

**City of Coral Gables City Commission Meeting  
Agenda Item H-2  
May 22, 2018  
City Commission Chamber  
405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Raul Valdes-Fauli  
Vice Mayor Frank Quesada  
Commissioner Pat Keon  
Commissioner Vince Lago  
Commissioner Michael Mena**

**City Staff**

**City Manager, Cathy Swanson-Rivenbark  
Assistant City Manager, Peter Iglesias  
City Attorney, Miriam Ramos  
City Clerk, Walter J. Foeman  
Deputy City Clerk, Billy Urquia**

**Public Speaker(s)**

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Agenda Item H-2 [1:59:14 p.m.]

A discussion regarding establishing a mixed-use district.  
(Sponsored by Commissioner Mena)

Mayor Valdes-Fauli: Item H-2, Commissioner Mena, mixed-use district.

Commissioner Mena: So, this was just a spin-off from our discussion last meeting with respect to Venera and some of the concerns about whether or not we have a mixed-use designation. So,

I had just asked staff to give us a quick primer on what our options might or might not be just to start the discussion and then see where we go from there.

Planning and Zoning Director Trias: Thank you. May I have the PowerPoint, please? I want to very briefly give you an overview of what the thoughts should be about mixed use. And I'd like to start with the beginning. This is the original mixed-use building. And you can see it's a three-story building, very nice façade, commercial downstairs; many of the things that we like. This is not possible in today's Code, and that is one of the weaknesses that we have in the Code, I think. And one of the real challenges because, if you look at the beginning, if you look at George Merrick, you see him photographed with big buildings, substantial buildings and so on. So, clearly, having some kind of significant mixed-use buildings was at the very beginning, at the very heart of the original ideas of George Merrick, such as here, in Douglas Entrance. That was a mixed-use project, clearly. But the scale, the scale is very different than what the Code encourages and allows now, very different. This is a picture of Douglas Entrance. I can't believe I was able to actually photograph. It's very difficult to photograph, but it was a chance to get some of the flavor at the beginning -- at the front of what Merrick had in mind. And then, in the background, you can see a much bigger building. And that is the problem. The problem is that the Code encourages those larger buildings, and it makes it very, very difficult to integrate the smaller -- the scale that was originally thought about. So, we are very good, in terms of regulation of this type of project. This is 2020 Salzedo. 2020 Salzedo is mixed use. It actually has a lot of features that we are thinking in terms of Mediterranean architecture and the design articulation, et cetera, the arcades. All those things are there, but they're only there in these larger buildings. Now, to get to this building, right now, the Code says you need to have land use -- commercial land use. You need to have commercial zoning, and then, in addition, you go ahead and do the mixed use. That was the discussion we had with Venera, for example. That was the discussion we had with 33 Alhambra, for example. The problem with that issue is, of course, that a project may not go through and then you rezone the property and so on. We know all that. Now, one of the nicest buildings we have -- and it's not mixed use, per se, but it could be. It's (INAUDIBLE). Again, if you look at the buildings around it, the new buildings, you see

a totally different scale. The Allen Morris building is an office building, but the Columbus Center, at the very edge of the photograph, that's actually mixed use. And again, you know, it's like you can see that, yeah, we are doing very well with the larger buildings, not so well with the smaller buildings, because of the fact of the Code right now requires 20,000 square feet, requires the commercial zoning, et cetera. You know all of that. The other additional aspect of this is that the Code is actually pretty sophisticated at requiring paseos, arcades. And then, the Commission is very effective at having a discussion about open space, such as in this case, in 33 Alhambra. You may remember that that green space -- we probably need to put that in the Code. We need to make sure that some of those things become requirements and become very clear. I think that's one of the issues of the larger buildings. Same thing happened with Paseo. At the end of the day, the 40 percent or so open space that was achieved was a result of the process, not necessarily a result of the Code requirements. Now, in terms of the future land use map and...

Commissioner Lago: Which -- if you can go back just for...

Planning and Zoning Director Trias: Yes.

Commissioner Lago: Because you made a comment in regards to open space. And, I made this comment to the City Manager this morning when we met. We're still waiting for that open space ordinance to come back to the City.

Planning and Zoning Director Trias: Right.

Commissioner Lago: I think it's something that we've been discussing for well over a year now, and I think that's going to have a significant positive impact on the way that projects are required to be designed and how people kind of approach these projects. So, that's the legislation that I proffered some time ago and that you and I were working on.

Planning and Zoning Director Trias: Absolutely.

