

**City of Coral Gables City Commission Meeting
Commission Chambers
Agenda Item F-2
October 27, 2020
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Raul Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Jorge Fors, Jr.
Commissioner Pat Keon
Commissioner Michael Mena**

City Staff

**City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia
Planning and Zoning Director, Ramon Trias
Deputy Development Services Director, Devin Cejas**

Public Speaker(s)

Anthony de Yurre

Agenda Item F-2 [12:30 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida providing for text and map amendments to the City of Coral Gables Official Zoning Code pursuant to Zoning Code Article 14, "Process," Section 14-212, "Zoning Code Text and Map Amendments," by amending the following provisions: (1) Article 1, "General Provisions," creating new zoning districts: Multi-family 3 (MF3), Multi-Family 4 (MF4), Mixed-Use 1 (MX1), Mixed-Use 2 (MX2), Mixed-Use 3 (MX3), and Design/Industrial District Overlay; and deleting Multi-Family Special Area (MFSA), Commercial Limited (CL), Commercial (C), Industrial (I), and the north and south Industrial Mixed-Use Overlay Districts, and making the appropriate zoning map amendments to effectuate these changes; (2) Article 2 "Zoning Districts," creating new zoning districts and associated provisions, deleting floor area ratio requirements in certain districts, and permitting uses in certain zoning districts; (3) Article 3, "Uses," allowing certain uses in new zoning districts, and updating Telecommunication provisions; (4) Article 4 "Urban Design and Public Improvement Standards," refining public realm requirements; (5) Article 5 "Architecture," updating zoning districts to be consistent with Article 2; (6) Article 6 "Landscape," updating and increasing certain open space requirements; (7) Article 10 "Parking" updating certain parking requirements; (8) Article 14

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“Process,” revising processes for zoning applications, clarifying procedures for receipt of Transfer of Development Rights (TDRs), and expanding Transfer of Development Rights (TDRs) receiving sites to include the Design & Innovation District; (9) Article 16 “Definitions,” updating certain definitions; providing for repealer Provision, severability clause, codification and providing for an effective date.

City Attorney Ramos: F-2 is an Ordinance of the City Commission of Coral Gables, Florida providing for text and map amendments to the City of Coral Gables Official Zoning Code pursuant to Zoning Code Article 14, “Process,” Section 14-212, “Zoning Code Text and Map Amendments,” by amending the following provisions: (1) Article 1, “General Provisions,” creating new zoning districts: Multi-family 3 (MF3), Multi-Family 4 (MF4), Mixed-Use 1 (MX1), Mixed-Use 2 (MX2), Mixed-Use 3 (MX3), and Design/Industrial District Overlay; and deleting Multi-Family Special Area (MFSA), Commercial Limited (CL), Commercial (C), Industrial (I), and the north and south Industrial Mixed-Use Overlay Districts, and making the appropriate zoning map amendments to effectuate these changes; (2) Article 2 “Zoning Districts,” creating new zoning districts and associated provisions, deleting floor area ratio requirements in certain districts, and permitting uses in certain zoning districts; (3) Article 3, “Uses,” allowing certain uses in new zoning districts, and updating Telecommunication provisions; (4) Article 4 “Urban Design and Public Improvement Standards,” refining public realm requirements; (5) Article 5 “Architecture,” updating zoning districts to be consistent with Article 2; (6) Article 6 “Landscape,” updating and increasing certain open space requirements; (7) Article 10 “Parking” updating certain parking requirements; (8) Article 14 “Process,” revising processes for zoning applications, clarifying procedures for receipt of Transfer of Development Rights (TDRs), and expanding Transfer of Development Rights (TDRs) receiving sites to include the Design & Innovation District; (9) Article 16 “Definitions,” updating certain definitions; providing for repealer Provision, severability clause, codification and providing for an effective date. This is a public hearing item, Mr. Trias.

Planning and Zoning Director Trias: May I have the PowerPoint please. Very briefly, I will update you and the community watching some of the issues that we’ve dealt with. Number one is, the zoning code started in 1930, its been amended many times, this is one of those times. I fully expect that the process will continue into the future. This is the way that codes develop and grow. Secondly, the code process has been going on for at least over two years actually, and it had three phases. It has a phase of assessment analysis then the reorganization and then the adoption phase, which is what we are doing today. The assessment analysis, as many of you know, because you had a chance to participate, included multiple meetings with city staff, with the B.I.D., with a working group of interested citizens and of course with the Commission. The reorganization and drafting took a lot of the work from our consultant and also input from staff under your direction; and last time you adopted on First Reading the reorganization, the actual reorganization of the table of contents. Today you are dealing with the content of the code. That is the First Reading today and we are basically at the middle of this adoption process. The Second Reading will happen as soon as you are able to pass the First Reading. I had some attachments, including the Commission memo and staff provided as much information as we could. The new information provided by staff recently, has been a memo that deals with Miracle Mile issues, just listed the different issues that relate to Miracle Mile; and also a revision of some of the parking provisions

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that were mentioned last time, and the City Clerk has a document that will pass out for you. Its fairly technical, it deals with a lot of minor amendments and I gave you the row Word document that we are using so you can see the amount of work that takes place. So, as I said, you have already approved on First Reading, reorganization. It will come back on Second Reading, whenever we get a chance to do Second Reading for this item. Public notification, as you well have discussed today is very important and I want to assure you that we've had multiple public notices, including twelve (12) times on the website posting, ten (10) times newspaper advertisement for different meetings. And staff recommends approval, as the standards of review for this item have been met. And we are ready to deal with any of the outstanding issues that you may want to address. The consultant should be available by Zoom, I believe, and City Clerk could check that. She is. Thank you, Mayor. There is no more presentation. We are able to answer questions or help you with the discussion.

Mayor Valdes-Fauli: Questions?

Vice Mayor Lago: Mr. Mayor, if I may. I just want to make sure that we address the concerns in regard to the residential setbacks, especially with the pool deck and everything. I saw something here; you took care of that.

Planning and Zoning Director Trias: Yes. That was addressed.

Vice Mayor Lago: Second, speaking to several architects, there was a concern about the role of stories and the regulation of height, that there were requesting additional stories. There was a little back and forth in regard to, for example, if you are allowed 170 feet, but you are only being allowed 14 stories, they were requesting to mail out 16 stories. I obviously counted that the reason for that was to be able to consume as much of the FAR as possible. By allowing additional stories, the building height would be taller, correct? – if you apply, obviously the issue of remote parking into the mix.

Planning and Zoning Director Trias: In some of the less tall buildings, perhaps, in the very tall buildings, the ones that are 190, it wouldn't be a big deal.

Vice Mayor Lago: So, what was the hesitation in not allowing more stories within the envelope of the building?

Planning and Zoning Director Trias: It has to do with the quality of the space. We don't have a definition for the minimum dimension for a story. We could also do that. We could have a – stories have to be X in height.

Vice Mayor Lago: Would you want to review that. I'm not saying I'm in favor against, I'm just saying would you like to review that, maybe between First and Second Reading?

Planning and Zoning Director Trias: Sure. We can do that, and that's again a policy choice, a hundred percent by Commission.

Vice Mayor Lago: Okay. Along with that, I was also made aware that ALF's in regard to the unit density is about 125 units an acre in the mixed-use districts, but there hasn't been a commensurate adjustment of the density permitted for ALF's.

Planning and Zoning Director Trias: We have not touched that. So, what we have there is there in the code now. As a result of some of the changes, that issue has been raised to me also that there may be some adjustment.

Vice Mayor Lago: Residential development has a lot more of an impact versus ALF, which again, has significantly less striving.

Planning and Zoning Director Trias: ALF's has higher densities because it has less impact.

Vice Mayor Lago: Okay. Also, I know that some of the land use attorneys reached out to me and talked to me a little bit about effective date of the new zoning code. It needs to be discussed to make sure the projects which are already in the review process do not need to start over or lose the value of investment, which has already been made in the new project development. How are we handling that issue?

Planning and Zoning Director Trias: We could work with the City Attorney to come up with the appropriate language in the ordinance in terms of when it applies.

City Attorney Ramos: We certainly can work on language, but we need direction from this Commission when you want it to apply. It could be first BOA, final BOA.

Vice Mayor Lago: I'm bringing it up just to say, so that my colleagues can think about that between first and second, because we need to have some sort of cutoff point. I know the Manager and I have discussed that before.

City Manager Iglesias: We have traditionally used the final BOA approval as the cutoff for the zoning code and the building code. So, when you have final BOA approval, that sets your building code and that sets your zoning code. So that's what we have traditionally used and it's a policy that has been going on for some time.

Vice Mayor Lago: Okay. I just want to make sure we put that out there so that we memorialize that in this document, because I think it needs to be important that we put that out there and we memorialize it so that there are no questions later, in regards to where a developer stands or not.

City Manager Iglesias: Its very important to set that date, because that sets the development, all the codes, whether zoning or building for that development, and so, that is a very crucial date.

Planning and Zoning Director Trias: I think it applies mostly to one project that is currently being reviewed by Board of Architects that is extremely complex in terms of the request, so we can probably discuss this in detail with the City Attorney so we make sure that that takes place.

