Exhibit M

Mediterranean Village
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Planning & Zoning Board: February 11, 2015

(Updated for March 25, 2015 City Commission)

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CITY OF CORAL GABLES
- MEMORANDUM -

TO:	Planning and Zoning Board	**DATE:**	February 11, 2015
FROM:	Ramon Trias AIA AICP LEED AP Director of Planning and Zoning	**SUBJECT:**	Mediterranean Village Executive Summary

Site Information

The Mediterranean Village Planned Area Development (PAD) project is a 6.7 acre mixed-use project near the Central Business District on the site of the approved 2007 Old Spanish Village project.

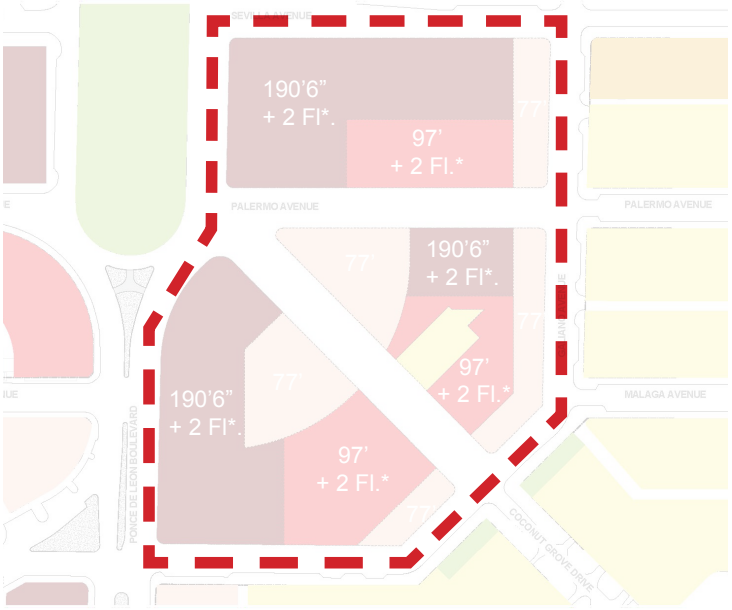
FAR	4.375 FAR (1,280,974 sf)
Height	Low Rise • Townhouses: 36' • Gym and Ballroom Podium: 70' Mid Rise • Residential Amenity Podium: 80' • Cinema Podium: 116' High Rise • 3 Residential Towers: 190'6" • Office Tower: 190'6" • Hotel Tower: 218'6"
Program	229 Residential Units 314,000 sf Office 324,400 sf Restaurant, Service, Entertainment, and Retail 184 Hotel Rooms
Parking	2,710 spaces

Applicant's Request

1. **Comprehensive Plan Map Amendment**
   - amending the locations of the Commercial Land Uses on site to allow site plan approval
2. **Comprehensive Plan Text Amendment**
   - legislative changes that make possible unique characteristics of the project
   - As implemented through concurrent zoning code amendment, amendments will only affect the three City blocks where project is proposed
3. **Mediterranean Village Form-Based PAD Regulations**
   - illustrative zoning overlay that regulates design, function, and performance of the project
   - location-specific urban design features such as towers, arcades, plazas, and stepbacks
   - enhanced architectural quality through carefully crafted Mediterranean design standards
   - emphasis on walkability and transit, with mandatory transit and streetscape improvements
4. **Mediterranean Village PAD Site Plan**
   - retail, restaurant, entertainment, service, leisure, residential, hotel, and office space
   - enhances public space, streetscape, and scenic vistas in downtown
5. **Alley Vacation**
   - 85' long portion of a 20' wide alley
6. **Development Agreement**
   - ensures the high quality design, construction, and maintenance of project
   - memorializes public benefits provided as part of the project

Updated 03.17.15

Illustration of Legislative Amendments
(Proposed Comprehensive Plan Map and Text Amendments)



Height Limit:
Refer to map. All heights further limited by the Mediterranean Village Form-Based PAD provisions and Planned Area Development Plan.
* Up to 2 extra floors permitted for rooftop public spaces, in approved locations.

Intensity Limit:
Controlled by Mediterranean Village Form-Based PAD provisions for Commercial Land Uses inside of a Mediterranean Village project.

Residential Use:
Permitted in Commercial Land Uses inside of a Mediterranean Village project according to the regulations of the Mediterranean Village Form-Based PAD provisions.

Illustration of Proposed Mediterranean Village PAD Site Plan



Recommendation

Approval with Conditions*
** see Staff Report for complete analysis and Conditions of Approval*

City of Coral Gables
Planning and Zoning Staff Report

Applicant:	Agave Ponce, LLC
Application:	Comprehensive Plan Map and Text Amendment, Zoning Code Text Amendment, Planned Area Development Site Plan, Alley Vacation, Development Agreement
Property:	2801, 2901, 3001 Ponce de Leon Boulevard (Proposed site of Mediterranean Village Planned Area Development)
Public Hearing:	Planning and Zoning Board / Local Planning Agency
Date & Time:	**February 11, 2015, 6:00 – 9:00 p.m.**
Location:	City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida, 33134

1. APPLICATION REQUEST

Comprehensive Plan map and text amendment, Zoning Code text amendment, Planned Area Development Site Plan Review, Alley Vacation, and Development Agreement for the project referred to as the "Mediterranean Village", as follows:

1. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 3, "Development Review," Division 15, "Comprehensive Plan Text and Map Amendments," and Small Scale Amendment procedures (S.163.3187, Florida Statutes), changing the boundaries between Commercial Low-Rise Intensity, Commercial Mid-Rise Intensity and Commercial High-Rise Intensity Land Use designations on property generally bounded by Sevilla Avenue on the north, Malaga Avenue on the south, Ponce de Leon Boulevard on the west and Galiano Street on the east, and generally known as 2801, 2901, and 3001 Ponce de Leon Boulevard, Coral Gables, Florida as shown on Exhibit "A" and legally described on Exhibit "B;" providing for severability, repealer and an effective date. (Legal description of property on file at the City) (LPA review)

2. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment

to the text of the City of Coral Gables Comprehensive Plan, Future Land Use Element, Policy FLU-1.1.3, "Table FLU-2. Commercial Land Uses," pursuant to expedited State review procedures (S.163.3184, Florida Statutes) and Zoning Code Article 3, "Development Review," Division 15, "Comprehensive Plan Text and Map Amendments;" amending the "Commercial High-Rise Intensity," "Commercial Mid-Rise Intensity," and "Commercial Low-Rise Intensity" Land Use Classifications to provide that (A) residential use shall be permitted and (B) intensity shall be controlled by a Planned Area Development plan instead of by Floor Area Ratio, in a project developed in accordance with the Mediterranean Village Form-Based Planned Area Development; and further amending the "Commercial High-Rise Intensity" and "Commercial Mid-Rise Intensity" Land Use Classifications to provide that, in such a Mediterranean Village project, additional height may be granted for specified uses or architectural embellishment; providing for severability, repealer and an effective date. (LPA review)

3. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 3, "Development Review," Division 5, "Planned Area Development," to create Section 3-510, "Mediterranean Village Form-Based Planned Area Development," with form-based development standards that modify and supplement the existing Planned Area Development standards and criteria to allow appropriate infill and redevelopment in urbanized areas if certain minimum requirements are met; and amending Appendix A, "Site Specific Zoning Regulations," Section A-36 "Crafts Section," by removing Section A-36.B.5. regarding the use, design and number of stories for development in Block 20; providing for severability, repealer, codification and an effective date. (LPA review)

4. An Ordinance of the City Commission of Coral Gables, Florida granting approval of a proposed Planned Area Development (PAD) approval referred to as "Mediterranean Village" pursuant to Zoning Code Article 3, "Development Review", Division 5, "Planned Area Development (PAD)", for the construction of a project consisting of a mix of uses including office, commercial, retail, hotel and residential, consistent with the separately proposed Section 3-510 "Mediterranean Village Form-Based Planned Area Development," on the property legally described as Block 20, Block 23 (Less Lot 12 and a portion of Lot 11), and Block 30, Crafts Section, also generally known as 2801, 2901, And 3001 Ponce de Leon Boulevard, Coral Gables, Florida; including required conditions; providing for severability, repealer and an effective date. (Legal description of property on file at the City)

5. An Ordinance of the City Commission of Coral Gables, Florida requesting partial abandonment and vacation of a 20-foot wide public alleyway generally running east-west approximately 85 feet in length, dividing Blocks 3, 4 and Tract F from Block 5 and Tract G of Ponce Place Villas East pursuant to Zoning Code Article 3, Division 12, "Abandonment And Vacations" and City Code Chapter 62, Article 8, "Vacation, Abandonment and Closure of Streets, Easements and Alleys By Private Owners and the City; Application Process," and the dedication of a public access easement generally

running over an internal driveway from Palermo Avenue to Coconut Grove Drive related to proposed development consistent with the separately proposed Section 3-510 "Mediterranean Village Form-Based Planned Area Development," on the property generally known as 2801, 2901, and 3001 Ponce de Leon Boulevard, Coral Gables, Florida; including required conditions; providing for severability, repealer and an effective date. (Legal description of vacation on file at the City)

6. An Ordinance of the City Commission of Coral Gables, Florida approving a Development Agreement pursuant to Zoning Code Article 3, Division 20, entitled "Development Agreements," for a proposed Planned Area Development referred to as "Mediterranean Village" related to the construction of a project consisting of a mix of uses including office, commercial, retail, hotel and residential, consistent with the separately proposed Section 3-510 "Mediterranean Village Form-Based Planned Area Development," on the property legally described as Block 20, Block 23 (Less Lot 12 and a portion of Lot 11), and Block 30, Crafts Section, generally known as 2801, 2901, and 3001 Ponce de Leon Boulevard, Coral Gables, Florida; providing for severability, repealer and an effective date. (Legal description of property on file at the City)

Comprehensive Plan text and map amendments, Zoning Code text amendments, PAD site plans, development agreements, and alley vacations require review and recommendation by the Planning and Zoning Board (PZB) and consideration by the City Commission at two (2) advertised public hearings (via Ordinance).

2. APPLICATION SUMMARY

Agave Ponce, LLC (hereinafter referred to as "Applicant"), submitted an application (hereinafter referred to as the "Application") for review of Comprehensive Plan map and text amendments and Zoning Code text amendments, in association with a Planned Area Development (PAD) site plan review. The legislative requests were considered by the Planning and Zoning Board (PZB) at their meeting on December 10, 2014. At that meeting, the PZB continued the item, requesting that the applicant return with the PAD site plan so that the legislative changes could be reviewed concurrently with the site plan. Accordingly, the Applicant has submitted the complete application package, including Comprehensive Plan map and text amendments, Zoning Code text amendments, PAD site plan, accompanying development agreement, and alley vacation items for review and recommendation. A summary application package submitted by the Applicant is provided as **Attachment A**; the full application package is included as **Attachment B**.

Project Summary

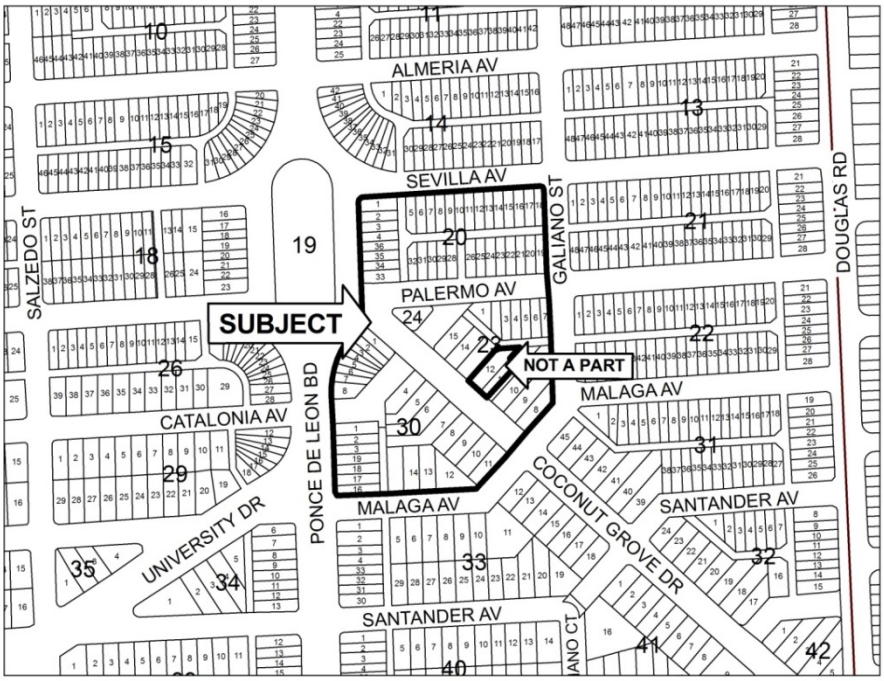
The subject property is located one block south of the City's Central Business District (CBD), and is generally bounded by Sevilla Avenue to the north, Malaga Avenue to the south, Galiano Street to the east, and Ponce de Leon Boulevard to the west. The property fronts Ponce Circle, the largest public open space in the urban center of Coral Gables. The property is approximately 6.72 acres. The project site was originally assembled in the 2000s and approved by City Commission as a Planned Area Development called Old Spanish Village. (See **Attachment I** for more information). The project was never completed.

A new developer, the Applicant, has come to the table with a new proposal for a PAD of greater intensity and a greater mix of uses, including a substantial retail and entertainment component. The project consists of retail mall-type development with 29,000 sq ft of restaurant space, 124,700 sq ft of retail anchor space, 117,200 sq ft of in-line retail, a 32,000 sq ft cinema, a 12,000 sq ft daycare, a 9,500 sq ft gym, a 184 room five-star hotel, a 314,000 sq ft Class A office building, three residential towers with a total of 214 units, and 15 townhomes. The project also includes:

- publicly-accessible rooftop restaurant that provides unique views,
- two levels of underground parking, reducing bulk and mass of above-ground parking,
- streetscape and public space improvements.

Project Location

The property is bounded by Sevilla Avenue (north), Malaga Avenue (south), Galiano Street (east) and Ponce de Leon Boulevard (west), as shown on the following location map and aerial photo:



Block, Lot and Section Location Map



Aerial

Site Data and Surrounding Uses

The following tables provide the subject property's designations and surrounding land uses:

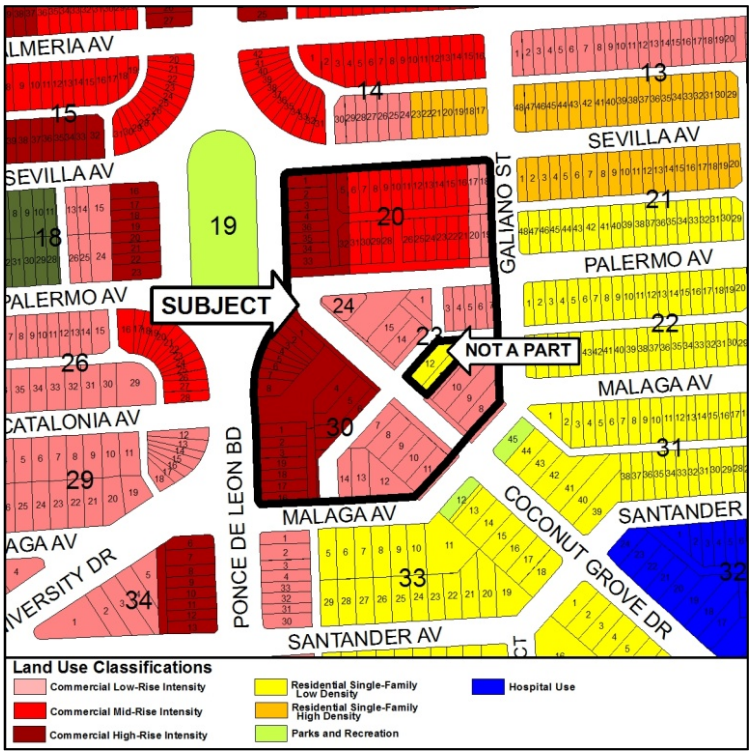
Existing Property Designations

Comprehensive Plan Map designation	"Commercial High-Rise Intensity" "Commercial Mid-Rise Intensity" "Commercial Low-Rise Intensity"
Zoning Map designation	Commercial District (C)
Within Central Business District	No
Within a designated Mixed-Use Overlay District (MXOD)	No
Mediterranean Architectural District (citywide)	Yes
Within Coral Gables Redevelopment Infill District (GRID)	Yes

Surrounding Land Uses

LOCATION	EXISTING LAND USES	COMPREHENSIVE PLAN DESIGNATIONS	ZONING DESIGNATIONS
North	One and Two-Story Offices; Parking Lot	"Commercial Mid-Rise Intensity" "Commercial Low-Rise Intensity" "Residential Single-Family High Density"	Commercial (C) Commercial Limited (CL) Single-Family Residential (SFR)
South	One-Story Restaurant (Christy's); Single-Family Residences	"Commercial Low-Rise Intensity" "Residential Single-Family Low Density" "Parks and Recreation"	Commercial Limited (CL) Single-Family Residential (SFR) Special Use (S)
East	Project Gateway Feature Mini Park; Single-Family Neighborhood	"Residential Single-Family High Density" "Residential Single-Family Low Density" "Parks and Recreation"	Single-Family Residential (SFR) Special Use (S)
West	Ponce Circle Park; Regions Bank Building; Ponce Cat Building	"Parks and Recreation" "Commercial High-Rise Intensity" "Commercial Mid-Rise Intensity" "Commercial Low-Rise Intensity"	Commercial (C) Special Use (S)

The property's existing land use or zoning designations are illustrated on the following maps:



Existing Future Land Use Map



Existing Zoning Map

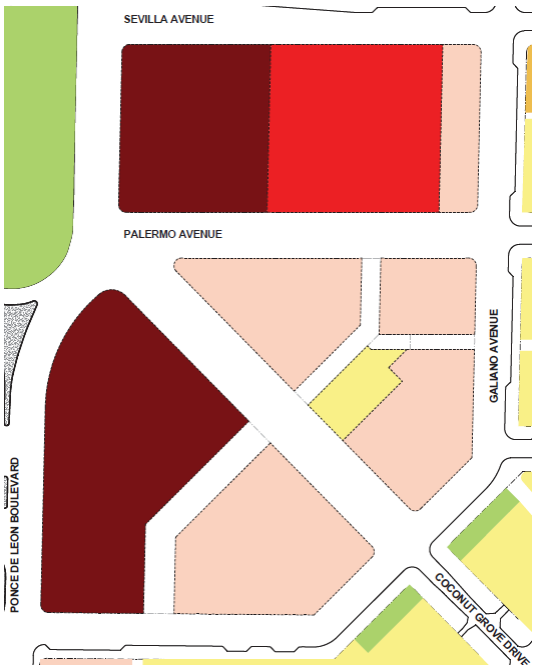
3 . APPLICANT'S PROPOSAL

Comprehensive Plan Map Amendment

The Applicant is requesting the following changes to the City's Future Land Use Map designation:

- Changing the boundaries between "Commercial Low-Rise Intensity," "Commercial Mid-Rise Intensity," and "Commercial High-Rise Intensity."

The Comprehensive Plan's description of each land use classification is shown on page 9 and 10. A comparison of the existing Future Land Use Map and the Applicant's requested designations is shown on the following maps.


SEVILLA AVENUE
PALERMO AVENUE
GALIANO AVENUE
PONCE DE LEON BOULEVARD
CORAL WAY
CORAL WAY
CORAL WAY

Comprehensive Plan Text Amendment

The Applicant is requesting a change to the City's Comprehensive Plan text in order to allow Mediterranean Village projects to be controlled by Mediterranean Village Form-Based Planned Area Development regulations rather than certain provisions of the Comprehensive Plan. The proposed Form-Based Planned Area Development and the Comprehensive Plan text amendments work hand-in-hand to promote place-specific, urban design-oriented regulations for Mediterranean Village projects.

Examples of how these Comprehensive Plan text amendments work hand-in-hand with the Form-Based Planned Area Development are described below:

- Commercial High-Rise, Mid-Rise, and Low-Rise Intensity: Floor Area Ratio (FAR) provisions are removed from the Commercial Land Use Classifications. The Form-Based Planned Area Development regulations limit intensity by controlling the massing, form and design of buildings according to a Street Type Plan.
- Commercial High-Rise, Mid-Rise, and Low-Rise Intensity: Residential use is permitted in Mediterranean Village projects. Residential use is mandatory as part of the mixed-use provisions of the Form-Based Planned Area Development.
- Commercial High-Rise Intensity: A Signature Terminated Vista, as defined by the Mediterranean Village Form-Based Planned Area Development and indicated in the Regulating Plan, may exceed 190'6" by two additional stories (this allows the public restaurant on the hotel rooftop).
- Commercial Mid-Rise Intensity: A building with a Publicly Accessible Activated Rooftop, as defined by the Mediterranean Village Form-Based Planned Area Development and indicated in the Regulating Plan, may exceed 97' by one floor.

Policy FLU-1.1.3.