Commissioner Lago: I think it came first reading and we were making some touches to it. Do you know when we're going to have that back? Because I made a comment to the Manager, and that's one of the items that I want to see brought back.

Planning and Zoning Director Trias: Absolutely. And, we are lucky enough now that we actually have a very good consultant that can give us some advice on that. So, the issue of the open space was most critical as it relates to mixed use, to the larger projects. The issue with the mixed use is that we don't have a zoning that is mixed use. Now, we do have a land use -- and that's the point that I was trying to make.

Commissioner Lago: Yeah, but that's -- but let's go back...

City Manager Swanson-Rivenbark: Excuse me. I think what the Commissioner's also referring to is the transfer of development rights for open space.

Planning and Zoning Director Trias: Yes. And, you may recall we talked about it in the last meeting that we had.

Commissioner Lago: That's one of the...

City Manager Swanson-Rivenbark: It's separate from the Biltmore.

Commissioner Lago: That's one of the items I'm talking about. We were trying to develop -- you and I, along with the Commission -- it came before us and we had an actual discussion here about giving the ability for developers to get certain incentives for open space. For example, there's a minimum requirement of open space per project, but you have second floor -- you have stairways. You have colonnades. You have arcades. You have second-floor balconies that are being included in open space -- remember, we talked about this -- that should not be included in

open space. What we're doing now is we're legislating open space when these projects come before us; 33 Alhambra, the project adjacent to City Hall, which we approved, which also has a park on the corner of the property. I want to -- and when I meet with developers and I talk to them, I say, listen, give me your open space. They already know that we're looking for more open space. And, what I mean open space -- I'm not talking about concrete and pavers. I'm actually looking for green space. So, do you have an idea of when it's going to come back to the Commission?

Planning and Zoning Director Trias: As soon as the City Manager allows us to proceed with the review, then we'll be ready to bring it to you. And what I'm saying is that we also have the additional input that is available to you through the consultant that we have. Now, what I wanted to say is that we do have one tool. We do have one tool for mixed use. We have the land use -- the mixed-use land use that has been used for some projects, some of the larger projects, such as Gables Station and the project for Paseo. That actually is the beginning of some of the things that I believe Commissioner Mena was interested in because it does give a lot of control to the Commission as far as the use and as far as the size of the buildings, but it does it through the land use. So, probably, a better way or an ideal way is to also do it through zoning and those are some of the thoughts that we're trying to work on. So, again, the projects end up being developed in ways that I think the Commission has accepted. But, when you look at the map of what we have, we have two things. We have overlays that allow for mixed use, and we also have individual projects. And as you can see, it's a little bit scattered throughout the city. We probably need to be able to plan in a more cohesive way. But, that is the map that summarizes all of the different flavors of mixed use that we have in the City right now. That was just a little introduction of some thoughts. If you have any questions, maybe I'll be able to help you. Thank you.

Commissioner Lago: Well, I do have one thought -- one question to ask, because you made a comment before in regards to the open space and you stated that we were waiting. Obviously, we have a consultant on staff that could potentially help us flesh this out, but also, the item was

that we were waiting on the Manager for approval on this issue. I think we've been discussing this for probably about a year and change, even before Commissioner Mena got on this -- and the Mayor got here. So, I think it's important and it's incumbent on myself, who proffered that legislation and I think my colleagues are interested in the legislation, because if you noticed the last four or five projects that have come before us, except for the one today because Venera really doesn't require open space in regards to green space, because it's in front of a park. They've all ended up with green space because why? Because the Commission has pushed, not because Planning and Zoning, not because staff has required it. We have pushed for there to be actual open space. And what I mean open space, green space. So, what I'm asking you is, outside of the Manager making the decision of releasing this and if the Manager's the one that's holding this up...

City Manager Swanson-Rivenbark: I think there's a misunderstanding with staff.

Commissioner Lago: No, no, no. It's okay.

Planning and Zoning Director Trias: I didn't say that.

City Manager Swanson-Rivenbark: And I guarantee you we'll address it.

Commissioner Lago: No, no, but -- it's okay. But we -- like we sat down this morning at 7:30 and we went through items and I'm waiting -- everything from recycling bins -- and we'll talk about that later -- to open space. One of my items that I brought up today, where is my open space ordinance.

Planning and Zoning Director Trias: My comment...

Commissioner Lago: Because I think -- I think -- I'm of the belief -- and I don't want to speak out of turn and I hate -- I never want to speak for my colleagues, but I think my colleagues agree

with me that that's only going to make development in this community better. So, just tell me when I can see it.