Vice Mayor Lago: Let's do that please. I'd like to put that on the record. My last item is to discuss Miracle Mile. I wrote a memo over the weekend and I submitted it to my colleagues for their review and for their consideration. And I think its something that either we bifurcate the zoning code and we discuss this item on itself and we move forward and exclude Miracle Mile for today, if my colleagues are willing to do that, I'll hold my comments for another day. If they want to move forward as a whole, I'll put my comments on the record. What would the Commission like to do?

Mayor Valdes-Fauli: Put your comments on the record.

Commissioner Mena: Yes. I think that's fine.

Vice Mayor Lago: Perfect. My comments are pretty simple. I'm in favor of more parking, especially on Miracle Mile. I think it works. I think its beneficial for the aesthetic nature of the Mile. But let me be clear, there has not been, there is a reason why there has not been a six-story building on Miracle Mile, because you have to park the building, and it does not allow, it does not make financial sense to do that. It is already allowed to be 70 feet, six floors, but as a result of the parking requirements developers are not doing it. In reference to other projects that have come before us, for example, 2020 Miracle Mile, that project did not meet the requirement for remote parking, so they were not able to move forward. Now, I think, as was used before in this Commission, I think remote parking is a gift and it's something that we as a city are doing and hopefully will spur redevelopment, but I think we need to be very careful. I am not in favor of having six-story buildings with a rooftop terrace and seeing these gigantic model thick slabs structures on Miracle Mile. There are significant benefits to remote parking and let me put these on the record. The cost of a parking space in construction right now, depending upon the design could be between \$30 to \$35,000 a parking space, and only going up with the additional cost of construction, concrete, the scarcity of labor, the scarcity of soft cost, its moving up. Second, by doing remote parking you eliminate insurance, risk and reduce cost significantly. That is a major, major plus for developers. You eliminate maintenance of the parking garage structure, that is a major, major plus for developers. You reduce staffing for the developer. You don't have to have a person cleaning, you don't have to have a person manning the parking to ensure, you don't have to have a person basically walking up as a safety person to ensure that nothing happens in these parking garages. You eliminate headaches on a continual day. What do I mean by headaches? As Kevin will tell you, slip and falls, garages breaking, ADA issues, just continued headaches that his team has to deal with on a daily basis that a lot of us take for granted. It happens. So, your staff is opened up to do a lot of other things and not have to deal with parking headaches. I want to be very clear and I'm going to ask the City Attorney. I want to put on the record, the building 220 Miracle Mile, do they meet the requirements for remote parking as of right now?

City Attorney Ramos: New projects cannot remote parking in 2007 code.

Vice Mayor Lago: So, let's be clear. By allowing for remote parking, which I'm in favor of, you are allowing a developer to take their property which they don't meet in the zoning code to redevelop it. So, you are allowing for that developer to take advantage of this new zoning code, which is fine, but I believe that we should be very careful about how we protect our historic Miracle Mile. Another important factor, by doing remote parking you are allowing the FAR to be

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maximized, which again, without remote parking you cannot maximize your FAR because your parking would eat up a significant amount of the height, leaving only a little bit of habitable square footage, habitable height, excuse me. Now, I mentioned the issue about why don't we have it in six-story buildings already on Miracle Mile. I think that we need to, like I mentioned before, we need to protect the integrity of Miracle Mile. I want to ensure that on Miracle Mile, we have setbacks at 45 feet, that's important, with a minimum of a ten-foot setback at that 45 feet, and that is critical. I think a great opportunity that we have if we are going to provide that gift of remote parking, I think what we need to do is, we need to lower the FAR and not allow for TDRs on Miracle Mile. If you put TDRs into a building, you are talking about almost 4.4, to be exact it would be 4.375 FAR. I think we need to be at a maximum 3.5 FAR and if my colleagues want to discuss that, I'm more than interested in doing that. That pretty much concludes my points on Miracle Mile. I'd like to see my colleague's opinion in regard to, not only my memo, but my points on the incredible benefits that we are providing developers by instituting remote parking.

Planning and Zoning Director Trias: So, if I could. All of the issues that you discussed are in the code, except for the TDR, the removal of TDRs in Miracle Mile.

Vice Mayor Lago: It continues, correct?

Planning and Zoning Director Trias: Right.

Vice Mayor Lago: Its in the code. I would like to have that removed, with obviously the support of my colleagues, if not obviously, then I'll have to reconsider my vote.

City Attorney Ramos: So, regarding TDRs, I just want to put on the record, its always been a conditional use approval, so no one should have a...expectation that they would receive TDRs, it always is up to the Commission. With regard to the Med bonus one and two, Ramon, I don't know if its been removed for FAR. Certainly for height, which has always been consistent with the view of Miracle Mile before FAR, they are still available, correct?

Planning and Zoning Director Trias: Yes, for FAR, yes.

Vice Mayor Lago: So, I want to make sure, again, its conditional use, I don't want it to be even a conditional use.

Mayor Valdes-Fauli: Comments, Commissioner Mena.

Commissioner Mena: Sorry, I just want to confirm something, and I apologize. The area the three-block radius over off of LeJeune that we talked about a few times, we talked about at the last meeting, I don't really have a name for that.

Planning and Zoning Director Trias: The Craft Section area.

Commissioner Mena: Yes. Is that in the rewrite?

Planning and Zoning Director Trias: It will be in the map. That's the only change that will be in this request.

Commissioner Mena: What does that mean?

Planning and Zoning Director Trias: The zoning map – the zoning map is part of the attachments and the zoning map, if you chose to change the zoning for that area, will be included in that area as MX1.

City Attorney Ramos: But Ramon doesn't that have to come back on Second Reading?

Planning and Zoning Director Trias: Yes.

City Attorney Ramos: Okay. So, it's not on today's agenda.

Planning and Zoning Director Trias: No, no, no. What I'm saying is, maybe I'm not answering correctly. The affect of changing all that would be shown in the map.

Commissioner Keon: It's a map amendment, not a zoning code amendment that will affect how the zoning code will be applied in that area. The zoning code is only now the way its written is to allow for MX1, 2, to create the possibility to develop MX buildings that was not prior, was not before in the zoning code. So, it's a new zoning classification that will determine how it will be applied by amending the future land use map.

Planning and Zoning Director Trias: If I could. Also, in addition, the Second Reading, the Second Reading for the Comprehensive Plan Amendment.

City Attorney Ramos: To the Comp Plan Amendment.

Planning and Zoning Director Trias: That's not before you today.

Vice Mayor Lago: The map is still an issue.

Commissioner Mena: Does what?

Planning and Zoning Director Trias: The Comprehensive Plan changes...

Commissioner Mena: If I vote on it on First and Second Reading the legal affect of that will be what?

Planning and Zoning Director Trias: The legal affect of changing the Comprehensive Plan, which is...

Commissioner Mena: Wait. This is why it's hard to – I'm not asking about the Comprehensive Plan. The item before me today as a map that impacts that area, if I vote on that item on First Reading, was before me today on First and Second Reading, what does that approve?

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Planning and Zoning Director Trias: If you vote for it on First Reading, Second Reading, and also in the Comp Plan on Second Reading, then it changes that area to MX1.

Commissioner Mena: Setting aside the Comp Plan.

Planning and Zoning Director Trias: If you don't change the Comp Plan you cannot do it.

Commissioner Mena: Why am I voting on it. I don't know how else to ask this question.

City Attorney Ramos: I think the idea is to vote on the zoning code today and then at the next meeting, you would have both the Second Reading of the Comp Plan.

Commissioner Mena: What happens if we approve this and we vote down the Comp Plan, what happens?

Commissioner Fors: Because I think the Second Reading of the Comp Plan and the Second Reading of this will probably be the same.

City Attorney Ramos: Correct.

Commissioner Mena: But we could vote yes on one and no on the other, right?

Planning and Zoning Director Trias: Yes.

Commissioner Mena: And what happens?

Planning and Zoning Director Trias: What happens is that if you vote no on the Comp Plan, then you cannot vote yes on the zoning. The zoning has to be removed and then it just remains as is.

Commissioner Mena: Its a very strange and tortured way to do this. What am I missing?

Planning and Zoning Director Trias: I would agree with you. Its hard to, even for some of us who do this all the time, its sometimes hard to keep up. But the basic issue is that the Comp Plan and the zoning have to be consistent. That's the word that the law uses, they have to be consistent. So, when you change the Comp Plan, then you follow up with changing the zoning to make it consistent, and that's basically it.

Commissioner Mena: But aren't we putting the cart before the horse by voting on this first?

Planning and Zoning Director Trias: No, because it happens at the Second Reading. So, you already voted the First Reading for the Comp Plan. There was a discussion about the policy – this is policy, this is up to the Commission. You could say no, or you could say yes, that's really up to you. That was before you, that was discussed, some of the issues were raised. You could raise the same issues on Second Reading. You may say yes, you may say no. Its certainly up to you.

Commissioner Mena: To me, it seems premature and I don't understand why it would come separately.

Commissioner Keon: It gives you more choices that you can apply to that area because they will be in the code. It doesn't now say it can go there, because its...

Commissioner Mena: But its doing more than just adding it to the code, it has a map that's saying this area, this specific area is under that designation.

City Attorney Ramos: The way I see this play out is if next time you vote down the Comp Plan change, this will have to be amended for Second Reading.

Planning and Zoning Director Trias: The map would have to be amended, absolutely.

Commissioner Keon: So, between now and the next meeting, you'll have to look at and understand how what goes to the map, because on the map today, its single-family and duplex, is that what it is?

