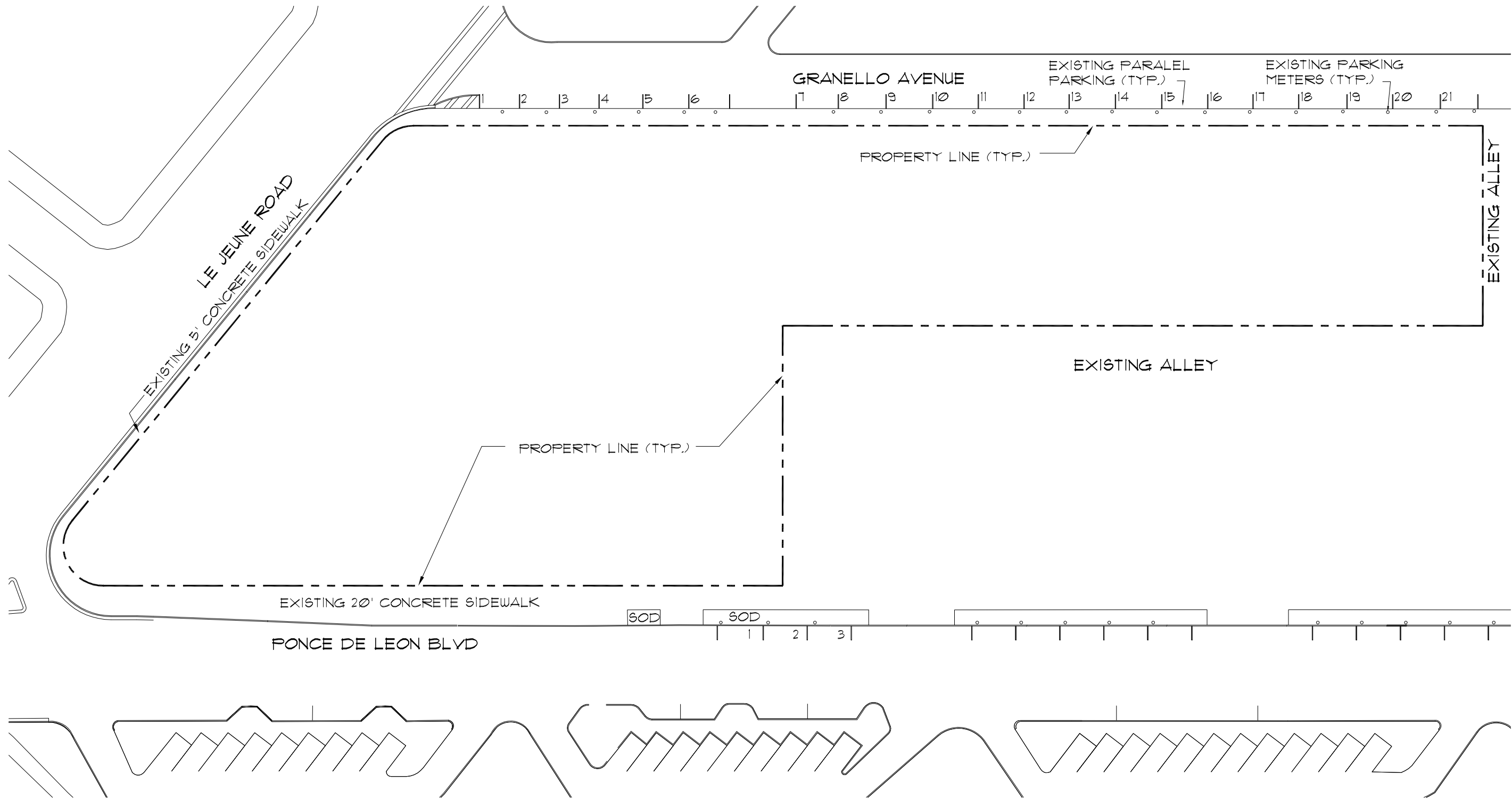


REQUIRED OFF-SITE ROADWAY IMPROVEMENTS

<u>LOCATION</u>	<u>IMPROVEMENT*</u>
Ponce de Leon Blvd at Project Driveway	Install NE Left Turn Lane Install SW Right Turn Lane
Ponce de Leon Blvd at LeJeune Road	Extend SW Right Turn Lane
LeJeune Road at Granello Avenue	Install WB Left Turn Lane
Granello Avenue at Greco Avenue	Reconfigure Intersection
Riviera Drive at Biltmore Drive	Reconfigure Intersection
Riviera Drive at Blue Road	Install Mini-Roundabout

*Required improvements based on original project approvals.





22.5 EXISTING SPACES

EXISTING STREET PARKING PLAN
N.T.S.