Planning and Zoning Director Trias: Yeah. My comment should be understood as a collaboration and an effort that needs to take place...

Commissioner Lago: It's -- we're always collaborating.

Planning and Zoning Director Trias: To make sure that it's appropriately done and noticed and so on. So, that's really what that was about.

Commissioner Keon: Well, what does...

Commissioner Mena: Are we trying to rope that into like a discussion with the rewriting of the Zoning Code?

Commissioner Lago: Yeah.

Commissioner Mena: In other words, is that why there's a delay too?

Commissioner Lago: That was my goal. Look, my goal is this. You -- and I think that, again -- this is a great conversation since you're bringing this up, because right now we're dealing with the MXD, which is -- again, has to come back for a second reading. Remember -- don't forget -- and I went over this with the Manager this morning. That was another one of the items. For those certain parcels that don't fall -- because they're too small and they're basically sandwiched in between large buildings. That's gone through first reading. It hasn't come back for second reading. That's one of the items that I also mentioned to the Manager.

Planning and Zoning Director Trias: And that...

Commissioner Lago: We give credits -- we give bonuses for the Mediterranean style design here in the City. Sometimes I think that's great, but I think that we can achieve a lot more...

Commissioner Mena: Agreed.

Commissioner Lago: Outside of just slapping on some, you know, faux coquina on a building and not really getting your money's worth.

Planning and Zoning Director Trias: Absolutely.

Commissioner Lago: And, you do an exceptional job -- you do an exceptional job over the last few years from stopping that from happening. And I mentioned that to the Manager, who's very clear that I told her Ramon and his team really push developers to proffer and give a great product. But, what I'd also like to see is that maybe we give them different options, like we've mentioned. If that's more green space, if that's a better design, there has to be a back and forth that maybe we can give and it's not just Mediterranean bonus.

Commissioner Mena: I agree with you. I think there's situations where sometimes maybe you don't need a paseo. Maybe you can push the building a little bit in as a result of not having that and have some more green space that's outward facing. There's different options, but we need -- it's incumbent on us, you're right, Commissioner Lago, to give you or finalize a criteria that you can then work with.

Commissioner Keon: Right.

Commissioner Mena: So -- but if you're doing that in conjunction with this process with DPZ to rewrite some of these issues, that was my question because...

Commissioner Lago: Yeah.

Commissioner Mena: You know, are we looking to get their feedback before moving forward with Commissioner Lago's item or is there another holdup?

Commissioner Lago: Can we engage him on...

Planning and Zoning Director Trias: No. I think we're very lucky in the sense that we have everybody involved who really are paying attention to the details, and that's the point that I'm trying to make. As soon as we have everybody's advice and everybody's suggestions, I think you have probably the best team that can provide you the best answers. What I'm pointing out is that clearly the small buildings are an issue. Partially, the solution is the parking in the mixed-use areas that we have discussed. Clearly, the open space should be more prescriptive so it's more predictable, and then that's something that I think we can work on. So, those are issues that I think we're working on and should be coming to you.

Commissioner Lago: Yeah, I -- and I'll be honest with you. When I found out that we were including second-floor...

Planning and Zoning Director Trias: Yeah, I know.

Commissioner Lago: Spaces and stairwells as open space, to me, I mean, that's -- I cannot...

Commissioner Mena: That's laughable.

Commissioner Lago: I can't do that.

Commissioner Mena: Yeah, that's laughable.

Commissioner Lago: I just can't. I cannot do that. Be up here and literally look at a constituent or a business person in the face and say, listen, we're approving these projects with 18 percent open space and not even -- it's not even 18 percent. It's 13 percent because they're including paseos and arcades, which, again, arcades are important; paseos are important, but I think we can do better and we can -- and I want to be clear and I want to put it on the record. If you tell me that a project is better or more efficient or in the best interest of this community and it includes an additional floor and I have to increase the building height by 10 feet, 15 feet, I'll do it. If you tell me that we can get a better project that is beautiful, that has more open space, that has a place where people can congregate. I hate the idea of going setback to setback and just putting up a building. That, to me -- and that has -- that goes into Commissioner Mena's comments about H-2, and that goes into the comments about the MXD, like we're talking about for the industrial area.

Commissioner Mena: And on mixed-use district, Ramon, I think -- this was a helpful presentation. Obviously, I know you're going to be working with DPZ on developing something more specific and I defer to the professionals on that at this point. The goal really, at least, for me, is I don't want to give away commercial zoning, because somebody's seeking mixed use. So, they're coming in for a mixed-use project, but we're giving them zoning that lets them go to here. I don't see that as necessary. I think we saw a bad example of that on this last go-around and not everybody does that. A lot of them do go forward with a mixed-use project and that's fine, but I don't see why we need to do it that way. And, I'm under the -- I've been told that some of our neighboring municipalities in other areas do it a little differently, and I think we need to investigate that and see what our options are.