Planning and Zoning Director Trias: Yes.

Commissioner Keon: Its single-family duplex on the map, so when you'll have to vote to change the map to allow for whatever type of development you want on that, whether it is MX1, whether its MX2, we are required now to step-back at 50 feet on LeJeune, because its across from a residential area, all of those things will then be applied once the map is changed. But they are two very separate documents.

City Attorney Ramos: So, I don't know if this is intended on calming the zoning code back on November 10th. If it does, you would vote on the Comp Plan first. If that is voted down, then Ramon would need to on the floor amend the map before you vote on Second Reading on this ordinance.

Planning and Zoning Director Trias: Yes, and that is, as I said before, that is a change and that is 100 percent of the Commission.

Commissioner Keon: Are you more comfortable with knowing and talking about that map change before you talk about what could go there? You want more of a planning setting on that area, that would be the map itself before you talk about the zoning. The zoning code is irrespective of it. It just can tell you all the types of things you can do.

Commissioner Mena: My sort of logic does not allow me to vote on something that has no – I think what you said, if I heard you right was, if we voted yes on this and no on the Comp Plan, then we would have to undo what we did on this.

City Attorney Ramos: No, because this is only on first. So before second, this would be fixed and its only a small piece of this.

Commissioner Mena: So why are we doing this?

City Attorney Ramos: Because this has 80 different items, this is one of 80.

Commissioner Mena: Okay.

Commissioner Fors: I think logically this would have always been in the zoning update. The problem is that, that second piece that we are talking about now, the Craft District, came up after the zoning update was already underway, right.

Planning and Zoning Director Trias: Yes. In addition...

Commissioner Mena: But we would be changing this map in the zoning rewrite, if that issue had not come up, even though its currently single-family and duplex?

Commissioner Keon: Yes.

Commissioner Fors: I think we either change the map now or we change the map, assuming we pass that for the Craft District, we either change the map now – you are trying to sort of do it simultaneously, otherwise we do it in a subsequent meeting.

Planning and Zoning Director Trias: It could be done in the future; it could be done simultaneously. Those are the two choices you have and the reason why we are talking about this is that, that is the only policy change of any consequence in terms of rezoning that is being proposed. The rest of the code doesn't change the development rights, so its been very difficult to explain that, that we are doing a lot of changes, but we are not changing development rights from the analysis that the consultant or the City Attorney or I have done, except for that area the Craft Section.

Commissioner Mena: If the discussion that we started at the last meeting with respect to the Craft Section leads in a direction other than simply saying its MX1, so maybe that means that some of these blocks get something other than MX1, maybe that means that we have some variation of MX1, or we treat it as like a special district. I don't know the answer how to effectuate what we will ultimately decide we want to see there, and so, I just again, going back to the last meeting, I don't want to be doing something that would in any way impact that. Look, we can vote on it today on First Reading and come back on Second Reading and all that jazz, but I'd like to continue the dialogue at some point, and I guess its not technically today, that we started last meeting about the Craft Section and what we actually want to see there.

City Attorney Ramos: Right. We'll do that next meeting.

Commissioner Mena: And how to bring that vision of whatever we ultimately decide we want to see there to fruition.

Vice Mayor Lago: Commissioner, I think one of the things that we talked about was the transition on LeJeune.

Commissioner Mena: Right.

Vice Mayor Lago: All the way to the apartments, which yesterday I was a little bit confused whether it was three or four stories. I went to visit the site and it is actually four stories on University. I'm with you, 110 percent. I'd like to see a transition coming down LeJeune eventually hitting University. I'm more than willing to have a Sunshine meeting on this issue between First and Second, to have a conversation, so we can talk about this openly. I think it's a good opportunity, it doesn't have to be very long, but I'm with you. I think that there are three different parcels in play here and I think that we need to be very careful on how we address this issue. I would like to move it forward today, just like I said. Listen, I'm willing to vote up or down today on First Reading. I just ask that we address this issue with some sort of discussion amongst the Commission and that we also, obviously address the issue of Miracle Mile, and...how my colleagues want to handle it.

Commissioner Mena: Yes. I just want to be clear about what I'm thinking, what I think other people, at least have entertained, and have you guys moving in that direction, as opposed to continue moving down the direction you started on originally as if that is what we are planning on doing. Again, if we come back on Second Reading and now, we are talking about it and we are telling you we want to see something other than MX1, are you basically starting over?

Planning and Zoning Director Trias: No. In fact, its very realistic to do something different. We did consider, from the point of view of staff, several options.

Commissioner Mena: Let me give you a hypothetical. You take the southern most block and you call it MF4 or whatever the equivalent of the apartments is, and then you scale up as you move north on LeJeune. Let's just say, I want to talk about it more, but let's just say that's what we decided. How would we then effectuate that at the next meeting?

Commissioner Fors: You just change the map, right.

Planning and Zoning Director Trias: Yes. And we could revisit the Comp Plan, because the Comp Plan is being changed to the commercial, the lowest type of commercial, and have some area that could be, let's say high density residential, just for talking here, that's one option. Another option is just to accept the Comp Plan is and then just have some other regulatory issues. We do have that 45-foot maximum height right next to LeJeune already, so there are some unique aspects to the project.

Vice Mayor Lago: And also, between the University project existing, the historic building, you have brand new townhomes, right on that block. So, I don't foresee, but you never know, building torn down, but I'm with you. I think there should be a transition and it should be deliberate.

Commissioner Mena: So are you saying, again if we came back...

Mayor Valdes-Fauli: Don't we have a position already?

Commissioner Mena: If we came back on whatever iteration we decide, whatever direction we ultimately give you, would we be voting that on Second Reading as an amendment to that part of the map?

City Attorney Ramos: Well here's the thing.

Commissioner Mena: Will we be voting no on changing the map to MX1 for that area and then.

City Attorney Ramos: Well there are two different things. On the Comp Plan, if you deviate really far from the initial First Reading, you are going to have to do First Reading again, that's the first thing.

Commissioner Mena: This is the thing. I'm really not trying to slow any of these people down, which is why I'm trying to forecast to you going back to our last meeting, what the discussion needs to be and I just feel like the chain is still on the tracks and moving forward as if we are going to MX1, and maybe that's where we end up, but.

Commissioner Keon: That's not on because the map isn't on today. So that's not on.

Commissioner Mena: The map is on.

Commissioner Keon: Pardon me.

Commissioner Mena: The zoning map is on.

Planning and Zoning Director Trias: On First Reading and what happens is that the opportunity for you to say no is now, next time – you have multiple times to say no or to say something different. This is really a policy decision, 100 percent.

Commissioner Mena: I'm trying not to slow people down, right. So, while also having a real discussion about what we want to see here. So, if changing something fundamental about that is going to then at the next meeting, is going to then require you to start all over, re-notice of First Reading on whatever that new issue is, you are punting in an extra meeting and you are basically going now into January.

City Attorney Ramos: At least December.

Commissioner Mena: Right.

Planning and Zoning Director Trias: Yes. And that is one of the possible outcomes here that you can do something completely different. But I think that there are several ways to come up with a middle ground that makes sense without having to choose a different plan use in the Comp Plan. Usually we think that zoning is what regulates and that's true in terms of implementation, but if there is a policy of the Commission, the land use map, according to the state process, that's what really sets the policy, so that's the discussion that we need to take. If you don't agree, if you don't think it's a good idea, you certainly can say no.

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Mayor Valdes-Fauli: I think for purposes of moving this along, this is on First Reading and I think we should pass this.

Vice Mayor Lago: What do you want to do?

Mayor Valdes-Fauli: And at the next meeting taking your comments into account.

Commissioner Keon: We could have a Sunshine meeting between now and then.

Vice Mayor Lago: Do you want to have a discussion on this?

Commissioner Mena: Sure.

Vice Mayor Lago: Let's...

Commissioner Keon: We could have a Sunshine meeting between now and the Second Reading to go over the map issues. So why don't we schedule that.

Vice Mayor Lago: So, my point is, let's schedule a Sunshine meeting to really focus on the Craft Section. We move forward today and what I want staff and if I may, Commissioner Mena, please interject and provide your guidance, I'd like to see from staff for this Sunshine meeting a simple transition of what they think is appropriate in that area, taking into account the historic nature of the building, which is on University, and the set-backs that are required as per LeJeune and any other issues that they may warrant as...

Planning and Zoning Director Trias: Based on our conversation yesterday, I have my staff already working on those renderings and so on, so hopefully, and in fact the elevation from LeJeune was already prepared. We have a bunch of graphics that may be helpful, that may be helpful to you to understand the consequences and we can also provide a range of options. This is not the only way to do it. There certainly could be other ways. So, if you like some opinion on that, we can provide that.

Mayor Valdes-Fauli: [Inaudible]...transition and such, but I would also like to see what we have there today, which I think is a disaster, little, dilapidated single-family homes that's next to a building, the ugliest building in Coral Gables. I'd like to see that too.

Commissioner Mena: Yes and to your point Mayor, I'd like to see various options what's currently proposed, what does that look like, if everybody builds to whatever parameters; I'd like to see a scenario where, again, maybe the southernmost block is, I'm using MF4 loosely, what keeps it very similar to the apartments.

Planning and Zoning Director Trias: It would be MF2; MF2 would allow.