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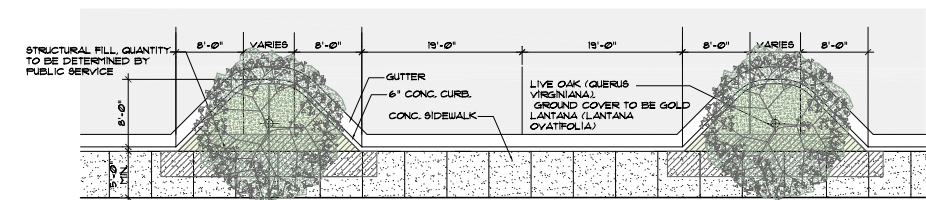
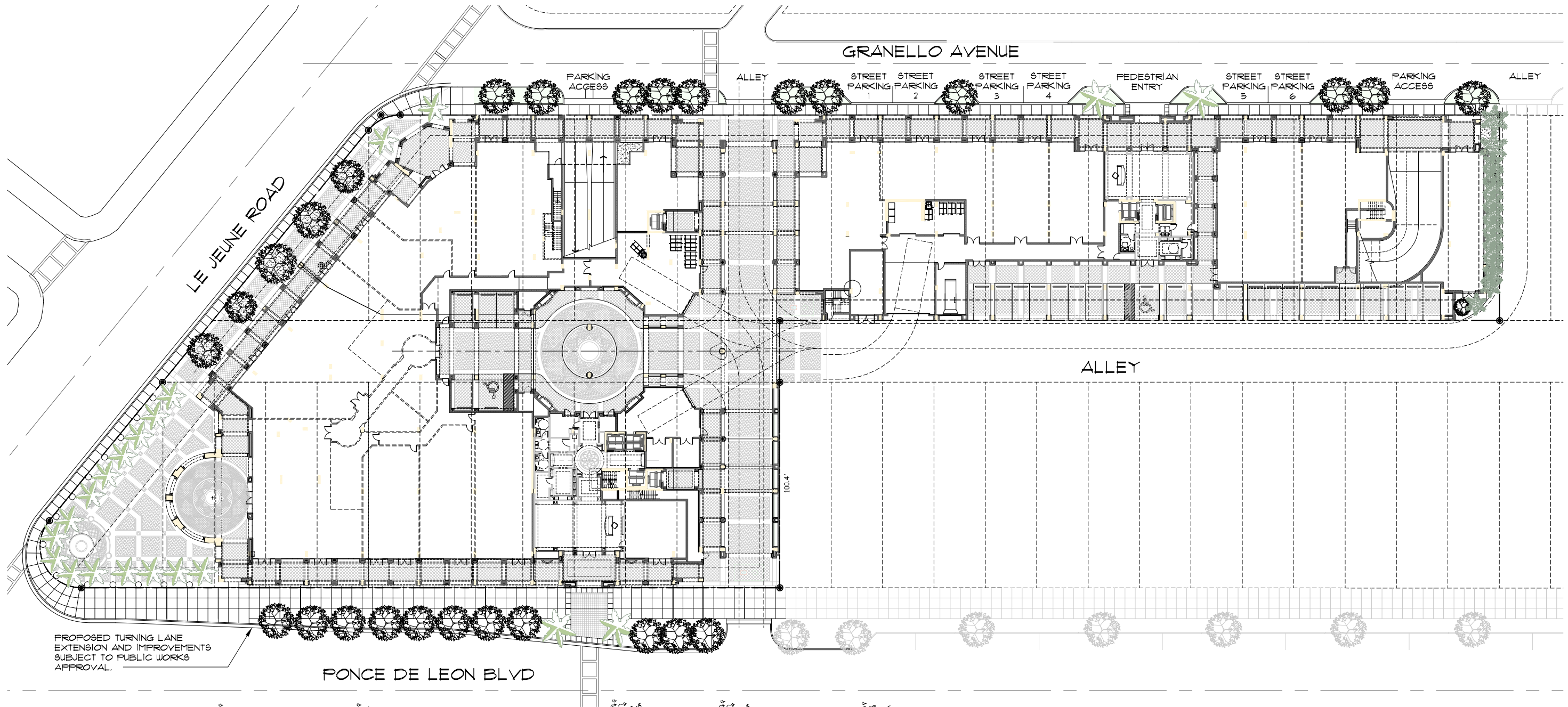
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6 PROPOSED SPACES



2 TYPICAL BUMP OUT / PARKING SPACE DETAIL
SCALE: 1/8" = 1'-0"

04-08-08 PROPOSED STREET PARKING PLAN

N.T.S.