Table FLU-2. Commercial Land Uses			
Classification	Description	Density/Intensity	Height
Commercial High-Rise Intensity.	This category is oriented to the highest intensity commercial uses, including residential, retail, services, office, and mixed use.	Maximum F.A.R. of 3.0, or 3.5 with architectural incentives. Up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs). Residential use shall only be permitted as part of a mixed-use development as provided herein, or a Mediterranean Village. The intensity of a project located in a Mediterranean Village is not	Up to 150' maximum (no limitation on floors), or 190.5' maximum (with a maximum 3 additional floors) with architectural incentives per the Zoning Code. The heights of structures located in a project located in a Mediterranean Village may exceed the applicable maximum, to the extent approved by the City, for those areas containing only (a) architectural

Table FLU-2. Commercial Land Uses			
Classification	Description	Density/Intensity	Height
		regulated by F.A.R., and instead controlled by an approved Mediterranean Village PAD Plan.	embellishment or (b) a top floor (one or two level) dining, entertainment, or other similar destination use open to the public, or (c) a top floor containing an activated rooftop.
Commercial Mid-Rise Intensity.	This category is oriented to medium intensity pedestrian and neighborhood commercial uses, including residential, retail, services, office, and mixed use.	Maximum F.A.R. of 3.0, or 3.5 with architectural incentives. Up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs). Residential use shall only be permitted as part of a mixed-use development as provided herein, or a Mediterranean Village. The intensity of a project located in an Mediterranean Village is not regulated by F.A.R., and instead controlled by an approved Mediterranean Village PAD Plan.	Up to 70' maximum (no limitation on floors), or 97' maximum (with a maximum 2 additional floors) with architectural incentives per the Zoning Code. The heights of structures located in a project located in a Mediterranean Village may exceed the applicable maximum, to the extent approved by the City, for those areas only containing (a) architectural embellishment or (b) a top floor (one or two level) dining, entertainment, or other similar destination use open to the public, or (c) a top floor containing an activated rooftop.
Commercial Low-Rise Intensity.	This category is oriented to low intensity pedestrian and neighborhood commercial uses, including residential, retail, services, office, and mixed use.	Maximum F.A.R. of 3.0, or 3.5 with architectural incentives. Up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs). Residential use shall only be permitted as part of a mixed-use development as provided herein, or a Mediterranean Village. The intensity of a project located in a Mediterranean Village is not regulated by F.A.R., and instead controlled by an approved Mediterranean Village PAD Plan.	Up to 50' maximum (no limitation on floors), or up to 77' maximum (with a maximum of 2 additional floors) with architectural incentives per the Zoning Code.

Zoning Code Text Amendment

The proposed Zoning Code Text Amendment includes a proposed Mediterranean Village Form-Based Planned Area Development that is only available for Planned Area Development projects in a designated area of the City. At this time, the only location in the City of Coral Gables that meets the criteria to apply the Form-Based Planned Area Development is bounded by Galiano Street to the east, Ponce de Leon Boulevard to the west, Sevilla Avenue to the north, and Malaga Avenue to the south. This area contains the subject property at 2801, 2901, and 3001 Ponce de Leon Boulevard, and the property at 2915 Coconut Grove Drive, which is not included in this Application.

The proposed Mediterranean Village Form-Based Planned Area Development is intended to enhance the quality and aesthetics of proposed large-scale mixed-use projects by placing emphasis on building form, open space, and quality design, thereby improving the effectiveness of City regulations. Form-based regulations place greater focus on design and are illustrated with graphics, in an effort to facilitate their application by the Applicant and their review by staff. A Form-Based Planned Area Development would be a new type of regulatory tool for the City of Coral Gables. Nevertheless, the Coral Gables Zoning Code already contains many notions that would be typically found in form-based regulations.

Attachment D includes the full text and illustrations from the proposed Form-Based Planned Area Development. **Attachment F** includes an introduction to Form-Based regulations and their use around the Country, as well as the minutes from an expert panel review of the Mediterranean Village Form-Based Planned Area Development. **Attachment G** includes a complete analysis of the proposed PAD code changes. **Attachment H** includes an analysis of shared parking and parking reduction strategies, which is an important component of the proposed Zoning Code Text Amendment.

Specific Zoning Code Requirements adjusted by the Mediterranean Village Form-Based Planned Area Development

Zoning Code Section	Provision	Proposed Mediterranean Village Form-Based Planned Area Development Requirements
Section 4-302 Commercial District (C) D.5.b.	C properties shall have a height limitation of three (3) floors or forty-five (45) feet, whichever is less, within one-hundred (100) feet of an adjacent, abutting or contiguous (including streets, waterways, or alleys) SFR and/or MF1 property, as measured from the C property line.	Building height and transitions to residential uses are controlled by the Street Types Plan and the Building Form Standards
Section 4-402. Prohibited uses, certain streets.	No driveway for use by motor vehicles or any other purpose shall be permitted to be constructed across the sidewalks on properties abutting Miracle Mile from Douglas Road to LeJeune Road and/or	Driveways permitted on Ponce de Leon Boulevard as part of a PAD Regulating Plan that is approved by Commission

Zoning Code Section	Provision	Proposed Mediterranean Village Form-Based Planned Area Development Requirements
	on properties abutting Ponce de Leon Boulevard from Minorca Avenue to University Drive.	

Elements of the Mediterranean Village Form-Based Planned Area Development

The proposed Mediterranean Village Form-Based Planned Area Development is unique in that it prescribes architectural standards and it controls development outcome through the following tools:

- Street Type Plan (Figure 1),
- Regulating Plan (Figure 2),
- Building Form Standards, which are rules that apply based on Street Type (Figure 3),
- General Standards, which are rules that apply to all buildings, and
- Architectural Standards (Figure 4).

The Street Type Plan and a Regulating Plan serve as a supplement to the Future Land Use Map and the Zoning Map. A Street Type Plan is a map indicating the location of specific Street Types, which is used to control the development fronting that street. Features such as building height, profile, placement, and potential encroachment are controlled by the Street Type Plan. The Regulating Plan is a map designating the locations of physical features that must be included in any subsequent building, such as storefronts, arcades, and terminated vistas.

The Building Form Standards establish the physical and functional relationships between buildings. The standards set forth rules related to building placement (build-to-zones, setbacks, etc.), parking location, and building heights. The General Standards are tailored regulations that apply to all buildings throughout the Mediterranean Village, and address issues such as parking, landscaping, and sustainability. The Architectural Standards address many components of architectural detailing and building design that relate to the public realm between buildings and the street.

Site Specific Zoning Text Amendment

In addition to the proposed Form-Based Planned Area Development, the application includes a proposal to remove the Site Specific regulations for a portion of Block 20, Crafts Section, in order to allow greater flexibility in the use and form of a building. This is consistent with the City's approach to MXD project, which are required to repeal their Site Specific regulations. The text proposed to be removed is shown below:

Appendix A, Section A-36 - Crafts Section., B. Height of buildings.:

~~5. A multi-story building thirteen (13) stories in height, as per submitted plans for use as an office building may be constructed on Lots 1, 2, 3, 4, 33, 34, 35 and 36, Block 20, according to Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida.~~

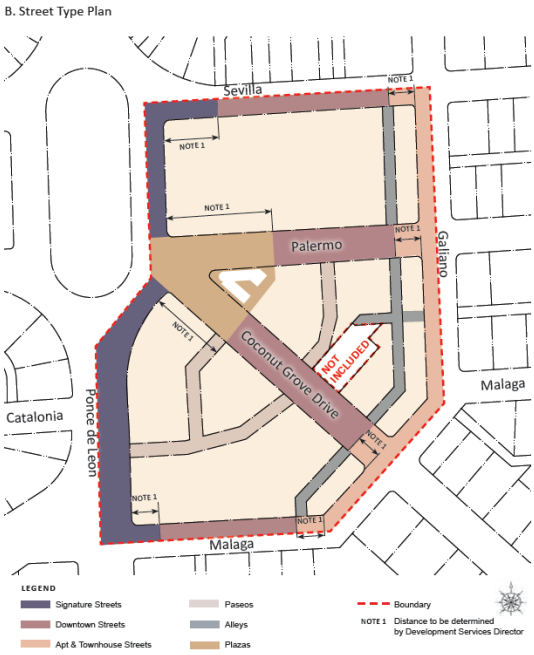


Figure 1. Street Type Plan

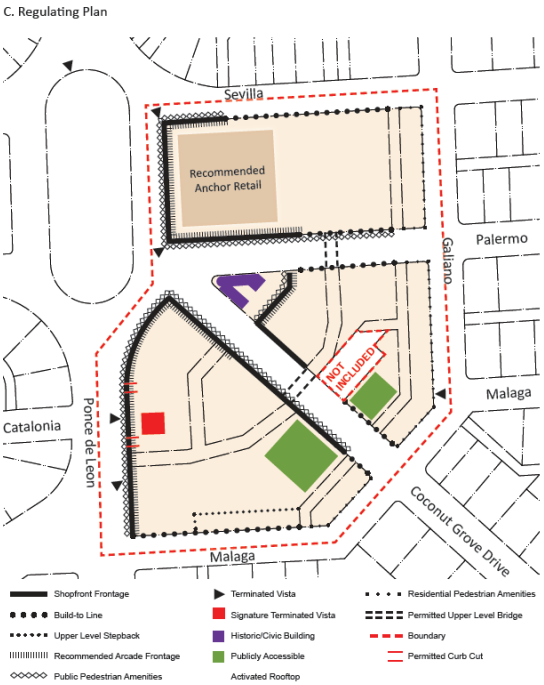


Figure 2. Regulating Plan

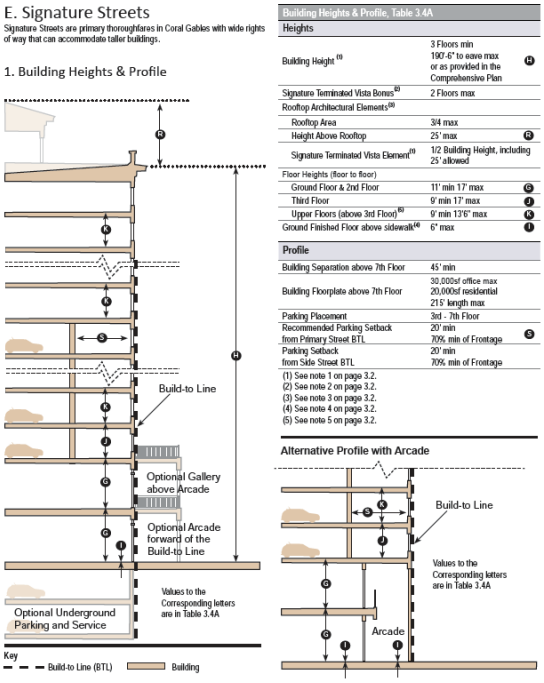


Figure 3. Example of Building Form Standards

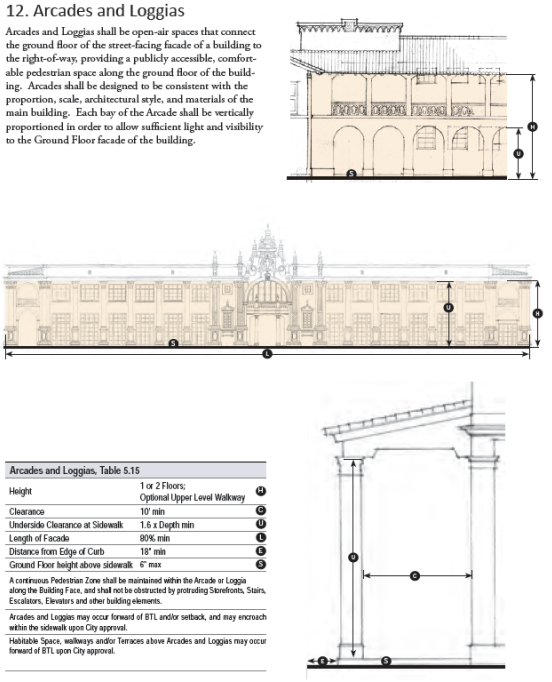


Figure 4. Example of Architectural Standards

Planned Area Development Site Plan

The Mediterranean Village Planned Area Development (PAD) is a high-quality urban space fronting Ponce de Leon Boulevard, encouraging pedestrian activity. The mix of a regional retail, restaurant, and entertainment destination, five-star hotel, Class A office building, and residential towers creates efficiencies of land use that can result in significant benefits to the function of Coral Gables' central business district and downtown, including reduced vehicle miles travelled, reduced parking needs, and a larger residential population within walking distance of urban amenities. In addition, it provides a destination in the urban core, allowing office workers and residents of downtown Coral Gables to access different kinds of shopping, services, and leisure activities without getting in their car. The mixed-use destination will attract new visitors to Coral Gables' commercial center. The Mediterranean Village PAD creates synergy with the existing retail, restaurants, and entertainment in the Downtown and Merrick Park, therefore improving business and property values beyond the boundaries of the Mediterranean Village. Benefits of the PAD include:

- a high-quality place that enhances Coral Gables' status as a destination for high quality urban design;
- efficient use of public infrastructure through high-intensity mixed-use development in the urban core;
- regional destination four blocks south of and linked by trolley service to Miracle Mile, creating an opportunity to promote greater downtown Coral Gables as a shopping, dining, and entertainment destination;
- critical mass of retail in the urban core, serving as an amenity to existing office workers, residents, and visitors;
- bicycle parking and support facilities;
- additional workplaces near residences;
- usable outdoor gathering space in Downtown Coral Gables through the plaza around the Historic Arts Center Building and the public rooftop parks;
- unique views of Coral Gables from a public rooftop restaurant; and
- a tower feature and other signature Mediterranean design features along Ponce de Leon Boulevard and fronting Ponce Circle Park.

An informational Planning and Zoning Board meeting was conducted on August 13, 2014. At this meeting, the applicant presented the proposed legislative changes and the PAD site plan in concept, and the Board provided preliminary comments. Since that meeting, the design of the project has evolved to incorporate suggestions from the Board of Architects, City staff, members of the public, and two expert panels in urban design, architecture, and form-based zoning regulations.

A summary of the design changes that have been made to the project since the Planning and Zoning Board last reviewed it in August are listed below for reference.

a. Mix of Uses:
    i. Office space has increased from 219,542 sf to 314,000 sf due to the addition of garage liner space fronting Ponce Circle Park.
    ii. Non-office commercial space, including retail, restaurant, cinema, gym, and daycare has decreased slightly from 330,346 sf to 324,400 sf due to modifications to the plan. The full non-office commercial breakdown is now:
        1. In-line retail: 117,200 sf
        2. Junior Anchors: 124,700 sf
        3. Cinema: 32,000 sf
        4. Restaurants: 29,000 sf
        5. Daycare: 12,000 sf
        6. Gym: 9,500 sf
    iii. The number of residential units has decreased slightly from 234 to 229.

b. Pedestrian realm:
    i. The ground floor and second floor retail layout has been redesigned and includes more efficient circulation and more effective retail spaces.
    ii. The ground floor frontages facing public streets, in particular Ponce de Leon Boulevard, have been substantially redesigned to create a more functional pedestrian environment.
    iii. Curb radii throughout the project have been reduced to reflect a more pedestrian-oriented development.

c. Architecture:
    i. Proportion, scale and articulation of the facades have been considerably improved.
    ii. The spacing, proportion, and hierarchy of fenestration has improved.
    iii. The residential towers and the office tower have been redesigned to have unique Rooftop Architectural Elements.
    iv. The townhouse facades and massing have been simplified and refined to reflect traditional precedent.

d. Bridging over right-of-way:
    i. The parking garage encroachment over Palermo Avenue has increased nearly two times in square footage coverage, from approximately 60’ in depth to approximately 103’ in depth to allow for two bays of parking.
    ii. The glass dome features over pedestrian areas, including the rights of way on Palermo Avenue and Coconut Grove Drive, and the retail paseos through the project, have been eliminated and replaced with more simplified rectilinear glass roof features.

e. Parking:
    i. The number of on-street parking spaces on Galiano Street has been reduced due to vehicular sight triangle concerns.
    ii. The parking garage, in particular the underground parking and service areas, has been redesigned to have more efficient circulation and space for parking.

f. North Block (2801 Ponce):
    i. Curb cuts for vehicular entrances to the project, in particular the loading, garage entrance, and alley entrance, have been grouped together toward the middle of the north side of the block to allow for more effective retail frontage closer to Ponce de Leon Boulevard.
    ii. Liner office space has been added to most portions of the parking garage fronting Ponce Circle, improving the frontage on the park.
    iii. The office building has a full ground level lobby instead of a sky lobby at the 8th level.
    iv. A pedestrian paseo has been introduced mid-block to improve pedestrian circulation throughout the project.
    v. The residential tower has an increased vertical stepback from the street, reducing the impact of building mass and height.

g. Middle Block (2901 Ponce):
    i. The circulation tower has been reduced in height and the façade and massing have been simplified.
    ii. The circular pavement feature in front of the Historic Arts Center Building has been eliminated, and one paver type has been selected for the plaza, creating a more unified plaza space.

h. South Block (3001 Ponce):
    i. The eastern residential tower has been removed, and the western residential tower has been enlarged. The overall effect is consolidation of height and massing towards Ponce de Leon Boulevard.
    ii. The public parking garage entrance off of Ponce de Leon Boulevard has been removed and the deceleration lane leading to the garage entrance has been removed, allowing for better pedestrian space along Ponce de Leon Boulevard. This location will now only be used for vehicular access for hotel guests.
    iii. The residential tower and the hotel tower have been physically separated from one another at the Ponce de Leon frontage, breaking down the mass and bulk of the project and enhancing the pedestrian experience. The new design creates a more inviting entrance into the internal shopping areas of the project.

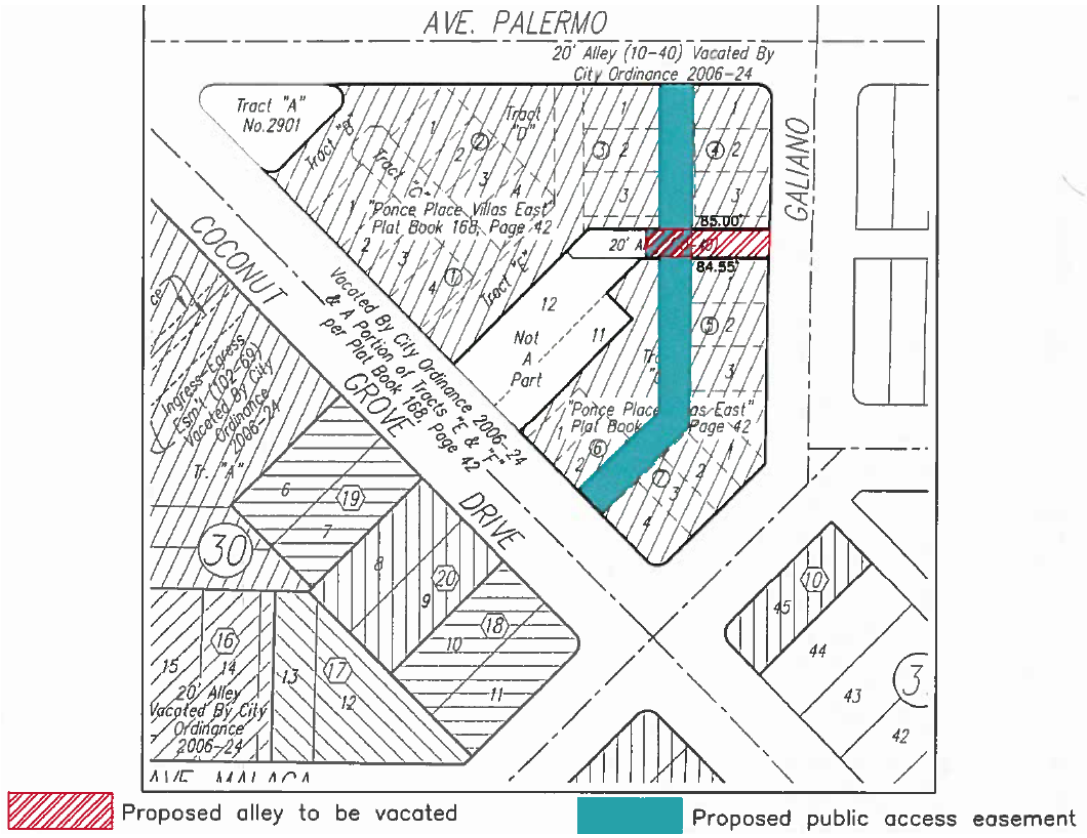
i. North and South Blocks (2801 and 3001 Ponce):
    i. The parking garage entrances and ramps have been redesigned and include more space for turning movements and stacking.
    ii. The residential lobby entrances on Palermo and Malaga, respectively, have been consolidated.

Additional information on the Planned Area Development Site Plan is included in **Attachment I**, **Attachment J**, **Attachment K**, and **Attachment L**.

Alley Vacation

The Applicant has submitted a Public Works Alley Vacation application, which is included as **Attachment M**, and the item was reviewed by the Development Review Committee on January 30, 2015. The Applicant states that the vacation of the alley is necessary in order to develop the site as one cohesive and connected project. The Applicant further states that the portion of the alley proposed to be vacated is 20 feet in width and 85 feet in length and covers an area approximately 1,700 square feet. The Applicant has proffered a public easement that would be recorded in the public record prior to the issuance of a Certificate of Occupancy (CO) for the project. The alternative public access easement runs north-south through the block, connecting Palermo Avenue to Coconut Grove Drive, and it would be open to the sky, permitting the passage of all types of vehicles.