Commissioner Mena: And then scales up to the next block. I'd like to see, for example, what can we do to have more residential than ground floor commercial.

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Vice Mayor Lago: I second you on that.

Commissioner Mena: The work units, we've talked about that some, but I get that that's an option when its designated commercial on the bottom, is there something we can do to incentivize that, require that.

Vice Mayor Lago: Especially so close to LeJeune. I think its going to be very difficult, especially in this market that we have today, there are so many ground floor retail spaces open. I want to push more like what Commissioner Mena said.

Planning and Zoning Director Trias: Based on your direction, live-work has become commercial, so we made that change in the code to make it explicit, so it encourages.

Mayor Valdes-Fauli: So, we are going to call a Sunshine meeting, and do I hear a motion to approve this on First Reading today?

Vice Mayor Lago: Does anybody have any comments?

Commissioner Keon: I think that, I'm sorry, you started with Commissioner Mena, are you done?

Commissioner Mena: Yes, I was done.

Commissioner Keon: I think – I don't know that I view it so differently, but I'd certainly would speak to it differently the issue of the development on Miracle Mile with the remote parking. We invested in the city \$25 million into an economic development project on doing the streetscape, in the hope of spurring the development in the private sector with the stores that are along there to improve those storefronts, improve those stores. Now, it is true that no one has built to the 70 stories that has been – when did that go in? – the 70 feet. Miriam, when was that changed? – when was that overlay imposed?

City Attorney Ramos: 2001.

Commissioner Keon: 2001.

Vice Mayor Lago: And then it was redone in 2007.

Commissioner Keon: Because prior to that it was 150 feet, so now its 70 feet, which has been there for a long time. But just as it took us a very, very long time to find the financing mechanism in order to redo the public spaces on the Mile, it has taken us some time to also find the way to encourage the redevelopment of some of those projects on the Mile at a scale that is appropriate for the Mile and I think when they brought it down to 70, everybody can live with 70, at least the people that have purchased property there, that's within their property rights is they can develop to 70. We have never, I know for all of the years that I have lived in this city, served on boards in the city, discussed things with regard to the Mile, it was always, always contemplated that there would never be parking on the Mile, because it is a pedestrian street and the intention has always

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been to fill whatever has developed there with people and not with cars. So that's been a longtime urban planning perspective on the Mile. So, in doing remote parking, what we are creating is a tool to be able to achieve that vision, as to how the Mile will develop. Listen, one way or the other, what it really is, is a tool to be able to achieve a vision. So, yes, it doesn't cost as much to develop a building without any parking. On the other hand, a building that has no parking generally is not worth as much as a building that would have parking. So, I think there is a lot of tradeoffs, and it's not about gifting or giving or anything else. Its about achieving the redevelopment goals in the urban streetscape goals that we have set for ourselves and for our vision of what that street is going to be. I think you create remote parking; remote parking used to be in the code, somehow it was dropped from the code that even staff was not aware of, right. You weren't even aware of that it had been totally dropped from the code when we first started talking about this. You believed that it was still there, and I think it was during the time, during the other rewrite, during the time when Pat Salerno was here and we started to look at the remote parking and how far it could be. Somehow it changed that piece of the code unintentionally, it was an unintended consequence of the work that was done. So, all we are doing is going back and correcting that. I think that, yes, you have in the code there is a parking in lieu of that people would be required to pay, so yes, it will help support the public parking within the city that they may at some time may chose to actually lease or whatever they are doing. Out doing this is what helps us achieve what our vision is for the redevelopment of this strip. I think TDRs are always a conditional use, so even – I agree with not limiting the height to 70 feet, you have the setbacks and the step-backs are set. At that point, once you limit height, especially at 70 feet, and you impose setbacks and step-backs, FAR is no longer of much consequence. So, if someone for whatever reason, as they design a project or an architect is working on a project, and they decided in order to build whatever they want to build they could use a little more FAR to make this a better building and they can do that through TDRs, I think its immaterial. It has no consequence at all, and I think you need to leave architects the freedom to be able to design and execute great buildings for our city. Now they all have to go through review, so if it is too bulky, you are not going to approve it through to the Board of Architects, and regardless, regardless of what happens, if they want to use TDRs, they have to come back to the Commission to do it. So, denying its applicability there, I think may be takes more meat off the bone than you really want to do, and I think you have to leave enough meat on it in order to encourage people to develop. Now we know that we have what percentage of the Mile is vacant now is not only just due to Covid, its been that way for a long time, even before they did the streetscape, we had lots of vacancies on the Mile, granted a number of businesses went out through that process of redoing it. It started to come back, there was still a lot of empty spaces. Then we came into Covid. You know, to make that Mile the successful retail, urban street that we want to view as the core of our Central Business District, you have to put people on that Mile, you have to put people there. So, you want to encourage – second floor retail does not work, it doesn't work on a streetscape. It never has worked. It never works anyway when its on a street. So, what's going to come above us is either going to be people working or people living, and that's the only thing that's going to make the Mile really for us to realize our aspirations for that street. So, I don't think you should bifurcate this at all. I think you should move forward. You should take it. TDRs are a – I agree that it should be capped. I think that we agreed at the last meeting that there are no Med bonuses, neither one nor two, so it is capped at 70 feet. There is no Med bonus applicable because...

Planning and Zoning Director Trias: For height.

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Commissioner Keon: For height, for height, right. There is no Med bonuses available for height, but to leave the rest and allow architects the freedom of design to present to you buildings that may be very attractive and may work well and bring people to that street maybe is over-regulating, its over-regulating. So, I would like to leave it the way it is and move the whole thing on First Reading now.

Vice Mayor Lago: May I respond? Yes. I've been involved in construction and design for a long time and if anybody here can show me how height has spurred development, I'm willing to acquiesces to the simple fact that by building more on top of Miracle Mile its going to solve the ills and the problems that we are currently having in regards to commercial. What we have in regard to commercial can be defined by incredibly costly lease agreements and requests, a competitive marketplace. I don't understand how removing almost 1.0 FAR would hurt the Mile. I think what we are doing by capping at 3.5, you are ensuring that which is something that you agreed to at the last Commission meeting and so did Mr. Devin Cejas, what you are doing by capping the FAR at 3.5 and reducing it from 4.375, is ensuring that massing is reduced, which is aesthetically a lot more appealing to the end result. I think we really need to consider what we are doing here, because we need to protect the integrity of Miracle Mile, this is a historic building and take queues from other municipalities, like I mentioned in the previous meeting, Worth Avenue, Palm Beach, Charleston, Savannah, cities that have caps on height and those heights are three floors, and they have caps on FAR. I think we are treading on some pretty dangerous waters here, because you are already allowing for remote parking which currently doesn't allow. So that area which would be used for parking and which would eat up a lot of the FAR that could be included in a project, you would hit that top of the building height unless they came to the Commission and asked for an additional height, like what happened with Gables Station, which we see the end result of that when you allow a 50-foot variance or excuse me, Comp change, you see a massive building which doesn't look like it fits in Coral Gables and let's be honest with ourselves.

Mayor Valdes-Fauli: We are not talking about changing the height.

Vice Mayor Lago: But it is important because FAR deals with height and massing. So, when you talk about a vision there is a very clear-cut vision. How do you want our historic downtown to look? Am I against remote parking? No, I'm not. Am I in favor of remote parking in every other area with the additional TDRs? – completely. Its not a concern. But our historic Miracle Mile should be preserved. It should look something beautiful, low scale and we should do everything in our power to preserve that area in perpetuity. We really need to think about what we are going to do today, because if we don't bifurcate, Commissioner Keon said this legislation, I won't vote in favor of it, even though I may be in favor of a lot of different things that are being proffered here in the zoning code rewrite, but I'd like to see that I could vote in favor of a lot of the corrections that are being made here which I think are a benefit to this community as a whole.

Commissioner Mena: I would just say, I don't mean this disrespectfully, but I just want to say, its not because of what you just said, the last part about that you won't vote for it if we don't. Before you even started speaking, I was going to say, to me, this issue in particular, Miracle Mile, and to a lesser degree but still a significant degree, the whole issue with that Craft Section, to me are clearly the most two significant issues of interest and of public interest in this rewrite. I feel like,

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frankly, they should both be bifurcated, because I think they merit that. These are very significant decisions that are impacting key areas of the city in a significant way, regardless of what one thinks should happen there or not. Its hard to justify having it in this zoning code rewrite, which as far as I recall when we started down this path, we are going to clean things up in the code and this, that and the other, and these two compared to everything else, to me are pretty significant. So that would be my gut and I don't mind, by the way, like procedurally Miriam would have to guide us, but I'm happy to vote either one or both ahead on First Reading, but I would separate it and vote on it on First Reading and treat it separately. If I heard correctly and if I understood correctly, going back to the Craft Section, the zoning map issue as it relates to the Craft Section would not have been part of the zoning code rewrite, but for the separate discussion about the Comp Plan that's being proposed, right?

Planning and Zoning Director Trias: Yes.

Commissioner Mena: So it kind of got put in here, even though it wasn't supposed to be in here and I'm assuming that was just to streamline things, and I appreciate that, I get it, but its really its own issue that Craft Section, both its zoning and its Comp Plan are its own standalone issue. It shouldn't be really part of the zoning rewrite with all this other stuff about pools and all these other non-controversial items that most people are perfectly fine with and that we are not even discussing.