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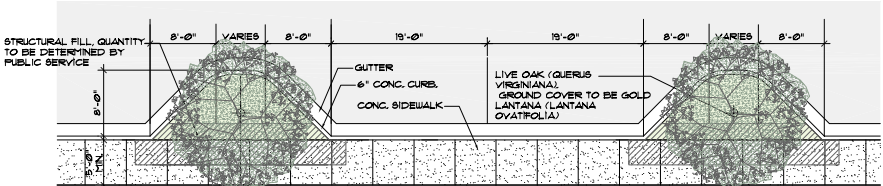
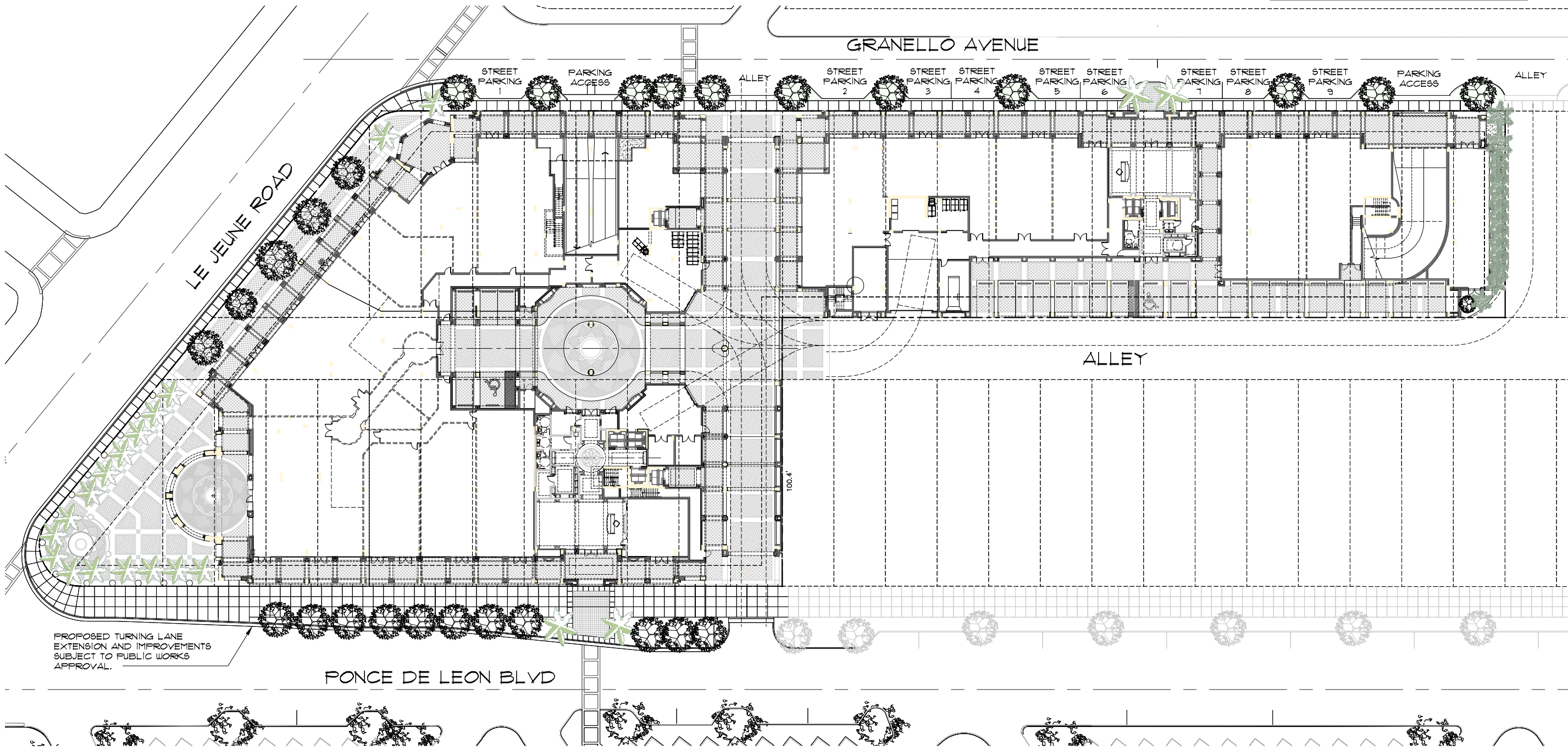
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4585 PONCE DE LEON BLVD. CORAL GABLES, FL.

DATE:
04-17-08
REVISIONS:

PROJECT No.
07-023
DRAWN BY:
ENC/VH
CHECKED BY:
RB
SCALE:
AS SHOWN
SHEET No.
A-0.6.2
OF

9 PROPOSED SPACES



2 TYPICAL BUMP OUT / PARKING SPACE DETAIL
SCALE: 1/8" = 1'-0"

04-22-08 ALTERNATIVE STREET PARKING PLAN
N.T.S.



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SEAL:
Robert Behar AR No. 14339
CONSULTANT:
PROPOSED MIXED - USE DEVELOPMENT
GABLES GATEWAY
4585 PONCE DE LEON BLVD. CORAL GABLES, FL.
DATE: 04-17-08
REVISIONS:
PROJECT No. 07-023
DRAWN BY: ENCMH
CHECKED BY: RB
SCALE: AS SHOWN
SHEET No. A-0.6.2.A
OF