Commissioner Keon: I -- but I thought that was one of the -- one particular item that had been pointed out to DPZ that wanted to be addressed and solved, because this issue of having to go through -- to make it commercial in order to go to mixed use is very problematic, because it opens it up to far more than what we want it to be opened up to.

Commissioner Mena: Right.

Commissioner Keon: And then, once you give them the -- you know, you should be able to go to mixed-use zoning without having to give someone commercial. Because if they don't build that project and we don't tie it to a site plan, you know, then they have commercial zoning and they talk about what they have by right, which is not really what we want to do. And, it gives them far more rights than we are really willing to give them.

Commissioner Mena: It changes...

Commissioner Keon: So, it is a problem.

Commissioner Mena: And it changes the standard that we are applying...

Commissioner Keon: Yeah -- yes.

Commissioner Mena: When we're evaluating these projects, because right now we have to apply is it appropriate to change the zoning here to commercial or not...

Commissioner Keon: Right.

Commissioner Mena: And it will change...

Commissioner Keon: You're right.

Commissioner Mena: That criteria for us...

Commissioner Keon: Yeah, so...

Commissioner Mena: So, I think that's important as well.

Commissioner Keon: I thought those were some of the items -- I think there were four or five items that had been laid out as, you know, specific topics that we struggle with that we asked her to look at, in addition to all the other things they may find. But, those particular items -- those in particular. But, I also think with the open space -- through the Manager -- is the -- the issue on the open space, is it that we haven't gotten to the -- is it the study or whatever it is of it not been completed yet, or what is the issue with the open space requirement? Madam Manager, on the issue with the open space, is it's still under study or what is it?

City Manager Swanson-Rivenbark: There are two transfer of development rights discussions that are going on. One is related to Biltmore Way...

Commissioner Keon: Right.

City Manager Swanson-Rivenbark: Which, as a staff, I said you need to create an analysis and then bring it forward. On the issue of transfer of development rights for open space, quite honestly, this has been discussed for a year and a half, possibly longer. I don't see the need for additional study on it. I think we just need to draft it and bring it forward, so we'll find out where it is in the process.

Commissioner Keon: Okay, so it just needs to be drafted.

Commissioner Lago: What I'm going to do is...

Commissioner Keon: So, go ahead...

Commissioner Lago: What I'm going to do, Commissioner Keon, is -- let me just deal with this issue. What I'll do is I will -- I'm going to draft a memo over the next week or so and I'm going

to bring everything together, all the discussions that we've had over the past year and a half. I think we even had a Sunshine meeting to discuss this at one point, us and your department.

Planning and Zoning Director Trias: Yes.

Commissioner Lago: So, it's been such a long time and I was hoping this would have come before us so we could ratify it, so instead of having to deal with a case by case study, like, case in point, we're going to have a project coming before us -- I met with the developer to talk about the project -- and they're basically implementing this legislation without this legislation even existing. So, I'm going to put a memo together with all this information. I'm going to circulate it to staff and to my colleagues, and I'd like to see if we can really bring this forward. I even -- I thought we had brought this forward for a first reading at one point.

Commissioner Keon: Which one?

City Manager Swanson-Rivenbark: I'm going through the...

Commissioner Keon: The open space?

Commissioner Lago: Yeah.

City Manager Swanson-Rivenbark: Code right now.

Commissioner Keon: Pardon me?

City Manager Swanson-Rivenbark: I'm looking at...

Commissioner Mena: We spoke about it.

City Manager Swanson-Rivenbark: Planning and Zoning...

Commissioner Mena: Yeah. I don't remember the context.

Commissioner Lago: Yeah.

City Manager Swanson-Rivenbark: And also City Commission to track the progress of it...

Commissioner Lago: And I...

City Manager Swanson-Rivenbark: As we talk.

Commissioner Lago: And, the reason why I stopped the presentation while you were talking about open space is because I think it plays right into the mixed-use district and what do we want. And I think this is part of the discussion, along with parking and along with being a little bit more flexible in regards to the design of buildings and getting the most out of a project, not just put up the bare minimum and meet the standard and, you know, move forward.

Commissioner Mena: I guess the question I always have for you, Commissioner Lago, is do you want to bring that back as soon as possible, or do you want to have DPZ chime in as part of...