Vice Mayor Lago: We are actually doing a favor; we can move that forward.

Commissioner Mena: To me, these two issues are really important, and I think they should be their own standalone items, frankly, and again, I'm happy to vote for them both on First Reading today as separate items. I don't know if we can do that. Can we separate and vote on First Reading on those items?

City Attorney Ramos: So, here's what I would say. First, you should have a motion on each to bifurcate Craft Section, see if that passes, to bifurcate Miracle Mile see if that passes, and then at that point you can vote on all three on First because all three are advertised in this zoning code.

Commissioner Mena: That makes sense to me. Then I would propose to bifurcate both of the – anything relating to the Craft Section discussion that we are having; however, you describe that in here, and the Miracle Mile issues.

Planning and Zoning Director Trias: The Craft Section is a change of zoning and change of land use, which is very clear, that is something that we can define.

Commissioner Mena: Can I make a motion to bifurcate those two issues as standalone items?

Mayor Valdes-Fauli: We have somebody who wishes to speak, Anthony de Yurre, and this is a public hearing.

Vice Mayor Lago: How are you sir? You've been here a while.

Mayor Valdes-Fauli: You've been here the whole morning.

Mr. de Yurre: I'll be as brief as possible. Anthony de Yurre, 1450 Brickell Avenue. I know people want to go to lunch and I know the one good thing about Covid is you didn't have to see lawyers that often, so I'm sorry, we're back to some extent. I just wanted to make a couple of comments in regard to the zoning code changes that were proposed. In particular, some of them were already discussed here today. The comment about grandfathering or at least the projects that are in the pipeline. I have a project, I think it's the one that's been referenced by Ramon, that we've spent significant amount of time and resources on, and in particular, the city, Mr. Devin Cejas has been working with Ramon to create a better process that creates more work upfront, but ultimately a more streamlined application for the city. And so, to make life easier for everybody, I think that somewhere around the DRC, if you've applied and gotten past them, to apply to DRC, or gotten past DRC that's probably a good place where somebody's invested enough money on it and they are not running to the steps of the courts, so to speak, to try to get something in, maybe you want to create a cutoff that people don't sit on their rights, but that's where I would hopefully suggest that the policy falls on. And then there is a block that I did a zoning analysis on a couple of years ago. I do not represent anyone on this block, but it is the block between on the north Almeria and Sevilla on the south, Ponce on the west and Galiano on the east. Its essentially the block, the CBD cuts off north of the block on Almeria and the Plaza starts on the south side on Sevilla. So you have a block there that's just going to be left as a gap in limbo between he CBD and the Plaza, and 70 percent of the block is mid-rise commercial, 15 percent of the block is low-rise commercial, and then there is this very bizarre 7 or 8 lots that are high density residential. I think that that block is great to be redeveloped. It's a bunch of commercial parking lots. Its where the AmTrust Building is, and we should look at finding...

Commissioner Keon: That's Almeria.

Mr. de Yurre: It's on Ponce, Almeria on the north, Sevilla on the south, and Galiano on the east. Where the AmSouth or AmTrust Building is.

Commissioner Keon: That was Palermo, one of those streets.

Mr. de Yurre: Yes, it's a bunch of bank teller parking lots. Its an opportunity there where you are going to do all this great work to create mixed-use environments and that block is just going to fall through the cracks.

Vice Mayor Lago: I think the building you are talking about facing Ponce is actually historic.

Mr. de Yurre: It was built in 1984.

Vice Mayor Lago: It looks...

Mr. de Yurre: I know. It was a surprise to me when I did the zoning analysis when the purchasers, my then clients went and purchased it. I just happen to have this knowledge and I saw its falling as a gap between the CBD and the Plaza, and its an opportunity where it's a block that just all commercial parking lots and its just perfect to be taken to a better use, especially being around

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Ponce Circle Park and the amount of money the city is going to invest in that area. So, I would suggest if you can look at that block. And then the last comment I wanted to make was just in regard to something that's being changed that is going to apply to all property in the City of Coral Gables, which is the definition of floor area ratio. The city has operated under certain guideline regarding what things are included in FAR and not included in FAR for items that are back of house. And for the most part those items have been reviewed and included in the new definition of FAR. I would just like to make the following comment and I don't want to necessarily disagree with it, but there were four items that were left out and I would just lend my knowledge on it. The items are mailrooms, loading areas, service corridors, and storage. And I can tell you from to create mixed-use environments and mixed-use buildings, sometimes you need those corridors and loading areas to make the different uses work together, the office with the residential, the commercial. The mailrooms, Amazon requires mailroom space, today in a different way than it did before. And then lastly, storage. If you want to make these residences to come downtown, they are downsizing from their Gables homes, so storage is something that they are going to need. Ultimately what happens is, these are not specific uses, but the use requires it as an ancillary basis, which is why again, we can get into a whole discussion about it, but I want to be respectful of your time, maybe there creates some flexibility there, because we do need storage for the mixed-use concept, we do need these corridors, and it will just eat into the ability to create enough units to make a project viable in certain instances. Those are all the comments I wanted to make and just thank you for your time.

Mayor Valdes-Fauli: Thank you. Thank you very much.

Commissioner Mena: We had spoken previously, Madam City Attorney, about the first item that Mr. de Yurre mentioned about how you deal with projects that are already in the pipeline, where your cutoff point is. My recollection was, we talked about it being DRC, but I don't know, I don't recall if we took action on that, if that's currently in there that way. How we are proposing to handle that aspect of it.

City Attorney Ramos: The typical way what the city has done in the past with final BOA, the industry is asking for DRC, that's obviously a different app. Its up to you when you apply.

Commissioner Mena: Really quick Peter, before you dive into it just so you can address this as well. The other aspect of it that I recall that I believe I brought up was, having an expiration, for lack of a better word. In other words, that you can't just sit on that submitted project for an excessive amount of time. That there be some amount of time in which you have to proceed with your approvals or revert to the new zoning.

Vice Mayor Lago: And also, what is common practice in regard to other cities, what are they doing?

City Manager Iglesias: The DRC cannot be used to vest the building code. We have traditionally used a final BOA where the project is defined. The DRC is a very preliminary review for that project, which basically gives you, provides the developer pitfalls that can occur. You don't have sewer, you have water issues, etc. The final BOA has been traditionally what we have used to vest the building code and the zoning code. The building code cannot be vested with DRC. I think the

zoning code is interesting, but I think that's what we've been doing, the BOA, excuse me, the final BOA. At that point, there is a fee, at that point there is an establishment of the project and I do not believe that the DRC should be the vesting for any of our codes. The final Board of Architect is good for 18 months. The building code is good for six months, 180 days, and that's what traditionally is the application process as far as BOA and as far as the building code.

Commissioner Mena: But is it baked into that, that if they don't get whatever approvals are necessary in that time period, what happens visa vie their zoning rights?

City Manager Iglesias: The BOA expires and then the building code expires at 180 days, so you'd be under whatever building code is in effect after the expiration, and then the zoning expires 18 months after that the BOA approval, so at that point you would be under the new zoning code. So, you have, basically 18 months for the zoning and six months for the building code.

Commissioner Mena: I'm assuming that those deadlines get extended if there is any delay on the city side, for some reason or you have to go back to the drawing board on some aspect of the project.

City Manager Iglesias: Once you submit for the master permit then that's a whole different scenario. Once you submit for master permit, as long as that permit proceeds and you get approvals, then you are extended 180 days for every approval. So, if you don't get any approvals in 180 days your permit expires.

Vice Mayor Lago: Its just like inspections. You've got to call for inspections.

City Manager Iglesias: If you can't get an approval in six months after you submit for, it can be any approval. It can be plumbing, building, whatever, that permit is extended by the Florida Building Code. If you are extended by the Florida Building Code, you are automatically extending the zoning code.

Commissioner Fors: For whatever its worth, Commissioner Mena, I believe it was at the first Sunshine meeting I ever attended. I also recall that we had discussed DRC. We never discussed it again, I don't think.

Commissioner Mena: I'm not here to tell you guys when it should be.

Planning and Zoning Director Trias: The main issues of the building code changes...

Commissioner Mena: But I defer to the judgement on when the appropriate time is, but I think it is important that you do have an established.

City Attorney Ramos: Absolutely that has to happen.

Commissioner Keon: It was final BOA.

Planning and Zoning Director Trias: The building code will change many more times when compared to the zoning code. The last time the zoning code changed significantly was about ten years ago, in the meantime several times the building code has been amended, so that's the reason for that.

City Manager Iglesias: The building code, Commissioner, has approximately three recycle time, approximately.

Commissioner Mena: Okay.

Commissioner Mena: Mr. de Yurre from a practitioner's perspective what are your thoughts on those?

Mr. de Yurre: Yes, to speak to that point. The building code is one thing. I'm really speaking regard to the zoning code that is being amended today. It's just impossible all the hypotheticals and permutations of it and how it will apply to every single piece of property, and so, my request is, if you go to the final BOA, that's essentially you've gotten a set of CDs and you are going for your building permit.

City Manager Iglesias: No, that's not CDs, that's design development. You are way, you are not at the CD stage. You should not be at the CD stage. You go final BOA. Final BOA is your design is finished. CDs – construction documents are not done prior to final BOA. So, let's look at that. When you go to final BOA, you are asking your design to be approximately finished. You are not going into construction documents, because you don't have a project approved yet. So, construction documents are totally separate. You are still in design development and I think that's very clear.