The following map indicates the existing alley to be vacated and the public easement proposed in its place.



Site Plan Information:

Type	Permitted	Proposed
Alley to be vacated	---	1,700 sq. ft.
Alley dimensions to be vacated	---	20' width/85' length

Development Agreement

As required by the Mediterranean Village Form-Based Planned Area Development, the applicant has submitted a Development Agreement, provided as **Attachment E.**

Staff has reviewed the proposed Development Agreement and finds that it meets the requirements of Section 3-2007 of the Zoning Code and the requirements of the Mediterranean Village Form-Based Planned Area Development.

4 . FINDINGS OF FACT

This section of the Report presents City Staff's evaluation of the Application and Findings of Fact. The City's responsibility is to review the Application for consistency with the City's Comprehensive Plan (CP) Goals, Objectives and Policies, compliance with the Zoning Code and other applicable portions of the City Code.

Comprehensive Plan Map and Text Amendment

Zoning Code Section 3-1506 provides review standards for Comprehensive Plan amendments:

Standard	Staff Evaluation
1. Whether it specifically advances any objective or policy of the Comprehensive Land Use Plan.	**Yes.** The map and text amendments are necessary for the approval of the Mediterranean Village PAD project, which advances numerous objectives and policies as further described on page 34 of this staff report and in **Attachment N**.
2. Whether it is internally consistent with Comprehensive Land Use Plan.	**Yes.** The map and text amendments are necessary for the approval of the Mediterranean Village PAD project, which is internally consistent with the Comprehensive Plan as further described on page 34 of this staff report and in **Attachment N**.
3. Its effect on the level of service of public infrastructure.	The proposed map and text amendments will support enhanced multi-modal activity in the downtown, and will take advantage of existing urban infrastructure, which is a goal of the Comprehensive Plan.
4. Its effect on environmental resources.	The proposed amendments affect an infill site in downtown. No significant environmental resources will be impacted.
5. Its effect on the availability of housing that is affordable to people who live or work in the City of Coral Gables.	The proposed amendments will provide additional multi-family housing opportunities in the City with access to frequent transit service and realistic pedestrian access to dining, shopping, and employment opportunities.
6. Any other effect that the City determines is relevant to the City Commission's decision on the application.	The proposed map and text amendments are necessary for the approval of the Mediterranean Village PAD project, which includes high quality design and materials and will create a regional mixed-use shopping and entertainment destination in the heart of Coral Gables.

Staff comments: The proposed Comprehensive Plan map and text amendments are designed to limit the bulk and mass of the project and to work hand-in-hand with the proposed Mediterranean Village Form-Based Planned Area Development to shape a high-quality urban design project in the heart of Coral Gables.

The standards identified in Section 3-1506 for the proposed CP map and text amendment are satisfied. The proposed amendments are consistent with the CP goals, objectives and policies in the Future Land Use, Design, Housing, Mobility, and Green Elements of the City's Comprehensive Plan as provided herein.

Zoning Code Text Amendment

Zoning Code Section 3-1405 provides standards for review of proposed text amendments, and specifies that the Planning and Zoning Board shall not recommend adoption of, and the City Commission shall not adopt text amendments to the Zoning Code unless they satisfy specific criteria. Staff has found that the proposed text amendment satisfies those criteria, as follows:

Standard	Staff Evaluation
1. Promotes the public health, safety, and welfare.	**Yes.** The proposed text amendments are necessary for the approval of the Mediterranean Village PAD project, which encourages efficient use of urban infrastructure, multi-modal activity and preservation of open space, which are all public benefits.
2. Does not permit uses the Comprehensive Plan prohibits in the area affected by the district boundary change or text amendment.	**Yes.** The proposed Zoning Code text amendments allow uses that are consistent with the proposed Comprehensive Plan amendments.
3. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property.	**Yes.** The proposed Zoning Code text amendments allow densities and intensities that are consistent with the proposed Comprehensive Plan amendments.
4. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less than the minimum requirements of the Comprehensive Plan.	**Yes.** The proposed Zoning Code text amendments allow densities and intensities that are comparable to existing projects in the downtown. Concurrency review has been completed and any potential decline in level of service will be mitigated, as required by the Comprehensive Plan.
5. Does not directly conflict with an objective or policy of the Comprehensive Plan.	**Yes.** The proposed Zoning Code text amendments do not directly conflict with the Comprehensive Plan, as further described on page 17 and in Attachment G.

Staff comments: The standards identified in Section 3-1405 for the proposed Zoning Code text amendment are satisfied. The proposed project is consistent with the CP goals, objectives and policies in the Future Land Use, Design, Housing, Mobility and Green Elements of the City's Comprehensive Plan as provided herein.

Planned Area Development

Planned Area Development (PAD) Purpose and Objectives

The stated purpose of the Zoning Code's PAD provisions is to encourage the construction of Planned Area Developments (PAD) by providing greater opportunity for construction of quality development on tracts and/or parcels of land through the use of flexible guidelines which allow the integration of a variety of land uses and densities in one development. Zoning Code Section 3-501 states that a proposed PAD project must comply with the following:

Standard	Staff Evaluation
1. Allow opportunities for more creative and imaginative development than generally possible under the strict applications of these regulations so that new development may provide substantial additional public benefit.	**Yes.** The proposed PAD follows a master plan that unifies the overall design of three distinct city blocks in ways that maximizes the public benefits of ground level space, pedestrian activity and aesthetic harmony within the City of Coral Gables. The proposed design represents an effective application of the creative and imaginative features that are encouraged under the PAD process.
2. Encourage enhancement and preservation of lands which are unique or of outstanding scenic, environmental, cultural and historical significance.	**Yes.** The proposed design preserves the original network of streets platted by George Merrick in the 1920s. In addition, the setting of the historic Arts Center Building has been improved by new buildings and open space features that preserve and enhance the cultural and historical significance of the historic structure.
3. Provide an alternative for more efficient use and safer networks of streets, promoting greater opportunities for public and private open space, and recreation areas and enforce and maintain neighborhood and community identity.	**Yes.** The proposed site plan includes extensive enhancements to sidewalks, landscape and crosswalks within the project and the vicinity, which enhance the existing open space and network of streets within the three blocks of the project and in the surrounding neighborhood. The resulting network of streets and open space will be safer and more attractive, in ways consistent with identity of Coral Gables.
4. Encourage harmonious and coordinated development of the site, through the use of a variety of architectural solutions to promote	**Yes.** The proposed architectural design of the buildings has been developed after detailed study of the eight buildings listed as precedents of Coral Gables Mediterranean Design in the Zoning Code. General composition, massing and detailing are carefully

Standard	Staff Evaluation
Mediterranean architectural attributes, promoting variations in bulk and massing, preservation of natural features, scenic areas, community facilities, reduce land utilization for roads and separate pedestrian and vehicular circulation systems and promote urban design amenities.	calibrated to implement the aesthetic goals of the city and support general harmony with the overall development of the city. For example, towers are strategically located to terminate major urban vistas and pedestrian areas are carefully coordinated with the architectural features of the lower two stories of the project.
5. Require the application of professional planning and design techniques to achieve overall coordinated development eliminating the negative impacts of unplanned and piecemeal developments likely to result from rigid adherence to the standards found elsewhere in these regulations.	**Yes.** High standards of design have been applied throughout the proposed project to minimize unwanted impact on the vicinity. PAD provisions have allowed the coordination of functional and aesthetic features of new buildings in ways that promote urban design consistency with the existing development of the City.

Staff comments: The Applicant's plans comply with the purpose and applicability for a PAD set out in Zoning Code Section 3-501 as specified in the evaluation presented in Staff's report and the following findings of fact. The requirements and performance standards set out in the Zoning Code for a PAD have been evaluated and are provided in the Zoning Analysis prepared by the Planning and Zoning Division (see **Attachment J**). That analysis and compliance with the purpose and applicability for a PAD indicate that the proposal satisfies the Code's requirements for a Mediterranean Village PAD project.

Planned Area Development (PAD) Findings of Fact

Section 3-503 of the Zoning Code states the required findings for a proposed PAD project is as follows:

Findings of Fact	Staff Evaluation
A. In what respects the proposed plan is or is not consistent with the stated purpose and intent of the PAD regulations.	The proposed plan is consistent with the proposed legislative changes and applicable PAD requirements of the Zoning Code.
B. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, size, area, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.	The proposed Form-based amendment to the zoning code will regulate the bulk and height of the project. Existing regulations do not allow some desirable design features that enhance the aesthetic quality of the project.
C. The extent to which the proposed plan meets the requirements and standards of the PAD regulations.	A Zoning Analysis was prepared by Planning and Zoning Division Staff to determine compliance with applicable provisions and requirements within the Zoning Code for a proposed PAD. The analysis indicates that the proposed project meets the applicable provisions and requirements within the proposed Mediterranean Village Form-Based Planned Area Development and the Zoning Code, and is included in **Attachment J.**
D. The physical design of the proposed PAD and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open areas, and	The proposed project has been master planned in ways that maximize public space, recreation and visual quality. Adequate provisions have been made for traffic circulation and control, to limit impacts on the vicinity.

Findings of Fact	Staff Evaluation
further the amenities of light and air, recreation and visual enjoyment.	
E. The compatibility of the proposed PAD with the adjacent properties and neighborhood as well as the current neighborhood context including current uses.	The planned redevelopment of this property is compatible and complies with the intent of the Mediterranean Village Form-Based Planned Area Development requirements and performance standards. The proposed project height and massing is consistent with nearby CBD properties. The proposal is consistent with the underlying Commercial High-Rise, Mid-Rise, and Low-Rise Intensity land use and Commercial (C) zoning designations.
F. The desirability of the proposed PAD to physical development of the entire community.	The redevelopment of this property as a mixed-use retail and entertainment destination fulfills the objective of the City to attract mixed use developments to downtown and the creation of a pedestrian oriented urban environment. The introduction of residential dwelling units will provide the economic support for the surrounding commercial and retail uses. The subject property is located in close proximity to the CBD where mixed use projects are encouraged. The project is complimentary to existing mixed use projects in the CBD. The project is designed to set back from the existing single-family residence within the project, however the height of buildings adjacent to the residence should be reconsidered. The project transitions to the existing single-family neighborhood to the east by a row of townhouses along Galiano Street.
G. The conformity of the proposed PAD with the goals and objectives and Future Land Use Maps of the City of Coral Gables Comprehensive Plan.	The property's existing Commercial High-Rise, Mid-Rise, and Low-Rise Intensity land use designation is the appropriate designation for the proposed high-rise mixed use project. As concluded in this report, this Application is "consistent" with the CP's Goals, Objectives and Policies with the recommended conditions of approval and site plan provisions incorporated by the Applicant which address the City's objectives for encouraging mixed use

Findings of Fact	Staff Evaluation
	development in the downtown.

Traffic Study

This property falls within the Gables Redevelopment Infill District (GRID). The City's GRID allows development within its boundaries to move forward regardless of a roadway's level of service (LOS). The City does, however, require all developments within the GRID that increase intensity/density to complete a Traffic Impact Analysis report and provide appropriate traffic mitigation to help offset the impacts.

The Applicant's Traffic Impact Analysis (TIA), dated January 27, 2015 and included as **Attachment C**, estimates that 864 new trips will be generated by the project in the A.M. peak hour, and 1,468 new trips will be generated in the P.M. peak hour. As required by the City's Comprehensive Plan, efforts must be made to reduce traffic impacts on adjacent single-family neighborhoods, while mitigating traffic impacts throughout the area.

The applicant proposes the following mitigation strategies to offset traffic impacts of the project:

- Neighborhood streetscape improvements and traffic calming
- Controlled intersection improvements on Galiano Street at Sevilla, Palermo, and Malaga Avenues, to prevent cut-through traffic in the existing single-family neighborhood to the east
- Ponce de Leon streetscape improvements
- Signalization improvements
- Transit Service Improvements
- New Trolley Stops along Ponce
- Enhanced bicycle facilities, including on-site covered bicycle parking, lockers, and shower facilities

The City has analyzed the applicant's traffic impacts, and has found elements of the TIA and parking study that require further review and revisions prior to Commission consideration. The full findings of that report are included in **Attachment K**.

Concurrency Management

This project has been reviewed for compliance with the City's Concurrency Management program. The Concurrency Impact Statement (CIS) for the project indicates that there is adequate infrastructure available to support the project. The CIS is on file with the City and available for review.

Public School Concurrency Review

Pursuant to the Educational Element of the City's Comprehensive Plan, Article 3, Division 13 of the Zoning Code, and State of Florida growth management statute requirements, public school concurrency review is required. A letter was received from the Miami-Dade County Public School Board dated November 6, 2014 stating the proposed project had been reviewed and that the required Level of Service (LOS) standard had been met at all three school levels and that school capacity has been reserved for a period of one year. A copy of that letter is on file with the City and available for review.

Art in Public Places Program

The plans submitted with the Application package indicate the proposed locations for public art intended to satisfy the City's Art in Public Places program. In addition, the Development Agreement will include assurances that the Art in Public Places contribution will exceed current standards, as required by the Mediterranean Village Form-Based Planned Area Development.

The Applicant must comply with all City requirements for Art in Public Places, which will include having the proposed artist and concept reviewed by the Arts Advisory Panel and Cultural Development Board, and Board of Architects approval prior to issuance of a building permit.

Alley Vacation and Dedication of Public Easement

City Code Chapter 62, Article VIII, "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process" requires that the Public Works Department shall review all applications for the vacation of a public right-of-way and shall provide a recommendation to the Planning and Zoning Board. In addition, as required by Zoning Code Article 3, Division 12, the proposal was presented to the Development Review Committee at a meeting held on 01.30.15. Staff comments at that meeting have been incorporated into the conditions of approval.

Section 3-1203 of the Zoning Code, "Standards for review" provides the standards for review for the proposed vacations, abandonment or closure of public streets and alleyways, as follows:

Standard for Review	Staff Finding
Provides some benefit to the public health, safety, welfare, or convenience, but the overall benefit anticipated to result from the abandonment outweighs the specific benefit derived from the non-fee property interest, in that the vacation or abandonment will not frustrate any comprehensive plan, special purpose plan, or capital improvement program of the City.	The alley provides benefit to the existing single-family property that it serves, however it does not serve its original intended purpose of providing benefit to multiple properties, thereby making efficient use of urban public property. The alley vacation and proposed public access easement will provide benefit to multiple future townhouse residents, and allows for the development of a mixed-use development in the Downtown, in addition to continuing to serve the needs of the existing single-family property. This overall benefit anticipated from the vacation of the alley outweighs the current benefit provided to the single property owner that it serves.
The vacation or abandonment will not interfere with any planning effort of the City that is underway at the time of the application but is not yet completed.	The City does not have any planning effort underway that identifies this portion of alleyway for future use.
The vacation or abandonment will provide a material public benefit in terms of promoting the desired development and	The alley vacation is part of the Mediterranean Village Planned Area Development, which is a mixed-use project in the Downtown. This is a desired development that improves the City's long-term fiscal condition. The applicant proposes a public access

Standard for Review	Staff Finding
improves the City's long-term fiscal condition and the applicant provides beneficial mitigation in the form of a proffered mitigation plan which mitigates the loss of real property, the increase in the intensity of use and/or impacts on the public health, safety and welfare including increased parking and traffic."	easement and maintenance agreement providing for the cost of maintaining the public vehicular easement (relocated public alleyway) and the provision of clear and unrestricted public access along and through the easement at all times.

Development Agreement

As required by the Mediterranean Village Form-Based Planned Area Development, the applicant has submitted a Development Agreement, provided as **Attachment E.** The contents of the Development Agreement have been developed in coordination with Staff, with the requirements of Section 3-2007 of the Zoning Code, and with the requirements of the Mediterranean Village Form-Based Planned Area Development.

Section 3-2006 of the Zoning Code, "Standards for review" provides the standards for review for the proposed Development Agreements, as follows:

Standard for Review	Staff Finding
In reaching a decision as to whether or not the development agreement should be approved, approved with changes, approved with conditions, or disapproved, the City Commission and the Planning and Zoning Board shall determine whether the development agreement is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan.	**Consistent.** The Development Agreement is a tool that will be used to guarantee and enforce the operations, maintenance, and public amenities of the Mediterranean Village Planned Area Development. Staff finds that the Development Agreement is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan.

Project Consistency with Comprehensive Plan Goals, Objectives and Policies

Staff analysis of the most relevant Goals, Objectives, and Policies is included below. Staff examination of how the proposed Mediterranean Village meets the Comprehensive Plan is included as **Attachment N**. The Applicant has also provided analysis, included in **Attachment B**.

Comprehensive Plan Provision	Staff Evaluation
Objective FLU-1.7. When amendments to the Zoning Code are processed, discourage the proliferation of urban sprawl by including a regulatory framework for encouraging future infill and redevelopment within existing developed areas…	**Consistent.** The proposed Zoning Code text amendments encourage infill and redevelopment.
Policy DES-1.2.3. Provide for design guidelines, standards, incentives, development bonuses, and review processes via the City's Zoning Code that promote the design of buildings and spaces consistent with the City's historic Mediterranean appearance.	**Consistent.** The proposed Zoning Code amendments promote high quality Mediterranean design.
Policy HOU-1.5.2. Encourage residential mixed use as a means of increasing housing supply within the Downtown/Central Business District/Mixed Use Development Overlay Area, thereby promoting increase in commercial and retail activity, increased use of transit, reduction of auto dependency, in association with minimizing visual and physical impacts of nearby lower density areas.	**Consistent.** The proposed Mediterranean Village project provides increased residential mixed use and additional amenities for existing residents in downtown.
Policy MOB-1.1.2. Encourage land use decisions that encourage infill, redevelopment and reuse of vacant or underutilized parcels that support walking, bicycling and public transit use.	**Consistent.** The proposed Mediterranean Village provides infill and redevelopment in the downtown.
Policy MOB-3.1.1. The City shall research various parking strategies and policies for consideration… Continue research on the use of shared parking for destinations for public facilities or the overall parking system.	**Consistent.** The proposed Zoning Code text amendments include innovative parking strategies. See Attachment F for further parking analysis.
Policy GRN-1.3.8. The City will strive to reduce greenhouse gas emissions by continuing to implement efficient, compact, pedestrian-friendly land use planning and zoning initiatives with the goal of lowering automobile vehicle miles traveled and vehicle hours traveled while increasing energy efficiency.	**Consistent.** The proposed Mediterranean Village supports efficient, compact, pedestrian-friendly initiatives.

Staff Comments: Staff has determined the Application is "consistent" with the CP's Goals, Objectives and Policies identified herein. Compliance is achieved subject to the conditions of approval recommended by Staff and satisfaction of all applicable Zoning Code and Comprehensive Plan requirements.

5. STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

The Planning and Zoning Division, based upon the complete Findings of Fact contained within this Report recommends **approval** of the following **with conditions**:

1. *An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 3, "Development Review," Division 15, "Comprehensive Plan Text and Map Amendments," and Small Scale Amendment procedures (S.163.3187, Florida Statutes), changing the boundaries between Commercial Low-Rise Intensity, Commercial Mid-Rise Intensity and Commercial High-Rise Intensity Land Use designations on property generally bounded by Sevilla Avenue on the north, Malaga Avenue on the south, Ponce de Leon Boulevard on the west and Galiano Street on the east, and generally known as 2801, 2901, and 3001 Ponce de Leon Boulevard, Coral Gables, Florida as shown on Exhibit "A" and legally described on Exhibit "B;" providing for severability, repealer and an effective date. (Legal description of property on file at the City) (LPA review)*

2. *An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the text of the City of Coral Gables Comprehensive Plan, Future Land Use Element, Policy FLU-1.1.3, "Table FLU-2. Commercial Land Uses," pursuant to expedited State review procedures (S.163.3184, Florida Statutes) and Zoning Code Article 3, "Development Review," Division 15, "Comprehensive Plan Text and Map Amendments;" amending the "Commercial High-Rise Intensity," "Commercial Mid-Rise Intensity," and "Commercial Low-Rise Intensity" Land Use Classifications to provide that (A) residential use shall be permitted and (B) intensity shall be controlled by a Planned Area Development plan instead of by Floor Area Ratio, in a project developed in accordance with the Mediterranean Village Form-Based Planned Area Development; and further amending the "Commercial High-Rise Intensity" and "Commercial Mid-Rise Intensity" Land Use Classifications to provide that, in such a Mediterranean Village project, additional height may be granted for specified uses or architectural embellishment; providing for severability, repealer and an effective date. (LPA review)*

3. *An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 3, "Development Review," Division 5, "Planned Area Development," to create Section 3-510, "Mediterranean Village Form-Based Planned Area Development," with form-based development standards that modify and supplement the existing Planned Area Development standards and criteria to allow appropriate infill and redevelopment in urbanized areas if certain minimum requirements are met; and amending Appendix A, "Site Specific Zoning Regulations," Section A-36 "Crafts Section," by removing Section A-36.B.5. regarding the use, design and number of stories for development in Block 20; providing for severability, repealer, codification and an effective date. (LPA review)*

4. *An Ordinance of the City Commission of Coral Gables, Florida granting approval of a proposed Planned Area Development (PAD) approval referred to as "Mediterranean Village" pursuant to Zoning Code Article 3, "Development Review", Division 5, "Planned Area Development (PAD)", for the construction of a project consisting of a mix of uses including office, commercial, retail, hotel and residential, consistent with the separately proposed Section 3-510 "Mediterranean Village Form-Based Planned Area Development," on the property legally described as Block 20, Block 23 (Less Lot 12 and a portion of Lot 11), and Block 30, Crafts Section, also generally known as 2801,*

2901, And 3001 Ponce de Leon Boulevard, Coral Gables, Florida; including required conditions; providing for severability, repealer and an effective date. (Legal description of property on file at the City)

5. *An Ordinance of the City Commission of Coral Gables, Florida requesting partial abandonment and vacation of a 20-foot wide public alleyway generally running east-west approximately 85 feet in length, dividing Blocks 3, 4 and Tract F from Block 5 and Tract G of Ponce Place Villas East pursuant to Zoning Code Article 3, Division 12, "Abandonment And Vacations" and City Code Chapter 62, Article 8, "Vacation, Abandonment and Closure of Streets, Easements and Alleys By Private Owners and the City; Application Process," and the dedication of a public access easement generally running over an internal driveway from Palermo Avenue to Coconut Grove Drive related to proposed development consistent with the separately proposed Section 3-510 "Mediterranean Village Form-Based Planned Area Development," on the property generally known as 2801, 2901, and 3001 Ponce de Leon Boulevard, Coral Gables, Florida; including required conditions; providing for severability, repealer and an effective date. (Legal description of vacation on file at the City)*

6. *An Ordinance of the City Commission of Coral Gables, Florida approving a Development Agreement pursuant to Zoning Code Article 3, Division 20, entitled "Development Agreements," for a proposed Planned Area Development referred to as "Mediterranean Village" related to the construction of a project consisting of a mix of uses including office, commercial, retail, hotel and residential, consistent with the separately proposed Section 3-510 "Mediterranean Village Form-Based Planned Area Development," on the property legally described as Block 20, Block 23 (Less Lot 12 and a portion of Lot 11), and Block 30, Crafts Section, generally known as 2801, 2901, and 3001 Ponce de Leon Boulevard, Coral Gables, Florida; providing for severability, repealer and an effective date. (Legal description of property on file at the City)*

Summary of the Basis for Approval

Staff's support of the Application is based on compliance with the Comprehensive Plan (CP) Goals, Objectives and Policies, Zoning Code and other applicable Codes as enumerated in the complete Findings of Fact presented within this Staff Report.

Recommended Items to be Resolved Prior to Commission Consideration

Staff recommends that the following items are addressed prior to scheduling for hearing by Commission: *(Note 03/17/15: All of the following items were addressed prior to the 03/25/15 City Commission Hearing; a Progress Report memo outlining these 18 items is attached to the City Commission Cover Memo and the Applicant's Addendum Package dated 03/12/15 specifically addresses each of the 18 items.)*

1. **Internal Consistency:** The applicant shall ensure the internal consistency of all project data, including total number of parking spaces, total project square footage, and other items relevant for Commission consideration of the project.

2. **Development Agreement:** The applicant shall meet with City Staff and the City Attorney to resolve the items listed in the proffered conditions of approval for the Development Agreement and any other issues with the Development Agreement, and with the related encroachments and exhibits, that may be identified by City Staff and the City Attorney prior to scheduling for hearing by the Commission.

3. **Landscaping:** Update landscape plan, public realm and streetscape improvements in consultation with Public Service Department and Peer Review consultant, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning.

4. **Signage:** A more complete Signage Plan is needed to supplement the information provided by the applicant.

5. **Transit Improvement Plan:** Develop the plan in coordination with City Staff, and address all outstanding issues in the Development Agreement. Specify which service improvement is proffered and for how long it will be proffered, address capital improvements which are excluded from the proffered improvements, and address other issues as may result from coordination with City staff.

6. **Art in Public Places:** Determine the percentage contribution that will be made to the program, above and beyond the current requirements of the Zoning Code, subject to the approval of the Director of Economic and Cultural Development.

7. **Arts Center Building:** Determine the program for this building and work with the Preservation Officer, Director of Economic and Cultural Development, and the City

Manager's office to determine an appropriate public benefit use for this structure, and use of Art in Public Places contributions towards this building.

8. **Grading:** grade changes that result from the construction of the underground parking garage shall be addressed and fully explained in a pedestrian open space plan, in particular addressing the sidewalk and storefront entrances along Ponce de Leon Boulevard, Sevilla Avenue, and Malaga Avenue, and around the Arts Center Building and the existing single-family residence. All steps and ramps between levels shall be fully designed and clearly marked on the plans.

9. **Parking Garage:** The parking garage layout will be revised to address staff concerns regarding valet operations, parking, and vehicular and pedestrian circulation.

10. **Existing Single-Family Residence:** A construction staging plan needs to be prepared to demonstrate the feasibility and appropriateness of constructing the above-ground parking garage, cinema, roof top park, and retail areas to the east of the existing single-family residence.

11. **LEED-ND:** Complete "Stage 1" submission for a Conditionally Approved Plan prior to Commission consideration.

12. **Utilities:** Address the possible need to extend power, water or sewer lines to the site and confirm that all utilities can be obtained at the levels required.

13. **Traffic Analysis:**
    a. The improvements discussed in the Traffic Impact Analysis report must be documented in the Development Agreement and the timing for the improvements should be clearly documented.
    b. The traffic calming devices proposed by the applicant will need city Public Works, Miami-Dade County, and city fire department approval.

14. **Parking Analysis:**
    a. The study uses a modal spilt reduction for employees/residents and visitors that needs to be revised using the five-year average of 8% / 4%.
    b. The Day Care should remain separate from retail use in the Shared Parking Analysis, unless the Day Care will not be open to the general public and only visitors of Mediterranean Village will be allowed to use the facility.

c. The shared parking calculation in Appendix B needs to be updated based on the above comments.

15. Valet Operations Analysis:

a. The applicant should provide dimensions of the proposed valet drop-off / pick-up areas to verify the number of vehicles that can be accommodated. Exhibit A-0.11.6 shows the number of on-street spaces but no dimensions. This exhibit shows one parking space for the North valet station but the text and analysis references seven on-street parking spaces.
b. The Mediterranean Village Parking Operations Narrative (January 7, 2015) states that only part of level B2 will be for valet parking. Based on the assumed valet parking percentages, this is not possible. The applicant should provide the anticipated number of parking spaces that will be available for self-parking by land use. This information was not provided.
c. The analysis concludes that the North valet station needs between 23 and 29 valet attendants, the Central valet station needs between 19 and 26 valet attendants, and the hotel needs between 5 and 6 valet attendants. This is an extremely high number of valet attendants. The city needs to determine how they will enforce that an adequate number of valet attendants will be on-site to make sure parking operations works adequately.

16. Parking Garage Design:

a. The inside end of each drive aisle needs a 15-foot radius to allow for simultaneous turns. This is good design practice and is required by Miami-Dade County.
b. Ideally, the garage shouldn't have any "dead-ends." If there are dead-ends, then turnaround areas are needed, which generally requires removal of parking spaces.
c. There are many areas that need to show if vehicular maneuverability works using AutoTurn, especially in the loading areas, the circular ramps, etc.
d. There are columns that are in conflict with the vehicle maneuvers.
e. The city zoning code for parking requirements needs to be met.
f. There are areas where parking spaces conflict with ramp circulation.
g. Vehicular cross connections on levels 3 through 7 are not adequate for two-way traffic.
h. Ramp grades that do not have parking on them ideally do not exceed 10% and should not exceed 12%.

17. **Alley Vacation:** The applicant shall address staff comments from the Development Review Committee on January 30, 2015.

18. **Additional Conditions of Approval:** Address additional conditions of approval that may emerge from the Planning and Zoning Board's comments and from coordination of the project with City Staff and the City Attorney. Provide enforceable and detailed conditions, including buildout schedule, and agreed standards and procedures for any proposed minor adjustments to approvals.

Conditions of Approval

1. **Application/supporting documentation.** Construction of the proposed project shall be in substantial conformance with the following:
   a. Applicant's Submittal Package dated 01.27.2015 prepared by RTKL.
   b. Traffic Impact Analysis, dated January 27, 2015 prepared by Kimley-Horn and Associates, Inc.
   c. Initial Application submittal as amended via the City review process and all representations proffered by the Applicant's representatives as a part of the review of the Application at public hearings.

2. **Restrictive covenant.** Within 30 days of approval, the property owner, its successors or assigns shall submit a draft restrictive covenant for City Attorney review/approval outlining all conditions of approval as approved by the City Commission. Failure to submit the covenant within the specified time frame shall render the approval void unless said time frame for submittal of the covenant is extended by the City Attorney after good cause as to why the time frame should be extended.

3. **Development Agreement.** Within 30 days of approval, the property owner, its successors or assigns shall record the Development Agreement in the Public Records of Miami-Dade County and shall submit a copy to the Development Review Official and the City Clerk's Office. Failure to submit the recorded Development Agreement within the specified time frame shall render the approval void unless said time frame for submittal of the recorded Development Agreement is extended by the City Attorney after good cause as to why the time frame should be extended.

4. **Bond.** Within 90 days of approval, the property owner, its successors or assigns shall post a bond in favor of the City in an amount determined by the Public Works Director to cover the costs of restoring the property to a clean, safe, and attractive condition in the event that the project is not completed in a timely manner, consistent with the Development Agreement, Site Plan approval, and applicable conditions.

5. **Additional Reviews.**
   a. Additional review of each individual building shall be conducted by the Board of Architects, at which time staff comments and BOA comments on the function and aesthetics of each building shall be addressed. Final approval of the project by the Board of Architects is required prior to issuance of a building permit.
   b. Planning and Zoning Board review may be required at a later date at the discretion of the Commission.

6. **Traffic Study.** Prior to the City's issuance of a Foundation Permit or any other major Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall satisfactorily resolve any outstanding Traffic Study issues as identified by the Public Works

Department and City's traffic consultant, subject to review and approval by the Director of Public Works.

7. **Encroachments Plan.** Prior to the City's issuance of a Foundation Permit or any other major Building Permit for the project, Commission approval is required for a special treatment sidewalk, decorative pavers, landscaping, irrigation, street lighting, landscaping lighting and any other encroachments into, onto, under and over the right of way. The above encroachments must be approved by City resolution and a Hold Harmless agreement must be executed.

8. **Historic Arts Center Building.** Prior to the City's issuance of a Foundation Permit or any other major Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall complete the following:
    i. A structural report shall be conducted by a City approved architect or engineer with knowledge about historic buildings, in particular focusing on the foundations (if any) of the historic building. These measures should be done with a permit and monitored by the Historical Resources Department as well as the Building Division.
    ii. A plan shall be submitted by a City approved architect or engineer with knowledge about historic buildings, addressing the method of safeguarding the building during underground parking garage construction and other relevant construction activities, as determined by the Preservation Officer, and shall be approved by the Preservation Officer.
    iii. A construction bond, in an amount determined by the Building Official, shall be posted in favor of the City covering all phases of construction that may affect the property, as determined by the Preservation Officer.
    iv. As-built drawings to the standard set by the Historical American Building Survey shall be submitted to the Planning and Zoning Division and the Historical Resources Department.

9. **Existing Single-family residence:** Prior to the City's issuance of a Foundation Permit or any other major Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall complete the following:
    i. A risk management assessment shall be conducted to determine possible impacts to the property and preventative measures to be taken, and a protection plan shall be submitted.
    ii. A construction staging plan shall be submitted indicating how the property owner will access the house throughout construction of the below-grade and above grade portions of the project, and how continuous utility service will be provided throughout construction.
    iii. A plan shall be submitted by a City approved architect or engineer addressing the method of safeguarding the building during underground parking garage

construction and other relevant construction activities, as determined by the Building Official.

iv. A construction bond, in an amount determined by the Building Official, shall be posted in favor of the single-family residence property owner covering all phases of construction that may affect the property, as determined by the Building Official.

10. **Construction information / contact.** Prior to the City's issuance of a Foundation Permit or any other major Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall provide written notice to all properties within five hundred (500) feet of the Mediterranean Village (2801, 2901, and 3001 Ponce de Leon Boulevard) project boundaries providing a specific liaison/contact person for the project including the contact name, contact telephone number and email, to allow communication between adjacent neighbors or interested parties of construction activities, project status, potential concerns, etc.

11. **Private Provider.** Due to the large and complex scope of work, accelerated schedule and high cost of development, the owner should retain a Private Provider to perform plan reviews and inspection services throughout the life of the project. Any Miami-Dade County Certified Private Provider would be acceptable to the Building Division.

12. **Written notice.** Provide a minimum of seventy-two (72) hour written notice to all properties within five hundred (500) feet of the Mediterranean Village (2801, 2901, and 3001 Ponce de Leon Boulevard) project boundaries of any proposed partial street/alley closures as a result of the project's construction activity.

13. **Art in Public Places.** Prior to the issuance of a Temporary Certificate of Occupancy (TCO) for the project, the Applicant, property owner, its successors or assigns shall comply with all City requirements for Art in Public Places, which will include having the proposed artist and concept for public art to be reviewed by the Arts Advisory Panel and Cultural Development Board, and Board of Architects approval before being submitted to the City Commission. The Applicant's compliance with all requirements of the Art in Public Places program shall be coordinated by the Director of Economic and Cultural Development.

14. **Right-of-way and public realm improvements.** Prior to the issuance of a Temporary Certificate of Occupancy (TCO) for the project, the Applicant, property owner, its successors or assigns shall install all right-of-way improvements and all landscaping, public realm and streetscape improvements identified on the Applicant's approved plans, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning. Any changes to and departures from the right-of-way and public realm improvements identified on the Applicant's approved plans and associated detail plans and specifications via the permitting process shall be subject to review and approval by Directors of Public Works, Public Service, Planning and Parking.

15. **Undergrounding of overhead utilities.** Prior to the issuance of a Temporary Certificate of Occupancy (TCO) for the project, the Applicant, property owner, its successors or assigns shall submit all necessary plans and documents, and shall complete the undergrounding of all overhead utilities along all public rights-of-way surrounding and abutting the project boundary, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning.

16. **On Street Parking.** Prior to the issuance of a Temporary Certificate of Occupancy (TCO) for the project, the Applicant, property owner, its successors or assigns shall comply with Section 74-201 – 74-203 Parking Replacement Assessment, including calculation of total public parking spaces being lost as approved by the City Parking and Planning & Zoning Directors.

17. **Alley vacation and abandonment.** Prior to the issuance of a Temporary Certificate of Occupancy (TCO) for the project, and in accordance with Chapter 62, Article VIII, Sections 62-257 through 62-265 of the City Code, the Public Works Department recommendation of approval of the proposed alley vacation and abandonment is incorporated herein, and the Applicant, property owner(s), its successors or assigns shall address the following:
    a. The Owner of record, by proper instrument, shall grant an access and utility easement to the City of Coral Gables and any and all applicable utility companies to be used for utility purposes including storm and sanitary sewers and for use as a passageway for City vehicles and the general public. Said easement being legally described as follows: LEGAL DESCRIPTION OF EASEMENT TO BE DEDICATED
    b. The easement described hereinabove shall be constructed in accordance with the specifications of the Public Works Department of the City and the plans for such construction shall be submitted to and shall be subject to approval by the Public Works Department. The permits and inspections for such construction shall be handled in the same manner as the paving for streets and alleys.
    c. The City of Coral Gables shall have the right to exercise the same control over the easement described hereinabove as if the same were a dedicated alley and the acceptance and approval of such easements shall in no way relieve the applicant from complying with any and all regulations pertaining to alleys including but not limited to the building, zoning and other applicable regulations.
    d. The easement described hereinabove shall at all times be kept free and clear of any and all encroachments and obstructions, including but not limited to, motor vehicles, trucks, trailers, debris, stoops, waste containers, and the like, and shall be maintained to a standard commensurate with City alleyways, and the City shall have the authority to monitor and enforce same.
    e. A vertical clearance of sixteen feet (16’) minimum extending the full length and width of the easement shall be provided above the easements described hereinabove.
    f. The cost of removal and/or relocation of any and all utilities, including storm and sanitary sewers, installation of any required drainage facility, removal of curbs

or abandoned concrete approaches and sidewalks and the paving and construction of the substitute easement hereinabove described, shall be borne by the applicant whose actions necessitate such expense.

g. The use of the vacated property shall be limited to the same uses as to which the adjacent properties are zoned.
h. The reversionary rights to the portion of the alley vacated shall revert to the owners abutting on each side of the vacated alley.

18. **Traffic Calming.** Traffic calming studies for the residential streets east of LeJeune Road (Malaga Avenue and Catalonia Avenue) and east of Galiano Street (Sevilla Avenue, Palermo Avenue, Malaga Avenue) shall be conducted by the applicant six to twelve months after the opening of the project to assure that these streets are protected from cut-through traffic. If traffic calming thresholds are exceeded, the applicant shall mitigate this condition as approved by the Public Works Director.

19. **Exclusive Parking:** Parking spaces may not be sold or rented to those who are not users or residents of the Mediterranean Village.

Review Timeline and Public Notifications

Information regarding the review timeline for this project is included in **Attachment O**. Information regarding public notification for these Ordinances is included in **Attachment P**.

Please visit the City's webpage at www.coralgables.com to view all Application plans and materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134.

Respectfully submitted,

Ramon Trias
Director of Planning and Zoning
City of Coral Gables, Florida

Attachments:

A. Applicant's Summary Booklet dated 01.30.15
B. Applicant's Submittal Package dated 01.27.15
C. Applicant's Traffic and Parking Study Package dated 01.27.15
D. Mediterranean Village Form-Based Planned Area Development
E. Development Agreement *(Note 03/17/15: Updated for 03/25/15 City Commission meeting)*
F. Form-Based Regulations Discussion and Expert Panel Meeting Minutes
G. Comparison of Form-Based Planned Area Development Regulations to Existing PAD Regulations
H. Parking Analysis
I. Comparison to Past Development Proposals
J. Mediterranean Village PAD Zoning Analysis
K. Traffic Impact Study, Parking Analysis, Valet Operations Analysis, and Parking Garage Review
L. Mediterranean Village Retail Analysis (Lambert Advisors)
M. Alley Vacation Public Works Application
N. Comprehensive Plan Consistency
O. Review Timeline
P. Public Notification and Comments for PZB Meeting
Q. Powerpoint Presentation for February 11, 2015 PZB Meeting

Attachment A, B, C

Please refer to Applicant's Submittal, including:

- Attachment A: Summary Booklet dated 01.30.15 (11x17 package)
- Attachment B: Submittal Package dated 01.27.15 (CD)
- Attachment C: Traffic and Parking Study Package dated 01.27.15 (CD)

Attachment D

Attachment D:

Mediterranean Village Form-Based Planned Area Development Regulations

Please refer to Exhibit F of the City Commission Cover Memo:

"Draft Ordinance – Zoning Code Text Amendment"

Attachment E

CITY DRAFT w/ MGS Comments and Revisions 3.18.15

THIS INSTRUMENT RETURN TO:
Walter Foeman, City Clerk
City of Coral Gables
405 Biltmore Way, 1st Floor
Coral Gables, FL 33134

THIS INSTRUMENT PREPARED BY:

_____
_____
_____
_____, Florida 33___

Tax Parcel ID#_____

DEVELOPMENT AGREEMENT

between

AGAVE PONCE, LLC, a
Florida limited liability company

and

CITY OF CORAL GABLES, a
Florida municipal corporation

DATED AS OF

_____, 2015

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("Agreement") is executed as of this _____ day of _____, 2015, by and between the CITY OF CORAL GABLES, a Florida municipal corporation ("City") and AGAVE PONCE, LLC, a Florida limited liability company ("Owner").

RECITALS:

A. Owner is the owner in fee simple of the property more particularly described in **Exhibit A** attached hereto (the "Property").

B. Owner has applied to the City Commission for approval of a Mediterranean Village Planned Area Development ("PAD") pursuant to Section 3-510 of the City's Zoning Code.

C. Section 3-510(F) of the City's Mediterranean Village PAD regulations requires a Development Agreement to be entered into with respect to the Property which grants certain assurances regarding the construction, operation and maintenance of the proposed PAD.

D. The City and Owner desire to enter into this Agreement for the purpose of providing the terms and conditions on which the Property is to be developed.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Owner hereby mutually covenant and agree as follows:

ARTICLE I. EXHIBITS, DEFINITIONS, AND FURTHER ASSURANCES

Section 1.1 Exhibits. Attached hereto and forming a part of this Agreement are the following Exhibits:

Exhibit A	Legal Description of Property
Exhibit B	Development Schedule
Exhibit C	Hotel Standards of Operations
Exhibit D	Movie Theatre Standards of Operation
Exhibit E	Retail Standards of Operation
Exhibit F	Restaurant Standards of Operation
Exhibit G	Office Standards of Operation
Exhibit H	Offsite Improvements
Exhibit I	Valet Standards of Operation

Exhibit J Recommended Trolley Enhancements

Exhibit K Restrictive Covenants Regarding Encroachments

Exhibit L Publicly Accessible Open Spaces Standards of Operation

To the extent that any exhibit is in conflict with the language and terms of the Agreement, the language and terms of the Agreement shall govern.