Commissioner Lago: Exactly what you said, DPZ -- but I want to give DPZ the information that's at hand.

Commissioner Mena: Right.

Commissioner Keon: Right.

Commissioner Lago: So, I'm going to work on a memo. I'm going to put it together. I'm going to ask Chelsea to start looking up as much information as she can, maybe do a public records request. Like I'm -- like you, I've forgotten most of it.

Commissioner Keon: I thought that at one point when we were talking about...

Commissioner Lago: It's on my initiatives tracker too.

Commissioner Keon: The issue that -- right. There was a discussion about open space. And what we decided was, you know, what -- there may be a requirement for open space, but what we were looking for was public space. And, there was a clear definition between having rooftop gardens that weren't accessible to the public as opposed to ground level amenities that were open and available to the public. So, I think we worked on, you know...

Commissioner Lago: It came to vote.

Commissioner Keon: Those definitions.

Commissioner Lago: It came.

Commissioner Keon: It came to...

Commissioner Lago: It came to a first...

Commissioner Keon: A vote, and then I don't know that it was ever codified.

Commissioner Lago: It was between -- you're correct.

Commissioner Keon: So, I think that...

Commissioner Lago: It never came to...

Commissioner Keon: That was...

Commissioner Lago: Second reading.

Commissioner Keon: The issue.

Commissioner Lago: It never came to second reading. And I actually got a phone call from several developers that were very concerned.

Commissioner Keon: Right, right, right.

Commissioner Lago: They were very concerned about how the -- how this would shrink the footprint of the building. And then I tried to appease them by saying, listen, when we come back to Commission on second reading, we'll have a real discussion about whether a building is 72 feet in height or if it's 82 feet in height. We'll make the changes necessary, so you can fit your development rights within the box, but also...

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Lago: Achieve more open space.

Commissioner Keon: But...

Planning and Zoning Director Trias: And...

Commissioner Keon: But the public space.

Commissioner Lago: Yes.

Planning and Zoning Director Trias: The ground level...

Commissioner Keon: But, I think that you have to change the definition of those words or define them -- or two different ones.

Planning and Zoning Director Trias: Ground level open space.

Commissioner Keon: If the one is...

Commissioner Lago: Ground level open space.

Commissioner Keon: That we indicate...

Commissioner Lago: That was the discussion.

Commissioner Keon: Ground level as opposed to open space in general in a facility because, you know, it's counting those pool decks and counting those rooftop gardens and all that. And what we really are looking for is, you know -- those are amenities to the people that live there. What we're looking for are amenities to the general public...

Commissioner Lago: Yes.

Commissioner Keon: For the livability of those projects, so...

Planning and Zoning Director Trias: My recollection, there was significant discussion and there as disagreement, so we need to find some consensus and get it to you...

Commissioner Keon: Okay.

Planning and Zoning Director Trias: In a way that I think...

Commissioner Keon: Okay.

Planning and Zoning Director Trias: The community will support it.

Commissioner Keon: So, maybe it hasn't come forth, because it's not clear -- it isn't clear what we're asking for.

Planning and Zoning Director Trias: There was discussion at the Planning and Zoning. There was discussion...

Commissioner Keon: Oh.

Planning and Zoning Director Trias: There were a variety of opinions...

Commissioner Keon: Okay.

Planning and Zoning Director Trias: That were not...

Commissioner Keon: Okay.

Planning and Zoning Director Trias: Yeah.

Commissioner Lago: Let me circle the wagons. Let me circle the wagons. Let me get my hands around this, and I'll present all the information in reference to the last year and...

Planning and Zoning Director Trias: Okay.

Commissioner Keon: A half, and then we'll continue the conversation again.

Mayor Valdes-Fauli: And I'm very, very much for open space, I really am. But sometimes, you cannot shrink the building enough to have open space by adding ten floors up and...

Commissioner Lago: No, I agree.

Mayor Valdes-Fauli: It doesn't work on every...

Commissioner Mena: Yeah.

Mayor Valdes-Fauli: Alright.

Commissioner Lago: Maybe we could find different options.

Mayor Valdes-Fauli: Sure.

Commissioner Lago: Like, for example, there's a developer that's going to come before us where -- you know, they increased the development, the FAR, the intensity and density, but they also bought a neighboring piece of property, which they're going to make it into a green space.

Mayor Valdes-Fauli: Okay.

Commissioner Lago: So, it can be done. There's got to be creative ways to be able to deliver on those open spaces.

[End: 2:21:00 p.m.]