Vice Mayor Lago: To your knowledge working in other municipalities, what is their cutoff that you see applied.

Mr. de Yurre: When it comes to the building code it's in regard to, it's perfectly clear the law, it's a permit application for the building code.

City Attorney Ramos: I think they are talking about the zoning code.

Mr. de Yurre: But the zoning code, it really depends on the particular municipality and how much is vested in different stages of the approval process. I will tell you that there is DRC, then there is Board of Architects initial review at which staff is already providing reports to BOA and recommendations for the project, and then BOA votes on that initial preliminary review. After that there's Planning and Zoning, after that there is Historic, but at that point in time, after that preliminary BOA, all the consultant work in terms of traffic, in terms of design, in terms of zoning, you are in the several of hundreds of thousands of dollars and its fully baked after you finish that preliminary BOA review. Between the preliminary and the other ones you are making tweaks to the project and you are providing as the City Manager said, you are not doing a CD, but you are doing more, you are going further into design drawing of what was approved by all the different

disciplines at DRC and then subsequently with BOA for the design of the building where staff recommendation or not is required at that point in time.

Commissioner Mena: Do you need final construction documents for final BOA or no, sorry, I just want to be clear on that.

Mr. de Yurre: It's a matter of timing because once you go, and again, I will say that in the instance most recently that the process has been, its being streamlined right now so more work is done before DRC, then later phases having to make huge changes to the project. So once I get out of BOA, that preliminary BOA, the way that its proposed to be continued to be done now, you have a staff review of the project, a review of every discipline in the city of the project, and you have baked the project that you are moving forward with, unless Planning and Zoning or the Commission rejects it.

City Manager Iglesias: Yes, but Commissioner, your answer is no. Construction documents are not done before BOA. You are still designing the building; you come for a preliminary review; you discuss it with the Board of Architects; they come up with their comments; you try to incorporate some of their comments into your design; you get your final BOA approval; and then at that point you finish your design development drawings and you go into construction documents. So, the answer is no. There are no design development drawings done prior to BOA.

Mr. de Yurre: There is just a big gap between the preliminary BOA and the final BOA and once you get past the preliminary BOA you do have it pretty well baked project where every single city staff and department has commented on and that's what you are moving forward with unless Planning and Zoning or the Commission does not agree with the project. In other words, Mr. Cejas can comment on the process as well, but hundreds of thousand of dollars at that point in time are expended.

Commissioner Mena: Isn't that the point. At the end of the day, setting aside the technical answer to the question, isn't the real point that, that after preliminary BOA heading towards final BOA that you are investing significant amount, so at that point in time to flush out the project and obtain final BOA approval.

Mr. de Yurre: Those would be the final steps would be Planning and Zoning...

Vice Mayor Lago: There could be potentially significant changes, these along with the Commission. We've seen projects that have come here, like the one that I mentioned before that had a Comp change that included a 50-foot height increase, and that goes up to the Commission for a vote, and you don't want to embark on CDs, construction documents before you have those approvals, because if not, again, you are betting on whether your approvals are going to be.

Commissioner Mena: The context of the discussion though, I just don't want to lose sight of it is, if you are on that path and you are at that part of the process and now you change the zoning on a given project...

Mr. de Yurre: I'm going back to step one potentially.

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Commissioner Mena: How prejudicial is that to you?

City Manager Iglesias: Let me say something, let me say something...

Commissioner Mena: Isn't that the discussion we are having.

City Manager Iglesias: Let me say something concerning development construction and actual drawings. One is, if you do preliminary design you can submit anything, just to get preliminary design and get vested. It can be wrong zoning, whatever. If you know the zoning code is going to change, is going to affect you, then as an architect, as a developer you need to make sure that you submit drawings that are accurate, correct and approved before the zoning code change, that's part of what you do. If not, then what you could do is submit anything and that project is vested in the prior zoning code and when you have a final BOA approval, that's a substantial approval, it truly defines the building and I think it creates the actual vesting, and we've been using it for the building code and for the zoning code. Because there is an expectation that the final work has been done and you're getting ready to finish your design development and get into construction documents. The final BOA doesn't mean the building is complete design, it does not. Its quite a bit of work is still in design development to do, even before you get to CDs, is what I'm trying to say. So that overall concept is approved by the Board of Architects, you are finished with design development, and now you have the final BOA approval, you finish design development drawings, and then you proceed into construction documents and then you come back, and so, it's a very substantial approval at that time.

Vice Mayor Lago: Devin you were going to say something.

Assistant Director Cejas: Yes, just to follow up on what the Manager just stated and just further clarification on a couple of points that Mr. de Yurre was mentioning. Final BOA, as the Manager is referencing is through the preliminary process, and once you obtain that final then you are able to move forward in the process of Planning and Zoning, conditional uses, and yes, there might be some minor modifications that need to be done when that project needs to return back to permitting. At that time, the City Architect will verify to make certain that the plans are to the approval done at that final board meeting during the preliminary process. At that time, that approval grants you 18 months of vested rights, which can be then, by the City Architect, extended, I believe for another year, and then further extended for another year by City Commission through, I believe the director's recommendation. So, there is already a process for vetting a BOA final approval through the AB preliminary process. Per the code, its very difficult to affirm any projects at DRC. As a DRC Chairperson, projects reviewed at DRC are solely technical to give guidance to get prepared for BOA and further boards, and a statement that is made at every DRC meeting, no approvals are granted at that meeting. So, by somehow making that approval or stating that going to DRC grant some rights, its defined what's in the code.

Commissioner Mena: Do we know what we did when the current zoning code was adopted.

City Attorney Ramos: I don't know about the current, but the last big change to a zoning code that we did while I was here was at final BOA, if I remember correctly.

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Commissioner Keon: It was the final BOA.

Assistant Director Cejas: BOA does grant some rights and there is an expiration date tied to it, which the Manager was saying.

Vice Mayor Lago: There is no way to check 2007? No, I'm saying there is no way to check to see what we did back then in 2007 and 2001?

Mr. de Yurre: If the comment is at the preliminary BOA grants you rights to be able to continue the process to gain final BOA approval within a certain period of time, that would make sense to me, but the city does not allow you to go to DRC unless you are ready and its been reviewed, the city will not let you go to preliminary BOA unless its ready and its been reviewed and if what the city is saying is, once you achieve your preliminary BOA review, then it vests you in the process to continue to get your final BOA review. I can see where that makes sense. Because there is different gatekeeping there to go to DRC or go to preliminary BOA, I don't think the danger is there necessarily for people to run to BOA, that's for sure. Devin and Ramon do a good job of vetting the project.

Planning and Zoning Director Trias: Mayor, in any event, I believe this is only about one project that Mr. de Yurre is representing. I think we can handle that within the process that we – that project is already being reviewed by Board of Architects, so its way, way along the way. If we could go back to the, if you would like to go back to the things that are going to be excluded. I think the Craft Section was clear. I think the issue with Miracle Mile is also fairly clear in my mind. You are only intent to exclude the TDRs, right.

Vice Mayor Lago: Let me be clear, first off. I agree with Commissioner Mena and I would like to see us bifurcate, but if Commissioner Keon thinks that the Commission is in favor, we are only two individuals and she would like to move forward with the resolution, excuse me, not a resolution, a motion, I welcome the motion. Again, its just two of us that voiced our opinions.

Planning and Zoning Director Trias: We prepared a memo with about 11 different points and I don't think those 11 different points are controversial. I think only one, only the TDR was the issue.

Commissioner Keon: The only issue with the Mile that is at all controversial is the issue of TDRs. Ramon can tell you and is Liz here.

Commissioner Mena: But all the ingredients in the same pie, right. Like the remote parking is saying he's comfortable with it, if this, so you can't just separate the one thing.

Commissioner Keon: The only issue that seems to be an issue is the issue of the TDRs and its because of FAR, but both Ramon and Liz Plater Zybert would tell you that when height is set and set-backs are set, FAR at 70 feet is not material, is that true? Could you...Let him finish.

Vice Mayor Lago: Let's be clear. We've already discussed this. No matter how many times you spin it, you are still going to get to the same answer, and that is, when height is set, when height is set and setbacks are set, that's why I said 45 feet with a 10-foot step-back and you set the FAR at 3.5, almost 1.0 less FAR that would be allowed, if you include TDRs, your massing is reduced. That's the bottom line. We've already talked about this and that is critical to put on the record. You can frame it anyway you want.

Commissioner Mena: And I don't want to interrupt you. You want to have the discussion, fine. I think you made that point last time. The only point I'm trying to make to you is, I think what the Vice Mayor is saying and I understand it on some level is, if I'm not getting approval on this TDR issue, then I don't support remote parking, right, because its all part of the same pie. He wants to look at Miracle Mile and say this is what we want to see on Miracle Mile, which makes sense to me.

Commissioner Keon: Me too.

Commissioner Mena: So, you can't approve 10 of the 11 elements and then just discuss the 11th and then you make that and – I don't mean to put words in your mouth, I'm just trying to...

Vice Mayor Lago: Commissioner, with all due respect...