Section 1.2 Defined Terms. In addition to other terms defined in this Agreement, the following terms, as used herein and unless the context affirmatively demonstrates to the contrary, will have the following meanings:

Section 1.3 "Aggregate Project Value" has the meaning ascribed to it by Section 3-2106- "Definitions" of the City's Zoning Code which, at the time of execution hereof, is "the total of all Construction Costs associated with a particular construction or renovation project regardless of the number of permits associated with the project, or whether it is a phased project."

"Agreement" means this Development Agreement, including all of its exhibits, as the same may be modified or amended from time to time in writing and recorded in the Public Records of Miami-Dade County.

"Approved PAD Plans" shall have meaning set forth in Section 2.1.

"City" unless otherwise specified or required by the context, means the City of Coral Gables, a Florida municipal corporation, in its proprietary capacity as licensor hereunder and in its governmental capacity, and any successor governmental entity.

"City Manager" means the city manager of the City.

"Owner Improvements" consists of the improvements contemplated to be constructed by Owner pursuant to the Approved PAD Plans.

"Development" is defined as set forth in Sections 163.3164 and 380.04, Florida Statutes (2014).

"Event of Default" has the meaning ascribed to it in Section 4.2.

"Effective Date" means the date this Agreement is executed by the last party to sign it.

"Governmental Authority" means any federal, state, county, municipal or other governmental department, entity, authority, commission board, bureau, court, agency, or any instrumentality of any of them.

"Governmental Requirement" means any law, enactment, statute, code, ordinance, rule, regulation, judgment, decree, writ, injunction, order, permit, certificate, license, authorization,

agreement, or other direction or requirement of any Governmental Authority now existing or hereafter enacted, adopted, promulgated, entered, or issued, and applicable to the Owner, the Project, or this Agreement.

"Lender" means any lender, and any successor, assignee, transferee or designee of such lender, which provides financing, secured or unsecured, in connection with the Project, and shall include, without limitation, any mortgagee.

"Offsite Improvements" means the improvements depicted on **Exhibit H** attached hereto.

"Owner" means Agave Ponce, LLC, a Florida limited liability company, which at the time of the making of this Agreement is the owner in fee simple of the Real Property, and its approved successors and assigns.

"Person" means any corporation; unincorporated association or business; limited liability company; business trust; real estate investment trust common law trust or other trust; general partnership; limited partnership, limited liability limited partnership; limited liability partnership; joint venture; two or more persons having a joint or common economic interest; nominee; or other entity, or any individual or estate of an individual.

"Project" means the improvements developed by the Owner on the Property pursuant to the Approved PAD Plans.

"Property" means the real property legally described in **Exhibit A** attached hereto.

"Publicly Accessible Open Spaces" means those areas of the Property, whether below, at or above grade, which are approved and set aside as areas accessible to the public, as depicted on **Exhibit L** attached hereto. These spaces are not publicly owned and are not City parks.

"Section", "Subsection", "Paragraph", "Subparagraph", "Clause", or "Subclause" followed by a number or letter means the section, subsection, paragraph, subparagraph, clause or subclause of this Agreement so designated.

Section 1.4 Terms from City Codes. Terms used in this Agreement which are defined in the City's Code of Ordinances and Zoning Code will have the meaning set forth in the those codes.

Section 1.5 Approvals and Consents. Wherever in this Agreement the approval or consent of any party is required, it is understood and agreed that, except as otherwise specified, such approval or consent will not be unreasonably withheld or delayed.

ARTICLE II. PLANS, DEVELOPMENT AND OPERATING STANDARDS, PARKING, AND IMPROVEMENTS

Section 2.1 Development Plans. The Owner and the City acknowledge and agree that the Property shall be developed in ***substantial*** conformance with the architectural and landscaping plans and the Sign Package prepared by RTKL, entitled _____, prepared under Project/Drawing No. _____, containing _____ pages, and dated _____ (for

each page) with last date of revision (for each page) being _____, as the same may be amended from time to time after City approval (collectively, the "Approved PAD Plans") and the terms and conditions of this Agreement; it being agreed that any amendments to the Approved PAD Plans shall comply with the City's process for amending PAD's as codified at Section 3-507 of the City's Zoning Code. Owner acknowledges that any proposed change to the exterior façade of a building shall require review and approval of the Board of Architects, at the discretion of the Development Review Official.

Section 2.2 Uses. The following uses, together with all ancillary uses, shall be permitted on the Property (as such uses and ancillary uses are defined or described, as applicable, under the City's Zoning Code) :

(i) Retail uses of approximately 242,000 square feet (the "Retail Component").

(ii) Restaurant uses of approximately 29,000 square feet (the "Restaurant Component").

(iii) Office uses of approximately 314,000 square feet (the "Office Component").

(iv) Residential uses of approximately 214 multi-family units and 15 townhomes.

(v) Hotel uses of approximately 184 rooms (the "Hotel").

(vi) Movie theatre uses for a movie theatre of approximately 3 screens and 32,000 square feet (the "Movie Theatre"). **[COMMENT: This cannot include development over the excluded parcel.]**

(vii) Fitness club uses of approximately 9,500 square feet.

(viii) Daycare uses of approximately 12,000 square feet.

(ix) Publicly Accessible Open Spaces as depicted on **Exhibit L** attached hereto.

Section 2.3 Changing of Uses. The shifting of floor area from one use to another is subject to (i) the City review procedure for amendments to PAD Development Plans codified at Section 3-507 of the City's Zoning Code, and (ii) the submittal, at the time of application to modify the Approved PAD Plans or of application for a change of use, of a revised shared parking reduction analysis which, subject to City approval, establishes that sufficient parking is provided for the new use being introduced. Future changes to the Project that result in the amount of any use listed in Section 2.2 increasing or decreasing by 10% or more of the stated unit of measurement (for example, an increase or decrease of office use of 31,400 square feet or more) will also require an amendment to the Development Agreement. An amendment to the Development Agreement is required in order to reduce the square footage of ground floor retail uses shown on the Approved PAD Plans by any amount.

Section 2.3 Development Schedule. The Property shall be developed in accordance with the time frames and procedures set forth on **Exhibit B** attached hereto.

Section 2.4 Hotel Standards of Operation. The Hotel shall be certified as a four- or five-diamond hotel, as per AAA standards, and certification shall be kept current throughout the life of the Project. The Hotel shall be operated in accordance with the standards set forth on **Exhibit C** attached hereto. The uses of the top two floors of the Hotel shall always be available only for those uses that conform to the City's Comprehensive Plan, which may include, without limitation, restaurant and banquet facilities.

Section 2.5 Movie Theatre Standards of Operation. The Movie Theatre shall be operated as a "VIP style" movie theatre with dine-in theatre service, operated in accordance with the standards set forth on **Exhibit D** attached hereto**.**

Section 2.6 Retail Component Operating Standards. The Retail Component shall be operated in accordance with the standards set forth on **Exhibit E** attached hereto.

Section 2.7 Restaurant Component Operating Standards. The Restaurant Component shall be operated in accordance with the standards set forth on **Exhibit F** attached hereto.

Section 2.8 Office Component Operating Standards. The Office Component shall be operated in accordance with the standards set forth on **Exhibit G** attached hereto.

Section 2.9 Publicly Accessible Open Spaces. All Publicly Accessible Open Spaces will be open to the public in perpetuity, subject to (a) closures required from time to time for replacement and repair and (b) reasonable limitations on hours of operation as established by the Owner from time to time. The Publicly Accessible Open Spaces will be maintained by the Owner at a level of quality equal to or higher than the City's published standards for the public open spaces at the Biltmore Hotel, and will be operated in conformance with the standards set forth in **Exhibit L** attached hereto.

Section 2.10. Public Art. The public art installations that will be proposed by the Owner from time to time will be reviewed and approved by the City under the City's "Art in Public Places" review process in effect on the date hereof, except that the time for payment or installation of such art may be extended from building permit to the date of the Project's first Temporary Certificate of Occupancy in the discretion of the City Manager. The maintenance of, and public access to, artwork will comply with requirements of the City's Art in Public Places Ordinance. In addition to complying with the Art in Public Places Code requirement for 1% of its Aggregate Project Value, the Owner hereby commits to contribute an additional $5 million to the City's Art in Public Places program by incorporating an additional $5 Million worth of publicly accessible artwork into the Project and/or Ponce Circle Park, adjacent to the Project.

Section 2.11 Arts Center Building. Both Owner and the City acknowledge that the historic Arts Center Building located at 2901 Ponce de Leon Boulevard (the "Arts Center Building") is a focal point of the Project, a building of great public importance, and that its adaptive reuse is a critical component of the Project's overall success. The Arts Center Building shall be used as set forth below:

(i) the entire ground level of the Arts Center Building shall be accessible to the general public during normal business hours for the viewing, at no charge, of works of art; and

(ii) the upper level of the Arts Center Building is leased to the City at no charge for use by the City for furtherance of the public arts and culture, including its use for City offices. Any upper level space of the Arts Center Building that the City does not choose to use for City office space shall be offered at no charge to non-profit and quasi-governmental organizations dedicated to the improvement of downtown Coral Gables, such as but not limited to the Coral Gables Foundation, the Coral Gables Chamber of Commerce, or the Business Improvement District. If the City does not lease the entire upper level and no organization accepts the offered upper level space, then the Owner may use the space itself, or lease the space to another person for no longer than five years for office use.

Section 2.12. Offsite Improvements. Subject to and conditioned upon the issuance of required building permits from the applicable Governmental Authorities, the Owner shall construct and install the Offsite Improvements meeting all City and other applicable Governmental Requirements described on, and in accordance with the time frames and procedures set forth on **Exhibit H** attached hereto.

Section 2.13. Parking.

(i) Amount. Parking shall be provided for the Project pursuant to the Approved PAD Plans. The valet operating plan for the Project is set forth as **Exhibit I** attached hereto. The Project is availing itself of reduced parking requirements pursuant to the shared parking analysis and reduction permitted by the Mediterranean Village Planned Area Development regulations.

(ii) Enforcement. Certain types of use assumptions have been made by the City in granting reductions in parking requirements pursuant to the shared parking analysis. The City has the right to enter upon the Property at any time to confirm that the type of use assumptions previously made continue to be accurate and, in the event that the City has any doubts as to the accurateness of these assumptions, it may request that Owner conduct further analysis so as to satisfy the City of the appropriateness of the parking provided for the Project. The City has the right to withhold permits for the Project until it is reasonably satisfied that the shared parking analysis provided is accurate and reliable.

(iii) Loss of Onstreet Parking Spaces. In accordance with the requirements of Chapter 74 Traffic and Vehicles, Article III. Stopping, Standing and Parking, Division 5. Parking Replacement Assessment of the City Code of Ordinances, the Owner agrees to mitigate for the loss of ten on-street parking spaces attributable to the prior approved project on the Property, at the current City rate of $42,000 per parking space lost. Payment shall be made prior to foundation permit.

Section 2.14. Mobility Improvements. In order to mitigate the Project's impact on public mobility, the Owner shall pay to the City $1.34 million prior to the issuance of the foundation permit, to be used by the City towards the purchase of up to four new trolley buses, construction of garage space attributable to up to four trolley buses, or equivalent capital expenditures supporting mobility that provide comparable access to the Project and comparable circulation between the Project and the Central Business District. Owner shall also pay $626,000

per year (the "Mobility Contribution"), commencing prior to the issuance of the first Temporary Certificate of Occupancy for the Project, continuing on January 1 of each calendar year following the year of the initial payment date, and concluding the year of the 25th anniversary of the issuance of the first Temporary Certificate of Occupancy for the Project. The Mobility Contribution may be utilized for any desired enhancement, either capital or operational, of the City's trolley system including the improvements recommended by the Project's traffic consultants which are summarized in the attached **Exhibit J**, or improvements to any future public transportation system that may replace or accompany the trolley system that provides comparable access to the Project and comparable circulation between the Project and the Central Business District. Failure to timely make the agreed upon annual payments of the Mobility Contribution may trigger liquidated damages for delay as follows, as determined by the City Manager:

(a) Payments that are 10 or fewer calendar days late: No liquidated damages;

(b) Payments that are 11 – 30 calendar days late: Shall be accompanied by liquidated damages of $1,000 per day late, up to a maximum of $30,000; and

(c) Payments that are more than 30 calendar days late: Shall be accompanied by liquidated damages of $5,000 per day late, up to a maximum of $250,000.

Section 2.15 Traffic Improvements. Prior to the issuance of the first Temporary Certificate of Occupancy for the Project, Owner shall complete all traffic improvements recommended by the Traffic Study prepared by Kimley Horn and Associates and dated _____. **[COMMENT: Reference an updated report that includes improvements to neighborhood west of Ponce de Leon, if any. If there will be such improvements, plans need to be added to Exhibit J by RTKL, or another Exhibit can be created by RTKL.]** City Commission Ordinance No. _____ requires that certain follow up analyses take place after issuance of the first Temporary Certificate of Occupancy for the Project. Within one year of City receipt and approval of these follow up traffic analyses, the Owner shall complete the traffic improvements, if any, recommended by said follow up analyses.

ARTICLE III. LAND USES, PROJECT QUALITY AND ASSURANCES

Section 3.1. Land Uses. The Owner and the City agree, during the term of this Agreement, to devote the Property and the Owner Improvements only to the uses specified in this Agreement and to be bound by and comply with all of the provisions and conditions of this Agreement. However, nothing contained herein shall be or be deemed to be any contract or agreement by the City, in its municipal capacity, to grant approvals for the Project or with respect to any zoning decisions affecting the Project. Owner, hereby agrees that this Agreement does not constitute contract zoning or contract planning prohibited by Florida law, and the Owner hereby waives any claim, pleading, or affirmative defense that this section or this Agreement constitutes prohibited contract zoning or contract planning.

Section 3.2 Character and Operation Standards of Property and Owner Improvements. The parties recognize and acknowledge that the manner in which the Project is developed, operated, and maintained is a matter of critical concern to the City. The Owner hereby agrees to

develop, redevelop, operate, repair, rehabilitate, demolish, and maintain the Project and all other property, whether real or personal, and equipment located thereon which are owned, leased maintained, or subject to the control of or by the Owner in good order, condition, repair and appearance and in a manner consistent with (i) presently existing comparable projects (such as "The Village of Merrick Park" located in the City "Mizner Park" located in Boca Raton, Florida and "CityPlace" in West Palm Beach, Florida); (ii) the operational standards set forth in the exhibits attached hereto, including but not limited to **Exhibits C, D, E, F, G, I and L**, (collectively the "Operational Standards"); and (iii) in compliance with all Governmental Requirements. To help accomplish this result, the Owner will establish reasonable rules and regulations incorporating the Operational Standards governing the use and operation of the Project in order to assure the level of quality and character of operation of the Project required herein, and Owner shall use all reasonable efforts to promptly and immediately enforce such rules and regulations.

ARTICLE IV. AGREEMENT AS COVENANT; PERFORMANCE AND DEFAULT

Section 4.1. Agreement as Covenant or Equitable Servitude. Anything to the contrary herein notwithstanding and without limiting the generality (and subject to the limitations) hereof, it is the intention of the City and the Owner (as Owner of the Property and the Project) that the provisions of this Agreement shall constitute covenants running with the land and with title to the Property, or as equitable servitudes upon the land, as the case may be. If any covenant or equitable servitude created by this Agreement is determined to be invalid by a court with jurisdiction, Owner shall nevertheless comply with the obligations set forth in this Agreement and in the covenant or equitable servitude.

Section 4.2 Owner's Default of Agreement and Covenants.

(i) Failure of the Owner, or other Person in possession of or using a portion of the Property or Project to perform in accordance with or to comply with any of the covenants, conditions and agreements which are to be performed or complied with by the Owner, a Property or Project tenant, future owner, or other Person in possession of or using a portion of the Property or Project, and the continuance of such failure for a period of thirty (30) days after mailing of notice thereof in writing from the City to the Owner in accordance with Section 11.5 of this Agreement (which notice shall specify the respects in which the City contends that the Owner or other Person in possession of or using a portion of the Property or Project has failed to perform or comply with any such covenants, conditions and agreements), shall constitute an event of default ("Event of Default") on the part of the Owner; provided, however, if such default cannot be cured within thirty (30) days and (i) the Owner within said thirty (30) day period shall have commenced and thereafter shall have continued diligently to prosecute all actions necessary to cure such default, and (ii) the Project continues to operate in the ordinary course of business, then the Owner shall have an additional reasonable time within which to cure such matter or Event of Default; provided that in no event shall such Event of Default extend more than 365 days from the date of mailing of the notice of default. Until the City has provided the Owner with written notice of default pursuant to this Section 4.2 and the time periods for cure set forth in this Agreement have elapsed without such cure having been effected, the failure of the Owner or any other Person in possession of or using a portion of the Property or Project to

perform or comply with the covenant(s), condition(s) and agreement(s) of this Agreement specified in such notice shall not be deemed an Event of Default.

(ii) Failure to timely install, build, connect to governmental systems, or operate any of the Offsite Improvements based on the time schedule set forth in **Exhibit B** attached hereto, including any extensions that may be approved by the City in accordance with **Exhibit B**, shall be an Event of Default and a material breach of this Agreement.

(iii) If the City determines, in its sole discretion, that Owner's failure to perform constitutes an imminent threat to the public health, safety and welfare, no prior 30 day notice is required, and the City may seek an injunction to remedy that threat without delay or other preconditions.

Section 4.3 City Default. In an event of default or alleged default by the City with regard to this Agreement and any of its terms or conditions, Owner shall give the City not less than 30 days' written Notice of Default, as measured from the time of mailing in conformance with Section 11.5. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time in which said default may be satisfactorily cured. If such default cannot be cured within thirty (30) days and the City within said thirty (30) day period shall have commenced and thereafter shall have continued diligently to prosecute all actions necessary to cure such default, then the City shall have an additional reasonable time within which to cure such matter or Event of Default; provided that in no event shall such Event of Default extend more than 365 days from the date of mailing of the Notice of Default. Until Owner has provided the City with written notice of default pursuant to this Section 4.3 and the time periods for cure set forth in this Agreement have elapsed without such cure having been effected, the failure of the City to perform or comply with any part of this Agreement specified in such notice shall not be deemed an Event of Default.

Section 4.4. Unavoidable Delay or Force *Majeure*. Any one or more of the following events will be a "Force Majeure" under this Agreement: strikes, lockouts, acts of God, unusual delay in obtaining or inability to obtain labor or materials due to Governmental Requirements, enemy action, civil commotion, fire, hurricane, sabotage, casualty or other similar causes beyond the reasonable control of a party. A party's insolvency or financial condition or anything that causes a default in any Project financing or difficulty in obtaining financing will not constitute a Force Majeure. Neither the City nor the Owner, as the case may be, nor any successor in interest, shall be considered in breach of or in default of any of its obligations, including, but not limited to, the preparation of the Property for Development, or the beginning, progress, or completion of construction of the Owner Improvements or the Offsite Improvements, in the event of a Force Majeure, and the applicable time period shall be extended for the period of unavoidable delay caused by the Force Majeure. With respect to any Force Majeure that results in any damage to the Owner Improvements or the Offsite Improvements, the time periods shall be extended for the following periods of time: (i) the time period from the date of the Force Majeure through and including the date the Owner receives the insurance proceeds related to such damage, and (ii) following receipt of the insurance proceeds, the reasonable time period which is needed for the Owner to restore the Owner Improvements or Offsite Improvements to the condition which existed immediately preceding the Force Majeure.

Section 4.5. Obligations, Rights and Remedies Cumulative. The parties agree that any party may seek specific performance of this Agreement, and that the rights and remedies of the parties to this Agreement, whether provided by law or by this Agreement, shall be cumulative, and the exercise by any party of any one or more of such remedies shall not preclude the exercise by it, at the same or different times, of any other such remedies for the same default or breach, or of any of its remedies for any other default or breach by the other party; provided, **however, in no event shall either party have the right to terminate this Agreement upon an Event of Default**.

Section 4.6 Waiver. Failure or delay in giving Notice of Default or seeking enforcement of this Agreement shall not constitute a waiver of any default. Except as otherwise expressly provided in this Agreement and except for any waiver expressly provided in writing, any failure or delay by another party in asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies or deprive such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.

ARTICLE V. RESTRICTIVE COVENANTS.