Commissioner Keon: But I don't think that there has been any, I don't think there's been a difference of opinion on the remote parking. I think we know in order to develop what you want to do you have to have remote parking, so I think that's all agreed on. I think the heights have been set, that's been a longstanding height, so we are not changing the height. There isn't really anything that we are doing and the only thing that came up was the issue of TDRs and I said to you, because TDRs are conditional use anyway, before someone could actually use TDRs they would have to come to the Commission for approval for their project. Now, I can't tell you going forward over the next 20 years or the next between today and the next time somebody reviews and rewrites this code, whether or not there may be a reason or it may be, you may have an architect or someone that is designing a building where that additional FAR provides for a better building. I don't know that. So, it's not something I would take away, because its already regulated, its already regulated. You have to before, even if you have whether its on the Mile or anywhere in the CBD to transfer development rights, you have to come, the project has to come before the Commission. So why would I deny somebody an opportunity to do something that may be of value when I'm going to have the opportunity to review it regardless. That's my only point. Its not that its good-bye whatever, its that you are going to have the opportunity to review it no matter what, and particularly, buildings where you start transferring where it really makes a difference with TDRs are very big buildings and very tall buildings is where you really have massing. So, if you are going to worry about massing, its not on small buildings, its on tall buildings, and these are not tall buildings anyway. So, give them the tools, give them the opportunity to develop to have good architecture and good design and workable buildings that are sustainable.

Mayor Valdes-Fauli: And having to do with remote parking.

Commissioner Keon: We've already agreed on remote parking, we've all agreed on remote parking. So, the only issue to me is TDRs, is that all.

Vice Mayor Lago: So, make the motion.

Commissioner Mena: I actually made a motion, I think earlier, right, to bifurcate.

Commissioner Keon: Then I'm asking you, if the only issue is TDRs to bifurcate it.

Commissioner Mena: I disagree with you on that.

Commissioner Keon: Okay, what is it?

Commissioner Mena: Its not that I disagree with you on the issue of TDRs substantively. I disagree with you that just because you get an opportunity to review TDRs later, therefore its okay to approve everything else, because again, fine, you might be the lone dog on an issue with the TDR voting no, but now you voted in favor of remote parking, and everything else that goes with it, that maybe you wouldn't have voted yes for if you had an answer on a TDR upfront.

Mayor Valdes-Fauli: I disagree. I disagree with that. I think remote parking is an issue that...

Commissioner Keon: It's a given.

Mayor Valdes-Fauli: In Spanish you say, "se cae de la mata," you don't want parking platforms in Miracle Mile, you don't.

Commissioner Mena: I agree with you on that. But the particulars of what that remote parking looks like are baked into the equation of what we are approving, and so, you have to have a full-fledged discussion of the entire thing.

Vice Mayor Lago: By the way, just so you know also...

Commissioner Keon: Absolutely, you're right.

Vice Mayor Lago: You're also, if you look at this, you have like I mentioned to you before, no building has been built over six stories, five stories, four stories on Miracle Mile. Why? – because you've got to build the parking. Look at what you're gifting developers now.

Commissioner Keon: You're gifting your city.

Mayor Valdes-Fauli: We are not gifting them anything, we are doing things that make sense.

Vice Mayor Lago: If you would just allow one second. Listen, Commissioner, let me be very clear. I want to see smaller massing on Miracle Mile. I'm not here working for the developers; we are here working for the residents and for what's in the best interest of our historic downtown. But I know you've been pushing this for a long time to try to get this done but let me tell you what we

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are doing on behalf of, by approving this today. By approving remote parking, you are getting remote parking, not everybody qualifies it, it's a good idea. You are also reducing the lot size requirement, correct. You no longer need to have a lot that's 20,000 square feet to get bonuses; and number three, you are also reducing the lot frontage requirement, which 220 Miracle Mile does not meet also by a hair.

Commissioner Keon: Why is your issue 220 Miracle Mile?

Vice Mayor Lago: We are giving a lot in this issue. We are giving a lot in this rewrite to make sure that certain things happen on Miracle Mile. By reducing it, as was stated by Ramon, and stated by Devin, by reducing the FAR, you are reducing the massing. So, instead of having a 4.375 applicable FAR, which would only increase the height and maximizing 70 feet and six stories, that reduces what habitable square footage we have. Again, if you don't allow them to build, they are not going to build it. And I'm a believer that if you look at other main streets of significant cities in this state and this country, there is a reason why they have a restriction on height, and there is a restriction on FAR, because this is their main drag. This is historic area and I would like to see, instead of monolithic buildings that go from one corner to another, and I've already shown you and I can show you again, if you'd like, of developers that are already looking at the same opportunity to go right across the street where the Barns and Nobel is, a massive site and if you give it to one, you are going to have a developer asking, I want the same and I want to build a massive structure. So, this is simple. If you believe that we should give remote parking and allow for TDRs, make the motion, and if you get a second, we'll take it to a vote.

Commissioner Keon: I'm telling you that TDRs are reviewed anyway. Has anyone not agreed to the concept of remote parking? Has anybody not agreed to that?

Vice Mayor Lago: We don't agree with your statement about allowing for TDRs and we are allowed to have our own opinion. So, make a motion.

Commissioner Keon: Has anybody disagreed? I'll move it as written.

City Attorney Ramos: Hold on. Commissioner Mena has a motion on the floor, we need to take that motion first.

Vice Mayor Lago: I'd like to see if we get support for this.

Commissioner Mena: My motion was to bifurcate (a) issues relating to Miracle Mile within this zoning rewrite, and (b) the Craft Section issue, again, however you describe that within the zoning map of this rewrite, and then still vote on them today on First Reading.

Vice Mayor Lago: I'll second that motion.

Commissioner Keon: I don't understand what you mean by that. That you are going to vote on it yesterday, but before it comes back for Second Reading you want an additional discussion on that item.

City Attorney Ramos: No. They are breaking it into three ordinances.

Commissioner Mena: Correct.

Commissioner Fors: I think what Commissioner Mena is trying to do is maybe you are not ready to vote, decide on the TDRs yet, maybe you are, maybe you are not ready to decide exactly what you want to do with the MX1 in that Craft District, maybe you are. Voting them now to move forward with all three, but bifurcated reserves the option of being able to vote against one of them on Second Reading without having to send everything back to First Reading.

Commissioner Keon: Okay.

Commissioner Mena: And again, I just think these are again, two major areas in our downtown, Miracle Mile in particular of significant public interest to our community, far and above everything else in the zoning code rewrite, in terms of public interest, in my opinion.

Commissioner Keon: Of public interest, yes.

Commissioner Mena: Right – and so, I think it should stand on its own merits, its own ordinance that gets dealt with and you can get public comments on and whatnot, as a standalone item. I think it merits that. Its too significant an issue, to me, to just go in with all of these other issues in the zoning code rewrite. Its not a minor thing, this is significant.

Commissioner Fors: I don't have a problem with that.

Commissioner Mena: And agree or disagree, we are still going to vote on it.

Commissioner Fors: For all intents and purposes, the Craft District for all intents and purposes was bifurcated last week or last time we were here, it was already bifurcated, right.

Planning and Zoning Director Trias: Right. Right.

City Attorney Ramos: That was a Comp Plan ordinance.

Commissioner Keon: That's a Comp Plan revision.

City Attorney Ramos: You can take a different road easily.

Vice Mayor Lago: Commissioner Fors, and I would like to leave here today with a set-in stone to have that Sunshine meeting to talk about the Craft Section. I think its important, we can't stress that enough. I want to see that. I'm ready to vote on that issue, because I know exactly what I want. I want to see a transition. Now Miracle Mile, I think again, I'm willing to open this up to the community. I want to hear what the residents, if they believe that this community, our downtown should have that size buildings.

Mayor Valdes-Fauli: A motion has been made.

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Commissioner Keon: They already have the right to have a 70-foot building.

Mayor Valdes-Fauli: Guys a motion has been made and seconded to bifurcate this, to live another day and discuss it some more.

Commissioner Keon: You'll approve it today on First Reading, but before it comes back on Second Reading, you have to deal with them as separate items, is that what.

Commissioner Mena: We are bifurcating it now and voting on three items.

Commissioner Keon: Oh, okay.

Commissioner Mena: The rewrite as it pertains to Miracle Mile, the rewrite as it pertains to the Craft Section, and the rest of the rewrite. Does that make sense to staff what I'm asking us to vote on?

Assistant Director Cejas: Yes.

Planning and Zoning Director Trias: Yes.

Mayor Valdes-Fauli: Its been moved and seconded. Will you call the roll please, Billy?

Commissioner Mena: Yes

Commissioner Fors: Yes

Commissioner Keon: Yes

Vice Mayor Lago: I want to be very clear; this is just to bifurcate; this is to bifurcate. Yes. I want to be clear.

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

Commissioner Mena: Then I'll make a motion to approve everything in the proposed rewrite on First Reading, except the two items that have been bifurcating which are the Miracle Mile issues and the Craft Section.

Vice Mayor Lago: I will second that.

Mayor Valdes-Fauli: Okay. Will you call the roll please?

Commissioner Fors: Yes

Commissioner Keon: Yes

Vice Mayor Lago: Yes

Commissioner Mena: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

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Mayor Valdes-Fauli: Commissioner.

Commissioner Keon: I'd like to make a motion to move everything else.

Commissioner Mena: That's two items. You need to move one at a time.

Mayor Valdes-Fauli: We did it. Thank you. Thank you very much.

Commissioner Keon: Did we vote on First Reading and everything else?

Mayor Valdes-Fauli: We voted on everything else, but those two.

City Attorney Ramos: Miracle Mile has not been adopted on First Reading.

Commissioner Mena: Correct.

City Attorney Ramos: Craft Section has not been adopted on First Reading.

Mayor Valdes-Fauli: Right. Everything else has.

Vice Mayor Lago: I'm willing to make a motion on the Craft Section to approve it. Again, we will have a Sunshine meeting at the Commission's discretion when they are available. I know everybody is very complicated. I don't want to rush this. If we can't have this by the next meeting and someone is complicated for reason or another, then we'll go to the next meeting. I want to have staff prepared, as they always are, but I want real details in regard to transition on LeJeune, elevations, massing, I'm looking at Devin, who knows this, I've been dealing with Devin for 15 years in the City of Miami. He knows more than anybody how to do this, and so does the ACM and the CM, that's what I would like to see. Do I have a second on that motion?

Commissioner Mena: I'll second that.

Commissioner Fors: Second.

Mayor Valdes-Fauli: Will you call the roll please.

Commissioner Keon: Yes

Vice Mayor Lago: Yes

Commissioner Mena: Yes

Commissioner Fors: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

Mayor Valdes-Fauli: Okay.

Commissioner Keon: Okay. So, what are we going to do with Miracle Mile? We are not going to vote on it.

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Vice Mayor Lago: You can make a motion. Make a motion.

Commissioner Keon: I would vote to adopt it as its included in the zoning code, because the only issue that seems to be of any controversy is the TDRs, seems to be the only issue and I think there conditional use and they will come back to us anyway, so you are going to have to approve them separately, no matter what if somebody wants to do them, and other than that, I think everything else is pretty much – the height is by right now anyway.

Mayor Valdes-Fauli: Is there a second to Commissioner Keon's motion?

Commissioner Mena: I'll second.

Mayor Valdes-Fauli: Okay. Will you call the roll please?

Vice Mayor Lago: No.

Commissioner Mena: Yes, on First Reading, but I'm going to have some comments for second.

Commissioner Fors: I'm going to go yes on First Reading, which should not be give us an indication to vote on second. I'd like to hear more from staff on the TDR concept.

Commissioner Keon: Yes

Mayor Valdes-Fauli: Yes, on First Reading. Thank you.

(Vote: 4-1)

Commissioner Keon: I have a question to ask. Commissioner Lago you keep bringing up 220 Miracle Mile, what is 220 Miracle Mile?

Vice Mayor Lago: 220 Miracle Mile is a project that was submitted, which in my opinion was way out of scape, scope and scale with what I think it should be permissible on Miracle Mile.

Commissioner Keon: Okay.

Vice Mayor Lago: You asked me a question, I'd love to answer you.

Commissioner Keon: Go ahead. Finish. Please finish. No please finish.

Vice Mayor Lago: No, no, I'm used to it already, go ahead.

Commissioner Keon: Me too. Go ahead.

Vice Mayor Lago: So, my point is, very clearly. The project does not meet the remote parking needs. The project was 90-plus feet, almost 100 feet in scale. The FAR was above what was permissible by the code. They were asking to do the alley. It was just not within the context of what I think makes our city special. It is a massive project on our main drag, on our historic drag, where again, the reason why we have the zoning code here, you may differ, but the reason why we are here today is because there has been an internal push to get this project pushed of epic proportion like I've never seen. And to me, I don't have an issue with remote parking, but let's be

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honest with ourselves, you have push for this project since the beginning over the last two years and I've pushed and pushed and pushed to the extent that you have actually even attended a Planning and Zoning Board meeting to make sure that this gets rammed through.

Commissioner Keon: I didn't.

Vice Mayor Lago: And I have the minutes here where you did. So, I've never attended a Planning and Zoning, I've never attended a meeting, and to me, its excessive and extremely heavy-handed where we need to be very careful, because we do not, I hate to remind you, you don't work for the developers, you work for the residents.

Commissioner Keon: Okay. You know what.

Mayor Valdes-Fauli: Let's finish this. Let me make a comment.

Commissioner Keon: Okay. What I am saying to you...

Vice Mayor Lago: You asked me, so I answer you.

Commissioner Keon: Yes, thank you. Thank you, you did. What you were saying is that you are using a project that was proposed that never went through any particular review, that never and no one ever voted on, no one ever talked about other than a particular developer; a particular developer was Terre Nova, that they came in which is their business. But its not a project that was ever approved.

Commissioner Mena: What project?

Vice Mayor Lago: 220 Miracle Mile. She said it didn't go to review.

Commissioner Keon: 220 Miracle Mile. It was the hotel. It was Terre Nova's project.

Commissioner Mena: Got you.

Commissioner Keon: That was, you know, a submission, so anybody...

Mayor Valdes-Fauli: It hasn't passed.

Commissioner Keon: Its irrelevant and we don't – no wait, let me finish. Because it is not our job and it is not our purpose to write or rewrite our pass or to enact policy that is directed at one specific person, one specific development, one specific anything. It is to pass policy that works in general for the city and it is not our job to target anyone. Not to target a developer, not to target an architect, not to target anybody. And I went to, I didn't go to the Planning and Zoning Board meeting, I listened to the Planning and Zoning Board meeting, because I think it was remote, so it was on Zoom, I listened to it, and the reason that I listened to it is because there were a lot of questions as to why were we doing the zoning code rewrite. And so, I listened to it to hear what staff were saying and then finally someone asked me why, and I said, the issue of mixed-use was not a –

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mixed-use was not a topology that we had in the city. That we had multi-family and we had commercial and to go from to mixed-use you had to go through commercial, which we all experienced takes away all of the, changes the height requirements, the density requirements, it really was a very difficult thing to deal with. And so, it was those other items were annexed is really what was to develop MX and clear up the site specifics and to deal with items that were previously not dealt with in the prior rewrite of the code in 2007, I think it was. So those were the reasons it was done. It wasn't for anyone's business and you know what, I don't think we are here to target anybody here. We are here to work on behalf of the community, and I think that that is a terrible allegation.

Vice Mayor Lago: Mayor, if I may.

Mayor Valdes-Fauli: Please. Let's make it brief.

Vice Mayor Lago: Mr. Trias, Commissioner Keon says this hasn't gone through the process and been reviewed. What boards has this been through?

Planning and Zoning Director Trias: I'm not prepared to talk about the project.

Vice Mayor Lago: But it has been through boards, right?

Planning and Zoning Director Trias: Going through my recollection, I think it went to Board of Architects.

Vice Mayor Lago: So that's pretty significant, that's number one. Number two, you said you didn't speak at the Planning and Zoning Board meeting, and I'm not an attorney, I'll leave that up to the three gentlemen on this Commission. July 29, 2020, here are your words, speaking about the zoning code pushing it on three different pages you spoke, and you spoke extensively. I have nothing else to say about this issue.

Commissioner Keon: On that item.

Mayor Valdes-Fauli: Please. Please. Let's not get into an argument of who said what.

Vice Mayor Lago: So, let's move onto the next item.

Mayor Valdes-Fauli: Let me say something. I would like to challenge the Commission; I'd like to issue a challenge. Vice Mayor Lago and some of us have said Miracle Mile and historic and how wonderful and compared it to Rodeo Drive and compared it to Worth Avenue. I'd like to challenge all of us to go down on both sides of Miracle Mile and count the empty stores. Miracle Mile is in deep trouble and unless we do something to stimulate Miracle Mile its going to go down like the Coral Gables County Club went down and like other places that have become obsolete. Its competing against Merrick Park, City Center, shopping centers everywhere. Miracle Mile is sick, and I would like to challenge you and I will ask you, each personally have you counted the empty stores, because Miracle Mile is in trouble and we have to do something to help it.

Commissioner Mena: I agree. I agree. I would just say to keep that in mind as we approve broad swaths of zoning that would bring significant amounts of additional commercial retail to the downtown area that will only make it harder for Miracle Mile and its tenants to compete.

Mayor Valdes-Fauli: Thank you. Let's go on to item I-4, Smart City Technology Collaboration Projects.

Commissioner Fors: By the way, one point, scheduling point regarding the Craft Section Sunshine meeting. I'm free to do it as soon as possible for two reasons. As I've complained about last time, zoning matters, when we wait too long in between the meetings, you start forgetting about what we discussed at the last meeting. Secondly, as I always say on the record, we have 99 percent of the homeowners in that area who don't want to live there anymore and we have allocation of funds from the Plaza project, I believe, that are going to be affected by what we do there. So, I'm willing to do it next week or as soon thereafter as everybody can.

Commissioner Mena: By the way, I don't know if this makes it easier for people, but I'd be open to doing it by Zoom if it's helpful to people.

Mayor Valdes-Fauli: That would be helpful.

Vice Mayor Lago: I don't have any issues at all.

Commissioner Fors: All the same to me.

City Attorney Ramos: For the Sunshine meeting, you mean?

Commissioner Mena: Yes. Is that a problem.

City Attorney Ramos: No, because you are not taking any action. Its not a meeting of the City Commission.

Commissioner Fors: That's a good idea.

Mayor Valdes-Fauli: Let's do it early next week – Monday, Tuesday.

Commissioner Keon: You can do it Monday.

Mayor Valdes-Fauli: Monday. Okay. Let's go on I-4, Smart City Technology Collaboration Projects.