Section 5.1. Use Prohibitions of the Property and Owner Improvements. The Property shall not be used by the Owner or other Person in possession of or using any portion of the Property or the Project, nor shall the Owner permit the use of the Property, the Project or any Development Improvements for the following:

(i) Any unlawful or illegal business, use or purpose, or for any business, use or purpose, which is immoral, disreputable (including without limitation “adult entertainment establishments” and “adult” bookstores), or extra-hazardous, or in such manner as to constitute a nuisance of any kind (public or private), or for any purpose or in any way in violation of the certificates of occupancy (or other similar approvals of applicable governmental authorities) or of rules, regulations, ordinances or laws applicable to the Property; or

(ii) Any unlawful or illegal business, use or purpose, or for any business, use or purpose which is hazardous, or in such manner as to constitute a nuisance of any kind (public or private), or for any purpose or in any way in violation of any governmental law, regulation, or rule relating to hazardous substances. As used in this paragraph the term "hazardous substances" shall be defined as including petroleum and petroleum products and as set forth in 42 U.S.C. §9601(14), Section 101(14) of the Comprehensive, Environmental, Response Compensation, and Liability Act of 1980 ("CERCLA")(as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), the Resource Recovery and Restoration Act as set forth in 42 U.S.C. §6901 et seq. (“RCRA”), Chapter 376, Florida Statutes, or any other Federal, State of Florida, local, or City law, rule, administrative decision, or regulation pertaining to the protection of the environment or employee safety and health, and all as adopted or amended form time to time, including but not limited to any and all liabilities or obligations in the nature of remedial action(s) that may be required of the Owner, a tenant or other Person in possession or occupancy of any part or portion of the Project or the Property; or

(iii) Any storage warehouse operation; or

(iv) Any “second hand” store, “surplus” store, or pawn shop; or

(v) Any fire sale, bankruptcy sale (unless pursuant to a court order) or auction house operation; or

(vi) Any central laundry, dry cleaning plant or laundromat; provided, however, this prohibition shall not be applicable to customary supportive facilities for on-site service oriented to pickup and delivery by the ultimate consumer; or

(vii) Any automobile, truck, trailer or recreational vehicle sales, leasing, display or body shop repair operation; or

(viii) Any pet shop or animal raising facility; or

(ix) Any mortuary, crematorium, or funeral home; or

(x) Any establishment selling or exhibiting drug-related paraphernalia or which exhibits either live or by other means to any degree, nude or partially clothed dancers or wait staff; or

(xi) Any massage parlors or similar establishments; however, this language shall not be construed to preclude massage services at a high end spa in conjunction with the Hotel or with the fitness club; or

(xii) Any flea market, amusement arcade or video arcade, pool hall or billiard hall, car wash or dance hall; or

(xiii) Any training or educational facility, including but not limited to: beauty schools, barber colleges, reading rooms, places of instruction or other operations catering primarily to students or trainees rather than to customers; or

(xiv) Any gambling facility or operation, including but not limited to: off-track or sports betting parlor; table games such as blackjack or poker; slot machines, video poker/blackjack/keno machines or similar devices; or bingo hall; or

(xv) any assembling, manufacturing, distilling, refining, smelting, agricultural or mining operation. **[NOTE: Staff evaluating place of public assembly and other possibilities.]**

Section 5.2. No Discrimination.

(i) No covenant, agreement, lease, conveyance or other instrument concerning the sale, lease, use or occupancy of the Property and Owner Improvements or any portion thereof shall be permitted, effected, or executed by the Owner or other Person in possession or occupancy of any part or portion of the Project or the Property, whereby the Property, or the Owner Improvements, or any portion thereof, is restricted by the Owner or other Person in possession or occupancy of any part or portion of the Project or the Property, upon the basis of race, color, religion, sex, national origin, or handicap, or any other condition, or in violation of Chapter 760, Florida Statutes, or any other Governmental Requirement. The Owner will comply with, and

shall require any Person in possession or occupancy of any part or portion of the Project or the Property, to comply with , all applicable Governmental Requirements in effect from time to time, prohibiting discrimination or segregation by reason of race, color, religion, sex, national origin, handicap, or any other condition, in the sale, lease, use or occupancy of the Property or the Owner Improvements or any portion thereof. The Owner agrees to make reasonable accommodations for the handicapped as required by law and agrees that no otherwise qualified handicapped individual shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, be denied access to facilities within the Property or the Owner Improvements, or be subjected to discrimination under any program or activity allowed under this Agreement, except as permitted by law.

(ii) Anything in Section 11.22 hereof to the contrary notwithstanding, if the City believes that a default has occurred because of a failure by the Owner, or any other Person in possession or occupancy of any part or portion of the Project or the Property to comply with the terms of this Section 5.2, it may send to the Owner and/or other Person a written notice of intent to declare a default because of such failure (the "Pre-Default Notice"). The Pre-Default Notice is not a declaration of a default hereunder. If the Owner and/or other Person, after reviewing the Pre-Default Notice (which shall specify the respects in which the City contends that such a failure should be considered a default), believes that such a failure is not a default under this Section 4.2, the Owner and/or other Person shall within thirty (30) days of receipt of such Pre-Default Notice, advise the City in writing of the reasons why the Owner and/or other Person contends that such a failure should not be considered a default under this Section 5.2. If the City, after considering the response, still believes that such failure is a default, the City shall issue a notice of Default pursuant to Section 4.2.

Section 5.3 Green Building. The Owner agrees that, as indicated in the Approved PAD Plans, the Project shall be certified as a LEED-ND (Leadership in Energy and Environmental Design for Neighborhood Development) project or equivalent nationally recognized green building certification program. If at the time the first Temporary Certificate of Occupancy is issued for the project, "Stage 3 – Certified Neighborhood Development" LEED certification has not been achieved, then the Owner shall post a performance bond in a form acceptable to the City of Coral Gables and approved by the Building Official. The performance bond shall be determined based on the value of land per square foot of building in the area of the City in which the proposed project is located, which may be adjusted from time to time based on market conditions. The methodology for determining the value of land per square foot of building shall be maintained by the Department of Economic and Cultural Development. The City will draw down on the bond funds if "Stage 3 – Certified Neighborhood Development" LEED certification has not been achieved and accepted by the City within one year of the City issuance of the first Temporary Certificate of Occupancy for the building. Funds that become available to the City from the forfeiture of the performance bond shall be placed in the Historic Public Art Fund as defined in Section 3-2106 of the Zoning Code.

ARTICLE VI. SIGNS

Section 6.1 Sign Package. Owner shall create a Master Sign Package or a Special Sign Package for the Project (collectively, "Sign Package") to accomplish the following goals:

(i) moving pedestrians and vehicle traffic throughout the Property safely and efficiently and (ii) properly identifying the Property, the Project and various tenants, events, and components within the Project, including, but not limited to, residents, guests, visitors, and motorists along surrounding thoroughfares. The Sign Package as approved by the City Commission shall be incorporated into the Approved PAD Plans approved by the City Commission.

Section 6.2 Sign Types. The Sign Package will include only those sign types in those dimensions, fabrications, illumination, and locations allowed by the City's Zoning Code. The Sign Package will not include digital signs or other signs prohibited by the City Zoning Code.

Section 6.3 Application. The Sign Package shall apply to all signage in the Project.

Section 6.4 Regulation. All Project signs shall be subject to applicable Governmental Requirements.

ARTICLE VII. RESERVATION OR DEDICATION OF LAND/PUBLICLY ACCESSIBLE OPEN SPACES

Section 7.1 No Dedication. The Owner is not dedicating any land within the Property to the City, but agrees to grant the City various easements as referenced in this Agreement.

Section 7.2 Approved PAD Plans. The Owner agrees to create within the Project: (i) Publicly Accessible Open Spaces as defined herein, as indicated on **Exhibit L** attached hereto, and as further addressed in Section 2.9 hereof; and (ii) sidewalks designed to accommodate increased pedestrian activity that will include shopping, entertainment, and outdoor seating, all as generally labeled on the Approved PAD Plans.

Section 7.3 Ownership of Publicly Accessible Open Spaces. The Owner will retain ownership of the Publicly Accessible Open Spaces but shall grant the City a non-exclusive easement allowing public access to the Publicly Accessible Open Spaces. The Owner and the City agree to execute and record a Publicly Accessible Open Spaces Easement and Maintenance Agreement ("Publicly Accessible Open Spaces Easement Agreement"), to specifically designate the areas to be Publicly Accessible Open Spaces and to assign their respective responsibilities and obligations with respect to the future construction, maintenance and operation of the Publicly Accessible Open Spaces. The Publicly Accessible Open Spaces Easement Agreement shall be in a form acceptable to the City Attorney, incorporating the recommendations of a Crime Prevention Through Environmental Design review to be performed by the City Police Department. The Publicly Accessible Open Spaces Easement Agreement shall be consented to and joined in by any Lender, other lien holder, or holder of any other security interest, in the portion of the Property subject to the Publicly Accessible Open Spaces Easement Agreement.

Section 7.4 Timing of Publicly Accessible Open Spaces Easement Agreement. The City and the Owner agree to execute and record the Easement Agreement prior to the City issuing the first Temporary Certificate of Occupancy authorizing the occupancy of one (1) or more buildings on the Property.

Section 7.5 Location and Dimensions of the Publicly Accessible Open Spaces. The general location and dimensions of the Publicly Accessible Open Spaces shall be substantially in

accordance with the Approved PAD Plans. Changes to the location and dimensions of the Publicly Accessible Open Spaces will be reviewed in accordance with the PAD amendment process outlined in Section 3-507 of the Zoning Code. The specific location and dimensions of the Publicly Accessible Open Spaces will be set forth in the Publicly Accessible Open Spaces Easement Agreement, in accordance with **Exhibit L** attached hereto.

Section 7.6 Owner's Rights Regarding Publicly Accessible Open Spaces. Subject to City regulations as may be adopted or amended from time to time, the terms and conditions of the Publicly Accessible Open Spaces Easement Agreement, and such other agreements as the Owner and the City may agree to, Owner shall retain the right to design, landscape, and determine the programming for the Publicly Accessible Open Spaces, subject to compliance with the Approved PAD Plans, this Agreement and **Exhibit L** attached hereto.

Section 7.7 Events in and Around Publicly Accessible Open Spaces. Subject to City regulations as may be adopted or amended from time to time, the Owner may sponsor or similarly partner with organizations to hold temporary events in and around the Publicly Accessible Open Spaces. In advance of a temporary event, the Owner shall submit an application to the City consistent with the requirements contained in the City Zoning Code to obtain the necessary permits and approvals. The City shall have the right to hold events in Publicly Accessible Open Spaces, and the parties agree to cooperate in the scheduling of these spaces.

ARTICLE VIII. ENCROACHMENTS AND UTILITIES **[NOTE: RISK MGMT. NEEDS TO REVIEW]**

Section 8.1 Construction of Encroachments within City Owned Public Rights-of-Way. The City finds that the construction of encroachments in, above, and under the public rights-of-way will not unduly restrict the use of such public rights-of-way and is a necessary and essential element in the future construction of pedestrian walkways or commercial uses above such public rights-of-way as generally depicted on **Exhibit K** attached hereto.

Section 8.2 Applications. The Owner shall file applications for approval of all above grade, at grade and below grade encroachments, and must obtain approval by resolution of the City Commission in accordance with all applicable local laws, including but not limited to Sections 5-301 and 5-1911 of the Zoning Code and Section 62-3 of the City Code of Ordinances, prior to applying for the foundation permit. The Owner shall provide indemnities and insurance in the amounts and of the types acceptable to the City Attorney and the City's Risk Manager, as approved in such encroachment agreements.

Section 8.3 Below grade parking areas. Subterranean parking areas may be constructed below rights of way if both sides of the right of way are owned by the Owner, and shall be subject to approval by the Development Review Official. Notwithstanding the foregoing, subterranean parking areas may also occur below the rights of way adjacent to the excluded parcel at 2915 Coconut Grove Drive. Trees planted along these rights of way shall be given adequate depth to allow for a mature tree canopy above the underground parking deck. Air ventilation exhausts shall not obstruct sidewalks and other pedestrian spaces. Exhausts may be located in rear alleys, back of house locations and upper level parking decks, but shall not

vent onto Publicly Accessible Open Spaces. These vents shall be screened to match the character of the adjacent buildings.

Section 8.4 Activity within the Public Right-of-Way. The City shall permit those uses allowed in the Approved PAD Plans in the habitable areas in Levels B2 (hotel back-of-house), B1 (hotel back-of-house), 2 (retail), and 8 (cinema) to be located within the public right-of-way, in locations and to the extent shown in the Approved PAD Plans and on **Exhibit K** attached hereto.

Section 8.5 Utilities. The Owner shall be responsible for the proper repair and maintenance of all utility lines within the Property, including within public rights-of-way where underground encroachments exist as shown in the Approved PAD Plans.

Section 8.6 Covenant for Encroachments and Utilities. Prior to the issuance of the foundation permit for the Project, Owner shall execute and record in the public records of Miami-Dade County, a restrictive covenant regarding encroachments and utilities in, below and above the public rights-of-way, in a form acceptable to the Public Works Director and the City Attorney.

ARTICLE IX. LOCAL DEVELOPMENT PERMITS

Section 9.1 Development Permits. The Owner intends to develop the Property consistent with the Approved PAD Plans and this Agreement. The Project may require additional permits or approvals from the City, County, State, or Federal government, including their respective internal agencies. Subject to the required legal processes and approvals, the City shall make a good faith effort to take all necessary and reasonable steps to cooperate with and expedite the issuance of all such approvals and permits. Such approvals include, but are not limited to:

(i) Subdivision plat approvals;

(ii) Covenant in Lieu ("Covenant") of Unity of Title or Unity of Title ("Unity") acceptance or the release of existing Covenants or Unities;

(iii) Water and Sanitary Sewage Agreements;

(iv) Drainage Permits;

(v) Temporary Use Permits;

(vi) Tree Removal Permits;

(vii) Demolition Permits;

(viii) Environmental Resource Permits;

(ix) Building Permits;

(x) Certificates of Use;

(xi) Certificates of Occupancy;

(xii) Stormwater Permits;

(xiii) Miami-Dade Transit approvals;

(xiv) Federal Aviation Administration determination(s) and approval(s); and

(xv) Any other official action of the City or other government agency having the effect of permitting Development of the Property.

ARTICLE X. CREATION OF PROJECT-WIDE OWNERS ASSOCIATIONS

Section 10.1 Creation of Residential Condominium Associations. Prior to the first conveyance of any property interest in a residential condominium unit of the Property by the Owner to an unaffiliated third party, Owner shall create a property owners association, in accordance with Section 3-510-1.D.6. of the City's Zoning Code, whose articles of incorporation shall require all property owners within the Project to be members (the "Residential Property Owners Association" or "Residential POA").

Section 10.2 Creation of Non-residential Associations. In the event that any property interest in a non-residential property is proposed to be conveyed to one or more unaffiliated third parties, Owner shall submit documentation acceptable to the City Attorney demonstrating continued unified control of the Project prior to conveying such property interest, and shall create a property owners association, in accordance with Section 3-510-1.D.6. of the City's Zoning Code, whose articles of incorporation shall require all such unaffiliated third party owners of non-residential property within the Project to be members (the "Non-residential Property Owners Association" or "Non-residential POA"). For purposes of this Agreement, the term "POA" refers to both a Residential POA and a Non-residential POA.

Section 10.3 Purpose of POA. The POA shall be the successor entity to the Owner for the purposes of fulfilling the obligations and requirements of this Agreement, including but not limited to the following within the area of the Project covered by the relevant POA:

(a) Ownership and maintenance of any common areas on the Property, including Publicly Accessible Open Spaces, Public Art, recreational facilities, and private streets and walkways.

(b) Maintaining liability insurance and payment of property taxes for common areas.

(c) Collecting the pro rata share of each property owner for the maintenance and operation of the common areas, and the liening of property in the event of nonpayment.

Section 10.4 Recourse. In the event the POA fails to maintain its common area in good order and in accordance with the Approved PAD Plans and this Agreement, the City

Commission may serve notice upon the POA and hold a public hearing. If deficiencies of maintenance are not corrected within thirty (30) days after such notice and hearing the City Commission shall call upon the Owner to maintain the common area for a period of one year. When the City Commission determines that the subject organization is not prepared or able to maintain the common area, the Owner shall continue maintenance for yearly periods. The cost of such maintenance shall be assessed proportionally against the properties within the Project that have a right of enjoyment of the common areas and shall become a lien on said properties.

ARTICLE XI. MISCELLANEOUS PROVISIONS

Section 11.1 No Partnership or Joint Venture; No Third Party Beneficiaries. It is mutually understood and agreed that nothing contained in this Agreement is intended or shall be construed in any manner or under any circumstances whatsoever as creating or establishing the relationship of co-partners, or creating or establishing the relationship of a joint venture between the City and Owner, or as constituting Owner as the agent or representative of the City for any purpose or in any manner whatsoever. It is specifically understood and agreed to by and between the parties hereto that: (1) the subject Development is a private Development; (2) the City has no interest or responsibilities for or duty to third parties concerning any improvements until such time, and only until such time, that the City accepts such interest or responsibilities pursuant to the provisions of this Agreement or in connection with the various approvals; (3) the Owner shall have full power and exclusive control of the Property herein described subject only to the limitations and obligations of said parties under this Agreement; and (4) the contractual relationship between the City and the Owner is such that the Owner is an independent contractor and not an agent of the City. There are no third party beneficiaries to this Agreement, expressed, implied or intended.

Section 11.2 Recording; Documentary Stamps. The Owner shall be responsible for recording in the Public Records of Miami-Dade County, Florida this Agreement, any amendment hereto, and any other agreement or document required to be recorded pursuant to this Agreement, including but not limited to those referenced in Sections 6.4 and 7.3,at Owner's expense. The recorded original of this Agreement, any amendment hereto, and any other document recorded pursuant to this Agreement, shall be returned to the City within 10 days after execution for filing in the City's records.

Section 11.3 Florida and Local Laws Prevail. This Agreement shall be governed by the laws of the State of Florida. This Agreement is subject to and shall comply with the Charter of the City of Coral Gables as the same is in existence as of the execution of this Agreement and the ordinances of the City of Coral Gables; Future ordinances of the City shall not affect the terms and provisions of this Agreement (i) unless uniformly applicable to property similarly situated with the Property, Offsite Improvements and Owner Improvements; provided, however, to the extent the Owner would otherwise be grandfathered or not subject to such ordinances if this Agreement did not exist, the Owner shall not be subject to such ordinances or (ii) if the same shall impair the rights of the Owner or the obligations of the City hereunder. Subject to the foregoing, any conflicts between this Agreement and the aforementioned Charter and ordinances shall be resolved in favor of the latter. If any term, word, phrase, section, covenant, or condition of this Agreement or the application thereof to any Person or circumstances shall to any extent, be illegal, invalid, or unenforceable because of present or future laws or any rule or

regulation of any governmental body or entity or becomes unenforceable because of judicial construction, the remaining terms, words, phrases, sections, covenants and conditions of this Agreement, or application of such term, covenant or condition to Persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term, word, phrase, section, covenant, or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

Section 11.4 Conflicts of Interest: City Representatives Not Individually Liable. No member, official, representative, or employee of the City or the City Manager shall have any personal interest, direct or indirect, in this Agreement, nor shall any such member, official, representative or employee participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership or association in which he or she is, directly or indirectly, interested. No member, official, elected representative or employee of the City or the City Manager shall be personally liable to the Owner or any successor in interest in the event of any default or breach by the City or the City Manager or for any amount which may become due to the Owner or successor or on any obligations under the terms of the Agreement.

Section 11.5 Notice. All notices, demands, requests and other communications required under this Agreement must be given in writing and may be delivered (a) by hand, or (b) by certified mail, return receipt requested, or (c) by a nationally recognized overnight delivery service such as Federal Express. Notice shall be deemed to have been given upon receipt of notice or refusal of delivery. All notices, demands, requests and other communications required under this Agreement may be sent by electronic mail provided that the electronic communication is followed up by notice given pursuant to one of the three methods in the preceding sentence. Any party may designate a change of address by written notice to the other party, received by such other party at least ten days before the change of address is to become effective.

(i) Owner. In the case of a notice or communication to the Owner if addressed as follows:

To: Agave Ponce, LLC
2601 South Bayshore Drive, Suite 250
Miami, Florida 33133
Attn: Jose Antonio Perez Helguera

cc: Gunster, Yoakley & Stewart, P.A.
Brickell World Plaza, Suite 3500
600 Brickell Avenue
Miami, Florida 33131
Attn: Mario Garcia-Serra, Esq.

and: Any Mortgagee of the Owner whose address has been provided to the City in writing and, in the case of a Notice of Default sent to the Owner, a copy shall be sent to any Lender as registered with the City as required hereunder. NOTICE OF DEFAULT TO THE OWNER IS

NOT EFFECTIVE UNTIL A NOTICE IS SENT TO ALL LENDER(S) SO REGISTERED WITH THE CITY.

(ii) City. In the case of a notice or communication to the City, if addressed as follows:

To: City of Coral Gables
405 Biltmore Way
P.O. Drawer 141549
Coral Gables, Florida 33134
Attn: City Manager

cc: City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Attn: City Attorney
cleen@coralgables.com

and

Weiss Serota Helfman Cole & Bierman, P.L.
2525 Ponce de Leon Blvd, Suite 700
Coral Gables, Florida 33134
Attn: Susan L. Trevarthen, Esq.
slt@wsh-law.com

A party may unilaterally change its address or addressee by giving notice in writing to other parties as provided in this Section. Thereafter, notices, demands and other pertinent correspondence shall be addressed and transmitted to the new address.

Section 11.6 Titles of Articles and Sections. Any titles of the several parts, Articles and Sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

Section 11.7 Counterparts. This Agreement is executed in counterparts, each of which shall be deemed an original, and such counterparts shall constitute one and the same instrument. This Agreement shall become effective only upon execution and delivery of this Agreement by the parties hereto.

Section 11.8 Amendments. No amendments to this Agreement shall be binding on either party unless in writing, signed by City and Owner, and adopted in accordance with the procedures outlined in Section 3-2009 of the Zoning Code. If any portion of the Property has been submitted to the condominium form of ownership, consent of the condominium association will be required for any amendment to this Agreement. The consent of a condominium association will be deemed to have been granted, unless such consent is expressly withheld.

Section 11.9 Authorization and Approvals by the City. All requests for action or approvals by the City shall be sent to the City Manager for decision, who shall be the representative of the City that must act or approve the matter on behalf of the City. Without limiting the generality of the foregoing or the general authority of the City Manager, the City Manager, by virtue of the City Commission's approval of this Agreement, is hereby delegated authority by the City Commission to have the authority himself or herself to grant extensions of time for performance by the Owner for up to ninety (90) days (extensions of time in excess of ninety (90) days shall require City Commission approval). If the City Manager's office shall be vacant or if the City Manager shall not have the full authority to act or approve matters required of the City pursuant to this Agreement, then the City Commission shall, promptly upon written request by the Owner, designate such other officer or department as may be appropriate to perform the City's obligations. Unless otherwise specified to the contrary herein, all decisions, approvals and actions required of the City hereunder must be decided, given or taken within sixty (60) consecutive days after the receipt of written notice requesting same unless the City Manager requests an alternative timeframe in writing prior to the sixtieth day following receipt of written notice.

Section 11.10 Exculpation. Notwithstanding any provision contained in this Agreement to the contrary, it is specifically agreed and understood that there is no personal liability on the part of any manager or member in the Owner (provided such member is acting within the limitations placed on same by Florida law or has not assumed in writing any greater liability with respect to this Agreement) other than authorized by the articles of agreement and operating agreement of the limited liability company. The foregoing shall not be construed to exculpate or immunize any manager, member, director, official, or agent of the Owner for statements made under oath or penalties of perjury. Likewise, notwithstanding any provision contained in this Agreement to the contrary, it is specifically agreed and understood that there is no personal liability on the part of any City elected or appointed officer, employee, or agent, with respect to the performance, manner or time of performance, delay, or lack of performance, of any of the obligations, terms, covenants and conditions of this Agreement.

Section 11.11 Attorneys' Fees. In the event either party hereto institutes legal proceedings (other than arbitration proceedings which shall be governed by the terms and conditions set forth in Article VI hereof) in connection with, or for the enforcement of, this Agreement, each party shall bear its own costs of suit, including attorneys' and paralegals' fees, at both trial and appellate levels.

Section 11.12 Caption. The article and section headings and captions of this Agreement and the table of contents preceding this Agreement are for convenience and reference only and in no way define, limit, describe the scope or intent of this Agreement or any part thereof, or in any way affect this Agreement or any part thereof.

Section 11.13 Holidays. It is hereby agreed and declared that whenever a notice or performance under the terms of this Agreement is to be made or given on a Saturday or Sunday or on a legal holiday observed by the City, it shall be postponed to the next following business day that is not a Saturday, Sunday or legal holiday.

Section 11.14 Owner as Independent Contractor. Nothing contained in this Agreement shall be construed or deemed to name, designate, or cause (either directly or implicitly) the Owner, or any contractor of the Owner to be an agent of or in partnership with the City.

Section 11.15 Severability; Unlawful Provisions Deemed Stricken. If this Agreement contains any unlawful provisions that are not an essential part of this Agreement and which do not appear to have been a controlling or material inducement to the making of this Agreement, such provisions shall be deemed of no effect and shall be deemed stricken from this Agreement without affecting the binding force of the remainder. In the event any provision of this Agreement is capable of more than one interpretation, one which would render the provision invalid and one which would render the provision valid, the provision shall be interpreted so as to render it valid.

Section 11.16 No Liability for Approvals and Inspections. Except as may be otherwise expressly provided herein, no approval to be made by the City or any City official, employee, or agent of the Property or the Project under this Agreement, shall render the City or any City official, employee, or agent, personally or in said individual's official capacity, liable for its failure to discover any defects or nonconformance with any federal, state or local statute, regulation, ordinance or code, or to enforce any laws, rules, codes, or other governmental requirements.

Section 11.17 Owner Entity. On the date of execution hereof, the Owner is a Florida limited liability company. In the event that at any time during the term of this Agreement and any extensions and renewals thereof, the Owner is a corporation or an entity other than a Florida limited liability company, then any references herein to member, membership interest, manager and the like which are applicable to a Florida limited liability company shall mean and be changed to the equivalent designation of such term which is appropriate to the nature of the new Owner entity, all as reasonably construed by the City.

Section 11.18 Cooperation; Expedited Permitting; and Time is of the Essence.

(i) The Parties agree to cooperate with each other to the full extent practicable pursuant to the terms and conditions of this Agreement. The Parties agree that time is of the essence in all aspects of their respective and mutual responsibilities pursuant to this Agreement. The City shall use its best efforts to expedite the permitting review and approval process in an effort to assist the Owner in meeting its demolition, Development, and construction completion schedules, all as is consistent with this Agreement. The Owner will use a private provider of plan review and inspection services for every discipline or will fund the hiring of additional City employees for this task**.** The City will accommodate requests from the Owner's agents, representatives, general contractor(s), subcontractors, and private plan reviewers and inspectors for simultaneous review of multiple permitting packages, such as those for site work and foundations, and building shell, core, and interiors. Under no circumstances will the City be obligated to issue Development permits if the Owner does not comply with the applicable requirements of the City Zoning Code, the Project's zoning approvals, the Comprehensive Plan, this Agreement, applicable building codes, or any other Governmental Requirements.

(ii) The ordinances and regulations of the City governing the Development of the land on the Effective Date of this Agreement shall continue to govern the Development of the Property, except as otherwise provided herein. At the termination of this Agreement, all then existing codes shall become applicable to the Development of the Property. Except as otherwise specifically set forth herein during the term of this Agreement or thereafter, no fee (including the existence or lack thereof), fee structure, amount computation method or fee amount, including any impact fees, then in existence or hereafter imposed, shall be vested by virtue of this Agreement.

(iii) In the event that state or federal laws or regulations are enacted after the approval, effectiveness, or execution of this Agreement which are applicable to and preclude the parties' compliance with the terms of this Agreement, this Agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws or regulations, such modification or revocation to take place only after any applicable notice provisions provided for the adoption of this Agreement have been complied with. The City shall cooperate with the Owner in the securing of any permits which may be required as a result of such modifications.

(iv) The City may apply changes to vested City ordinances and City policies, or new requirements, adopted subsequent to the execution of this Agreement to the Property, only if the City has held a public hearing and determined that: (i) such new City ordinances or City policies are not in conflict with the laws and policies governing the Agreement and do not prevent Development of the land uses, as allowed under the terms of this Agreement; (ii) such new City ordinances or City policies are essential to the public health, safety, or welfare and the new City ordinances or City policies expressly state that they shall apply to a Development that is subject to an Agreement of this type; (iii) such new City ordinances or City policies are specifically anticipated and provided for in this Agreement; (iv) the City has demonstrated that substantial changes have occurred in pertinent conditions existing at the time of the approval of this Agreement; or (v) this Agreement is based on substantially inaccurate information supplied by the Owner.

Section 11.20. Effective Date; Duration of Agreement.

(i) The term of this Agreement shall commence upon the Effective Date.

(ii) This Agreement and the provisions hereof shall run with and bind the Property, and shall inure to the benefit of and be enforceable by the City, the Owner, and the Owner of any part or portion of the Property subject to this Agreement, and their respective legal representatives, heirs, successors and assigns, for a term of thirty (30) years from the Effective Date, after which time said Agreement shall be automatically extended for successive periods of five (5) years each, unless an instrument signed by the City has been recorded, agreeing to revoke or terminate said Agreement in part or in whole.

Section 11.21 Security.

If the City in its discretion accepts a surety bond, the Owner and the surety shall be jointly and severally liable under the terms of the bond. The bond shall be issued by a surety having a minimum rating of A-1 in Best's Key Rating Guide, Property/Casualty Edition; shall be

subject to the approval of the City Attorney; and shall provide that: "This bond may not be canceled, or allowed to lapse, until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew." Security shall be provided for the following:

(i) Security for Restoration of Arts Center Building, Residence, or City Property. Prior to the issuance of the first building permit for the Project, the Owner shall provide to the City a surety bond, or other form of security deemed acceptable by the City, in an amount determined by the Public Works Director and in a form acceptable to the Building Official, covering the estimated maximum cost of site restoration and replacement cost for: (1) the historic Arts Center Building located at 2901 Ponce de Leon Boulevard; (2) the residence located at 2915 Coconut Grove Drive; and (3) adjacent City property and infrastructure. Said surety bond or other security instrument may be acted upon in the event of either (a) damage to the Arts Center Building, residence or adjacent City property and infrastructure which is not repaired by Owner within 30 days of notice or (b) a complete cessation of construction activities on the Property, as evidenced by the passing of more than 180 days without receiving approval of an inspection of construction work on the Property. **[NOTE: staff evaluating the timing and trigger for calling on the bond]**

(ii) Security for Restoration of Property if Project is Abandoned. Prior to issuance of the foundation permit for the Project, the Owner shall provide to the City a surety bond, or other form of security deemed acceptable by the City, covering the estimated maximum cost of the full restoration of the Property, including landscaping to Code and removal of all construction fencing. Said surety bond or other security instrument may be acted upon in the event of a complete cessation of construction activities on the Property, as evidenced by the passing of more than 180 days with no approved inspection of construction work on the Property. **[NOTE: staff evaluating the timing and trigger for calling on the bond]**

(iii) Security for Construction of Offsite Improvements. Prior to issuance of the first building permit for the Project, the Owner shall provide to the City a surety bond, or other form of security deemed acceptable by the City, in an amount that is one hundred fifteen (115) percent of the estimated total hard and soft cost of all Offsite Improvements, to secure construction of such Offsite Improvements within the time periods established in **Exhibit B** and as otherwise required by this Agreement.

(iv) Insufficiency of Security. If a bond or other security proves insufficient to complete the improvements or restoration covered, the City shall have the right to finish all work by creating a special assessment district, and assess the amount of the additional funds required against the Property. Owner hereby expressly consents to the creation and imposition of a special assessment loan against the Property for this purpose.

Section 11.22. Enforcement of Agreement. Except for claims of discrimination pursuant to Section 5.2, parties to this Agreement, and their successors and assigns, shall enforce this Agreement as provided in this Section 11.22. This section shall not be interpreted as a pledge of *ad valorem* tax or other revenues.

(i) Change of Laws. This Agreement is enforceable by any party to this Agreement as provided in the Community Planning Act, Part II, Chapter 163, Florida Statutes, despite a change in the applicable general or specific plans, comprehensive planning, zoning subdivision, building, or other land Development regulations adopted by the City which alter or amend the rules, regulations or policies governing permitted uses of the land, density, intensity, or design.

(ii) Institution of Legal Action. In addition to any other rights or remedies, any party hereto, or their successors and assigns, may institute legal action to cure, correct or remedy any default, to enforce any covenants or agreements herein, or to enjoin any threatened or attempted violation thereof; to recover damages for any default; or to obtain any remedies consistent with the purpose of this Agreement, in accordance with Article IV. Enforcement of this Agreement may be by the Owner or the City, and may be accomplished by any proceeding at law or in equity against any Person or Persons violating or attempting to violate any provision hereof, either to restrain a violation, to seek specific performance, or to recover damages. Failure to enforce any covenant or provision herein contained shall in no event be deemed a waiver of the right to do so thereafter. The City shall not be obligated or bound to enforce any of the covenants or provisions herein or be liable to or for any Person or Persons for non-enforcement.

(iii) Venue. Such legal actions must be instituted in the Circuit Court or County Court, as applicable, of the County of Miami-Dade, State of Florida, or in the Federal District Court in the Southern District of Florida.

Section 11.23. Interpretation. All of the parties hereto have had the opportunity to consult with legal counsel and to participate in the drafting of this Agreement. Consequently, this Agreement shall not be more strictly or more harshly construed against any party to this Agreement as the drafter hereof.

ARTICLE XII. INDEMNIFICATION AND INSURANCE

Section 12.1 Indemnification. To the fullest extent permitted by Laws and Regulations, the Owner hereby agrees to defend, indemnify and hold harmless the City and its commissioners, directors, attorneys, appointed officials, administrators, consultants, agents, and employees from and against all claims, damages, losses, and expenses direct, indirect, or consequential (including but not limited to fees and charges of attorneys and other professionals and court and arbitration costs) arising out of or resulting from (i) the City's granting of permission for any activity performed under the terms of this Agreement and (ii) the installation and/or maintenance of the Project and caused, in whole or in part, by any willful, intentional, reckless, or negligent act and/or omission of Owner or any person, employee, agent, or third party acting on Owner's behalf (including any contractor, subcontractor, or any person or organization directly or indirectly employed by any of them or anyone for whose acts any of them may be liable).
In any and all claims against the City or any of its consultants, agents, or employees by any employee of Owner or any employee of any person, employee, agent, or third party acting on Owner's behalf (including contractors, subcontractors, or any person or organization directly or indirectly employed by any of them or anyone for whose acts any of them may be liable), the

indemnification obligation of this section shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for Owner or by or for any person, employee, agent, or third party acting on Owner's behalf (including contractors, subcontractors, or other persons or organizations directly or indirectly employed by any of them or anyone for whose acts any of them may be liable) under workers' or workman's compensation acts, disability benefit acts, other employee benefit acts or any other service of law. Moreover, nothing in this Indemnification and Hold Harmless provision shall be considered to increase or otherwise waive any limits of liability or to waive any immunity established by Florida Statutes, case law, or any other source of law. This indemnification provision shall survive the termination of any City permit or Agreement with the City, however terminated. Nothing contained herein shall be construed as a waiver of any immunity or limitation of liability the City may have under the doctrine of sovereign immunity in Section 768.28, Florida Statutes. Inclusive in this Indemnity provision is the agreement to fully indemnify the City from any claims or actions alleged to have been caused by the City's acts or omissions. Owner shall maintain insurance, which will provide for the indemnity provision provided herein as further specified below.

Section 12.2 Insurance. The Owner agrees to obtain an insurance policy, in an amount and coverage determined by the City's Risk Management Division (or its successor agency) and the City Attorney, naming the City as an additional insured — on a primary and non-contributory basis — for public liability and a loss payee for damage to public property. All insurance is subject to the reasonable approval of the City's Risk Management Division (or its successor agency) and the City Attorney. The insurance must be issued by an insurance company licensed and approved to do business selling insurance within the State of Florida by the Florida Insurance Commissioner, or successor regulatory agency of the State of Florida. The insurance must be rated as A+ or better with a financial quality rating of at least VII by A.M. Best's Rating Guide or its successor. If the rating and financial quality system shall be revised by A.M. Best's Rating Guide or its successor, the Owner and the City shall promptly agree in a recordable writing to a successor rating system or rating system operator. If the Owner and the City are unable to agree, the parties shall select three (3) arbiters expert in insurance who are members of the American Arbitration Association who shall make the selection. All insurance shall be occurrence based, and in no event shall claims made insurance be acceptable as coverage. The insurance shall remain in effect for the life of the Project. Should the Owner fail to continue to provide the insurance coverage, the City shall have the right to secure a similar insurance policy in its name and place a special assessment lien against the Owner's abutting private property for the total cost of the premium.

The insurance shall at a minimum be what is known on the Effective Date of this Agreement as commercial general liability insurance, single limit liability with a minimum coverage of at least $3,000,000. A copy of the policy and all endorsements shall be maintained on file with the City's Risk Management Division (or its successor agency) and the City Attorney. As the policy is revised or insurers are changed, new copies shall be immediately filed with the City's Risk Management Division its successor agency) and the City Attorney within thirty (30) days of receipt of any policy revision or obtaining a new policy. Certificate of insurance shall not be deemed to be acceptable proof of insurance. Proof of insurance shall be demonstrated by use of a policy declaration page, naming the insured, loss payee, additional insured, term of coverage, liability coverage and amounts, and other pertinent and material information as is normally displayed on insurance policy declaration pages. Evidence of insurance will not be approved

unless all of the requirements have been met to the satisfaction of the Risk Management Division.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, Owner has caused this Agreement to be signed in its name by its Managing Member, and the City Commission of Coral Gables has caused this Agreement to be signed in its name by the City Manager, duly attested to by the City Clerk, and approved as to form and sufficiency by the City Attorney, on the day and year first above written.

OWNER:

ATTEST:

AGAVE PONCE, LLC, a Florida limited liability company

By:
Name:
Title: Manager

Name:

Name:

[NOTE: at time of execution, all Lenders and lien holders in the Property, if any, must execute in a form acceptable to the City Attorney]

[NOTE: at least 21 days prior to execution, City needs an opinion of title and updated survey showing Owner control of the entire Property]

CITY:

By authority of Ordinance No. _____ duly passed and adopted by the Coral Gables City Commission on _____, 2015.

ATTEST:

CITY OF CORAL GABLES, a Florida municipal corporation

By:
Name: Walter Foeman
Title: City Clerk

By:
Name:
Title: City Manager

APPROVED AS TO FORM AND SUFFICIENCY:

By:
Name: Craig E. Leen
Title: City Attorney

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

The foregoing instrument was acknowledged before me, this ____ day of _____, 2015, by _____, as Manager of Agave Ponce, LLC, a Florida Limited Liability company, on behalf of the company. He is personally known to me or has produced _____ as identification.

_____
Notary Public State of Florida at Large
My Commission Expires:
Print Name:

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

The foregoing instrument was acknowledged before me, this ___ day of _____, 2015, by Cathy Swanson-Rivenbark, as City Manager of the City of Coral Gables, Florida, a Florida Municipal Corporation, on behalf of the municipal corporation. She is personally known to me or has produced _____ as identification.

_____
Notary Public State of Florida at Large
My Commission Expires:
Print Name:

EXHIBIT "A"

Legal Description of Property

EXHIBIT "B"

DEVELOPMENT SCHEDULE

All time periods provided below are measured from the date of final City Commission zoning approval, and represent an enforceable commitment by the Owner to proceed expeditiously with the Project. The timeline below may not be enforced against the City. The City Manager is authorized by the City Commission's approval hereof to extend any time period listed below for good cause shown up to 6 months. Extension of a time period by more than 6 months requires City Commission approval.

Expiration of Appeal Period for Zoning Approvals	[30 Days]
Submittal of Building Permit Plans	[6 Months]
Commencement of Construction (Foundation)	[within 2 Months of issuance of foundation permit]
Complete Project Buildout, as measured by the issuance of final Certificates of Occupancy or Certificates of Completion, as applicable, for the Project	[46 Months]
Completion of Offsite Improvements, as measured by their acceptance by the Public Works Director	[Prior to issuance of first Temporary Certificate of Occupancy]

EXHIBIT "C"

Hotel Standards of Operation

- The hotel shall obtain a Four or Five-Diamond Certification from AAA and shall maintain such certification throughout the life of this Agreement.
- The hotel shall provide banquet and meeting spaces to meet the needs for large banquets, conferences, and other events with a banquet hall that seats a minimum of 400 guests.
- The hotel shall have a spa that is operated at the same standard of quality as the Biltmore Hotel in Coral Gables or The Standard Hotel in Miami Beach.
- The hotel shall use high-quality materials on its exterior and interior, in keeping with the standards required for Four Diamond and Five Diamond hotels certified by AAA.

EXHIBIT "D"

Movie Theatre Standards of Operation

- The movie theatre shall be operated as an all VIP theatre experience equivalent in quality, at a minimum, to the Cinepolis, Cine Bistro or Ipic brand of theatres.

- All seating shall be stadium style seating with standard non-handicap seats having the ability to fully recline.

- In theatre dining, including full service of alcoholic beverages, will be provided along with a full service restaurant.

- All film screenings will be of "first run" movies.

- Any patron under the age of 21 shall be required to be accompanied by an adult.

EXHIBIT "E"
Retail Standards of Operation

The retail portions of the project shall be operated, leased, and maintained in a manner consistent with projects such as The Village of Merrick Park, Mizner Park, and CityPlace.

The retail portions of the project shall be a first class regional shopping center consistent with the Approved PAD Plan and all applicable agreements, and shall be kept in good order, condition, repair, and maintenance, with reasonable wear and tear excepted.

The Owner shall provide private security for the Project.

The Owner shall maintain a minimum of 75% occupancy of all retail spaces; if less than 75% occupancy is provided for a period of more than 6 months, the Owner will be considered to be in an Event of Default, and the penalties outlined in this Agreement may be pursued by the City.

The Owner acknowledges and agrees that active and attractive retail uses that are of interest to and service the project residents, hotel guests, office workers, and the immediate neighborhood and can garner reason for the general public and tourist to consider downtown Coral Gables as a destination for shopping and entertainment activity are of importance to the city as part of its vision for this area.

The Owner acknowledges it has received and reviewed the following: the Mediterranean Village at Ponce Circle Technical Memorandum of January 26, 2015 by Lambert Associates, and the transcripts of the Peer Review Meetings on the project which took place on November 21, 2014 and September 19, 2014.

The Owner agrees with the goals described in these reports and panel discussions and will exercise its best efforts generally to achieve a targeted leasing strategy and operational practices consistent with said goals. The Owner will target an activating of approximately 300,000 square feet of retail, entertainment, food and beverage. Design refinements throughout the development period will be targeted at maximization of the Ponce de Leon frontage, circulatory promptings to the interior plazas and recruitment of two level uses that better feed traffic to the above grade space.

The retail component will include fashion specialty stores, lifestyle retailers, restaurants and cafes, other specialty product shops, services, a cinema and other high appeal commerce. All of the retailers will operate compliant to design criteria requiring attractive retail transparent windows assuring clear views into their operations. They will feature professional creative signage within guidelines of the project design criteria to assure compatibility to city requirements and the project's overall architecture. Stores will operate seven days a week: Sunday through Thursday from 10 am to 9 pm, Friday - Saturday from 10 am – 11 pm. Restaurants and other food and beverage establishments will be required to operate, at minimum, during the retail hours of operation, and they may operate later in the evening subject to other City regulations. Systems and tenant operating rules will prompt back of store delivery, sanitary

and functional considerations for trash and wet trash disposal, and subliminal security applications. Customer pickup of large merchandise will be from Level B2.

The two larger retail spaces indicated on the project site plan are intended for large scale tenants which presently cannot locate on Miracle Mile because of space constraints and which can be expected to attract more customers to Miracle Mile also. The Owner is obligated to use its best efforts to attract high quality tenants for these anchor spaces, and to avoid tenants which could be characterized as “big box”, discount, or outlet retailers. In the event that the project’s second floor of retail space cannot be successfully leased, the Owner will give consideration to converting all or a portion of the second floor to professional office use.

EXHIBIT "F"

Restaurant Standards of Operation

- In no event shall the Project have greater than 29,000 square feet of restaurant or food service space.

- The restaurants will be a mix of fine dining and family/casual full table service restaurants. Three restaurants are identified as quality restaurants and high-turnover (sit-down) restaurants.

- Examples of fine dining restaurants are Capital Grille, Cantina la Veinte, Cipriani, Zuma and Il Gabbiano.

- Examples of family/casual restaurants with full table service are Carrabbas Italian Grill, My Ceviche, and Tony Romas.

- The restaurant proposed for the top two levels of the hotel shall be a fine dining establishment designed in a manner so that members of the public who are not restaurant patrons can still access the space and outdoor terraces so as to admire views of the City and surrounding area.

- All restaurants will be fully open to the public and operate the same or greater hours as the retail stores and movie theatre.

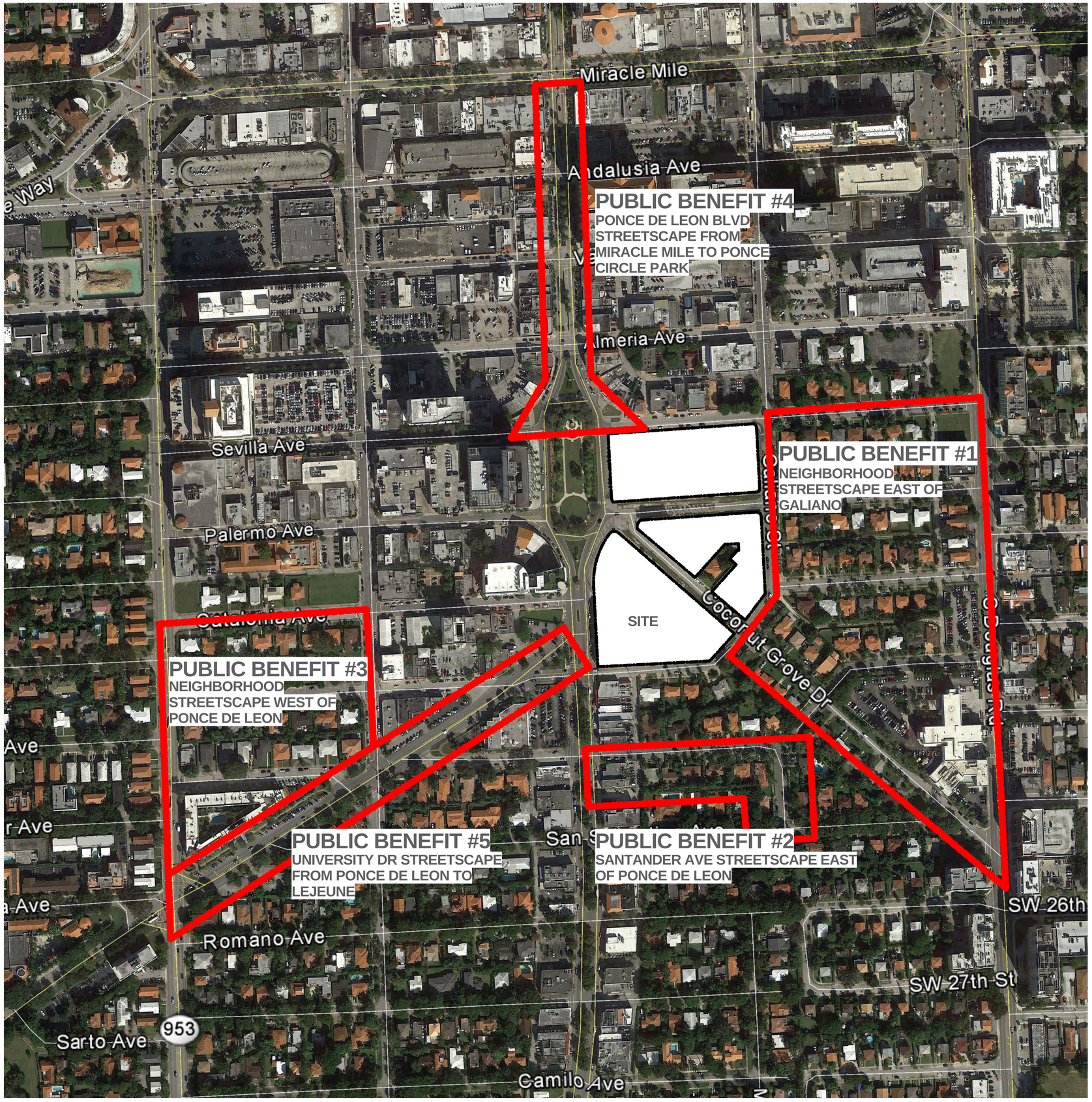
- All restaurants will maintain a high standard of appearance, cleanliness, quality and service.

- All restaurants will feature professional signage compatible with City requirements and the project's overall architecture and signage program.

EXHIBIT "G"
Office Standards of Operation

- The Office Building shall be a LEED certified building.
- The Office Building shall be ranked as Class A office space, and shall be operated and maintained as such.
- There shall be no smoking in or within 100' of the Office Building.
- The Office Building shall have valet service.
- The interior and exterior of the Office Building shall have high quality finishes that shall be maintained and may be periodically updated to maintain positioning as Class A office space.

EXHIBIT "H"
Offsite Improvements
[Need updated exhibit]



NOT FOR CONSTRUCTION

RTKL SM
AN ARCADIS COMPANY
RTKL ASSOCIATES INC.
396 ALHAMBRA CIR. SOUTH
CORAL GABLES, FLORIDA
P. 786.268.3200
F. 786.268.3201
WWW.RTKL.COM
PROJECT NUMBER 45-14002.00

CONSULTANT

PROJECT

MEDITERRANEAN VILLAGE at Ponce Circle

CLIENT

AGAVE PONCE LLC.
2801,2901, 3001 PONCE DE LEON BOULEVARD

ISSUE DRAWING LOG

SEAL

SHEET IDENTIFICATION

TITLE

PUBLIC BENEFITS

NUMBER

A-0.7.10

2014 RTKL ASSOCIATES INC.

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TIME 3/19/2015 10:10:42 AM

Offsite Improvements Schedule and Budget:

Public Benefit #1 Neighborhood Streetscape Improvements East of Galiano Street - shall be completed prior to issuance of first Temporary Certificate of Occupancy for Mediterranean Village.

Estimated Cost: $2,000,000

Public Benefit # 2 Santander Avenue Streetscape east of Ponce de Leon Boulevard - shall be completed prior to issuance of first Temporary Certificate of Occupancy for Mediterranean Village.

Estimated Cost: $200,000

Public Benefit #3 Neighborhood Streetscape West of Ponce de Leon Boulevard - shall be completed prior to issuance of first Temporary Certificate of Occupancy for Mediterranean Village or within timeframe recommended by applicable traffic study.

Estimated Cost: $2,000,000

Public Benefit #4 Ponce de Leon Boulevard Streetscape Miracle Mile to Ponce Circle Park - shall be completed prior to issuance of first Temporary Certificate of Occupancy for Mediterranean Village.

Estimated Cost: $2,000,000

Public Benefit #5 University Drive Streetscape, Ponce de Leon to LeJeune Road - shall be completed prior to issuance of first Temporary Certificate of Occupancy for Mediterranean Village or within timeframe recommended by applicable traffic study.

Estimated Cost: $125,000

EXHIBIT "I"

Valet Standards of Operation

Valet service is planned for several uses within the overall project for hotel guests, residential visitors, and retail patrons. All valet parking which will include tandem spaces will be provided within the lower/basement level of the parking garage. The following sections summarize the anticipated location of the valet stand for each use and the valet route for each valet stand.

- All valet operations within the project shall comply with all Valet Parking provisions in the City Code and the Zoning Code, including City Code Subpart A, Chapter 74, Article III, Division 3. These valet requirements may change from time to time; valet operations within the project shall adhere accordingly.

- The Valet Operator shall comply with the following code of conduct and operations standards:
  - Perform duties in a courteous manner;
  - Employees shall have name tags identifying themselves and the valet company;
  - A sign identifying pricing;
  - Valet service shall not interfere with the regular flow of vehicular or pedestrian traffic;
  - Bathroom facilities shall be designated for valet staff;

- A hotel valet stand will be provided for hotel guests within the porte cochere located directly off the northbound lanes of Ponce De Leon Boulevard north of Malaga Avenue. Valet attendants will enter the parking area via the downward one-way parking ramp located within the porte cochere immediately north of the valet stand providing direct access to the lower parking level. Valets will return parked vehicles from the lower level via the upward one-way parking ramp located within the porte cochere area immediately south of the valet stand. Note that all valet operations will occur within the porte cochere area for the hotel use and not require exiting or entering onto Ponce de Leon.

- A valet stand will be provided along the south side of Palermo Avenue at the site's main parking garage access points outside of the travel lane. This valet stand will serve both retail patrons of the overall development and guests of the residential tower located along the south side of Palermo Avenue. Valet operators will enter the parking area from the valet stand by performing an eastbound left-turn onto the internal north-south parking service drive and performing a northbound left-turn onto the downward helix to the valet parking area. Valet attendants will retrieve vehicles by traveling on the upward helix from the basement level, performing an eastbound right-turn onto the north-south parking service drive, performing a southbound right-turn onto Palermo Avenue, and returning to the valet stand via the proposed

roundabout.

- A residential guest valet stand will be provided along the south side of Sevilla Avenue adjacent to the north residential tower lobby outside of the travel lane. Valet drivers will access the parking area by performing an eastbound right-turn onto the north-south parking service drive southbound, performing a southbound right-turn onto the downward helix to the valet parking area. Valet drivers will retrieve by traveling on the upward helix from the basement level to the north-south parking service drive, performing an eastbound right- turn onto the north-south parking service drive, performing a southbound right-turn onto Palermo Avenue westbound, and return to the valet stand via Palermo Avenue westbound, Ponce De Leon Boulevard northbound, and Sevilla Avenue eastbound (clockwise route).

- Detailed valet operations/staff plans for each location will be further developed as the project is refined and operating companies are retained, and will be subject to approval by the Director of Parking and the Director of Economic and Cultural Development.

- Daily liquidated damages, in an amount to be determined by the Parking Director, will be collected by the City for traffic backing up onto Ponce de Leon Boulevard.

- Prior to issuance of the first Temporary Certificate of Occupancy, the Owner shall be required to implement an event parking plan to be reviewed and approved by the Parking Director.

- The Valet Operator hours of operation shall serve the various uses throughout the project, in no case shall the Valet Operator be closed for business at a time when patrons who dropped their vehicles off may be exiting the project.

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EXHIBIT "J"

Recommended Mobility Enhancements
[Need updated exhibit to conform to latest proffer]

Kimley»Horn

To: Mr. Mario Garcia-Serra, Esq.
Gunster, Yoakley & Stewart, P.A.

From: John McWilliams, P.E.

Cc: Eduardo Avila
Agave Holdings, Inc.

Date: March 17, 2015

Subject: ***Mediterranean Village Development – Coral Gables, Florida***
Coral Gables Trolley Service Enhancements

Per your request, Kimley-Horn and Associates, Inc. has reviewed the existing City of Coral Gables trolley operations to identify potential enhancements to the service to better serve the City's central business district. As part of our review, we met with City of Coral Gables staff and reviewed the Trolley Service Master Plan document prepared by Gannett Fleming, Inc. in 2013. The following sections summarize our proposed operations and service enhancements.

New Trolley Vehicles

Expansion of the trolley service is limited by the number and age of the fleet. As such we are proposing to make a contribution of approximately $1.34 million to the City of Coral Gables to purchase up to four (4) new trolley vehicles. These additions to the fleet will allow for vehicle replacement, new trolley routes, and/or the expansion of new trolley service.

New or Expanded Trolley Service

In addition to funding new trolley vehicles, a annual mobility contribution of $626,000 is also being proffered to provide additional operating and maintenance funding for the trolley services. It is recommend that these funds be utilized to a) operate a new circulator route to improvement mobility for the Downtown area and/or b) enhance the services on the current north-south trolley route.

New Downtown Trolley Route

The Trolley Service Master Plan recommended further investigation of a downtown loop traversing the City's core along Alhambra Circle, Merrick Way, Galiano Street, Almeria Avenue, and Salzedo Street in a clockwise direction. We consider this concept a worthwhile complement to the existing north-south trolley route along Ponce De Leon Boulevard. However, the 2013 study did not contemplate the proposed Mediterranean Village project located one (1) block south of Almeria Avenue. Therefore, we recommend a minor modification to the Master Plan route circulating along Sevilla Avenue from Galiano Street to Ponce De Leon Boulevard, and back to Almeria Avenue. Refer to the attachment for a map of the existing and proposed routes.

Existing Trolley Route Enhancements

Existing enhancements to the trolley route should be considered including extension of operating hours, weekend operations, and headway reductions. The existing trolley currently operates from 6:30 a.m. to 8 p.m. on weekdays with 10-15 minute headways.

kimley-horn.com | 1221 Brickell Avenue, Suite 400, Miami, FL 33131 | 305 673 2025


Alhambra Circle
Salzedo Street
Merrick Way
Galiano Street
Coral Way/SW 22nd Street
Le Jeune Road
Almeria Avenue
Sevilla Avenue
Previous Master Plan Route Alignment
Proposed Route Alignment
SITE
Coconut Grove Drive
University Drive
Douglas Road/SW 37th Avenue
Ponce De Leon Boulevard
SW 40th Street/Bird Road
South Dixie Highway/US 1
N
NOT TO SCALE
Mediterranean Village Trolley Enhancements
Existing Trolley Service Route
Proposed Trolley Service Route

Exhibit "K"

Restrictive Covenants Regarding Encroachments

Exhibit "L"

Publicly Accessible Open Spaces Standards of Operation
[NOTE: Exhibit must show their location clearly in plan view at all levels at which they occur, and describe their program and features.]

MIA_ACTIVE 4296444.2

SEVILLA AVENUE

SEVILLA AVENUE

PUBLIC STAIR AND ELEVATOR TOWER TO SECOND FLOOR

PALERMO AVENUE

PALERMO AVENUE

PUBLIC STAIR AND ELEVATOR TOWER TO SECOND FLOOR AND ROOFTOP

FEATURES:
- WATER FEATURES
- COMMERCIAL USES
- HOTEL LOBBY ENTRY
- RESIDENTIAL LOBBY ENTRY
- OFFICE LOBBY ENTRY

GALIANO STREET

CATALONIA AVENUE

MALAGA AVENUE

PUBLIC STAIR AND ELEVATOR TOWER TO HOTEL ROOFTOP

PONCE DE LEON BOULEVARD

MALAGA AVENUE

PUBLIC STAIR AND ELEVATOR TOWER TO SECOND FLOOR AND ROOFTOP

COCONUT GROVE DRIVE

LEGEND

PUBLICLY ACCESSIBLE SPACE

PUBLIC STAIR AND ELEVATOR TOWER

1 LEVEL 01 FLOOR PLAN
1" = 40'-0"

NOT FOR CONSTRUCTION

RTKL SM
AN ARCADIS COMPANY
RTKL ASSOCIATES INC.
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CORAL GABLES, FLORIDA
P. 786.268.3200
F. 786.268.3201
WWW.RTKL.COM
PROJECT NUMBER 45-14002.00

CONSULTANT

PROJECT

MEDITERRANEAN VILLAGE at Ponce Circle

CLIENT
AGAVE PONCE LLC.
2801,2901, 3001 PONCE DE LEON BOULEVARD

ISSUE DRAWING LOG

SEAL

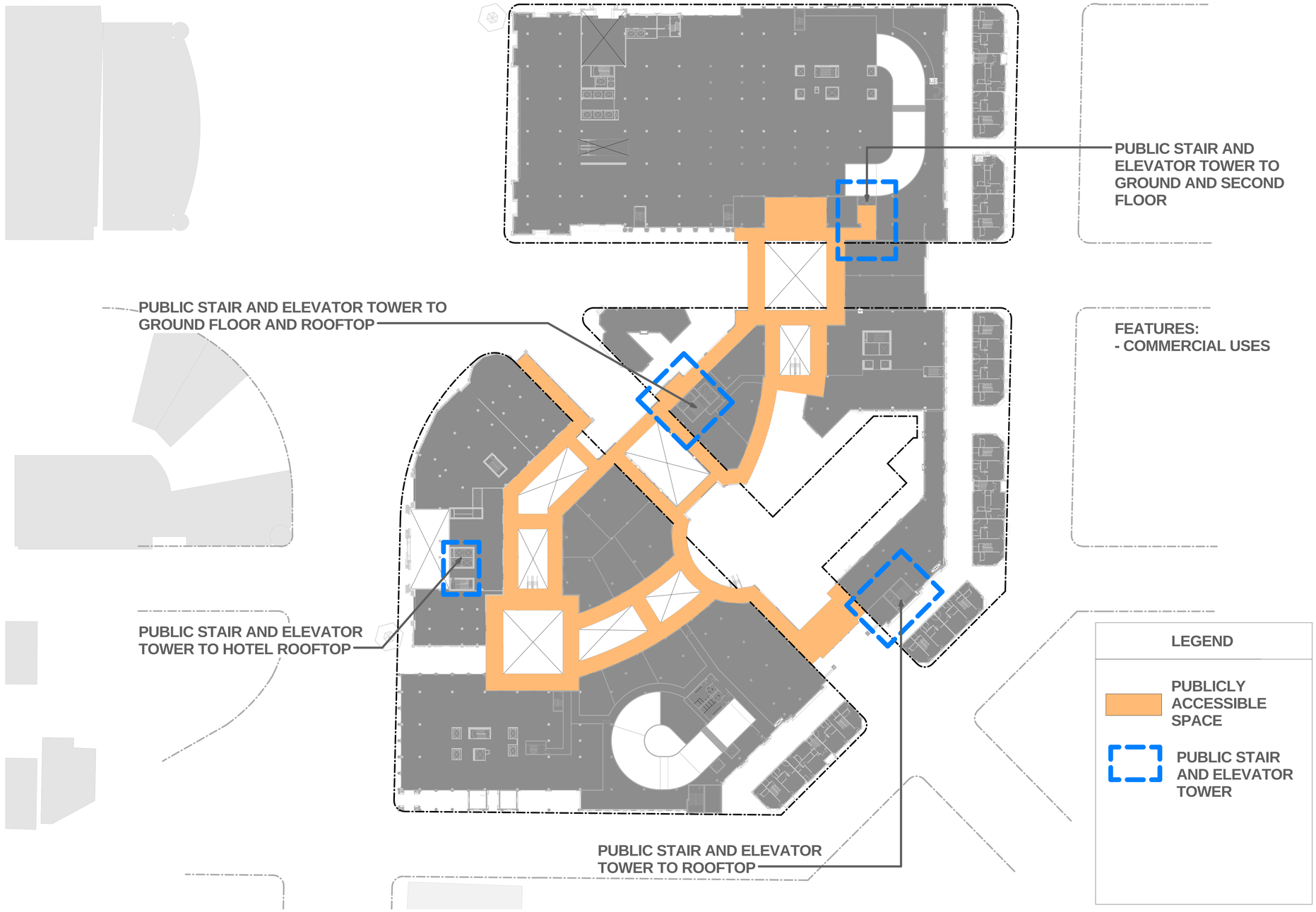
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TITLE
PUBLIC ACCESSIBILITY

NUMBER
A-0.7.7

2014 RTKL ASSOCIATES INC.

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1 LEVEL 02 FLOOR PLAN
1" = 40'-0"

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MEDITERRANEAN VILLAGE at Ponce Circle

CLIENT
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ISSUE DRAWING LOG

SEAL

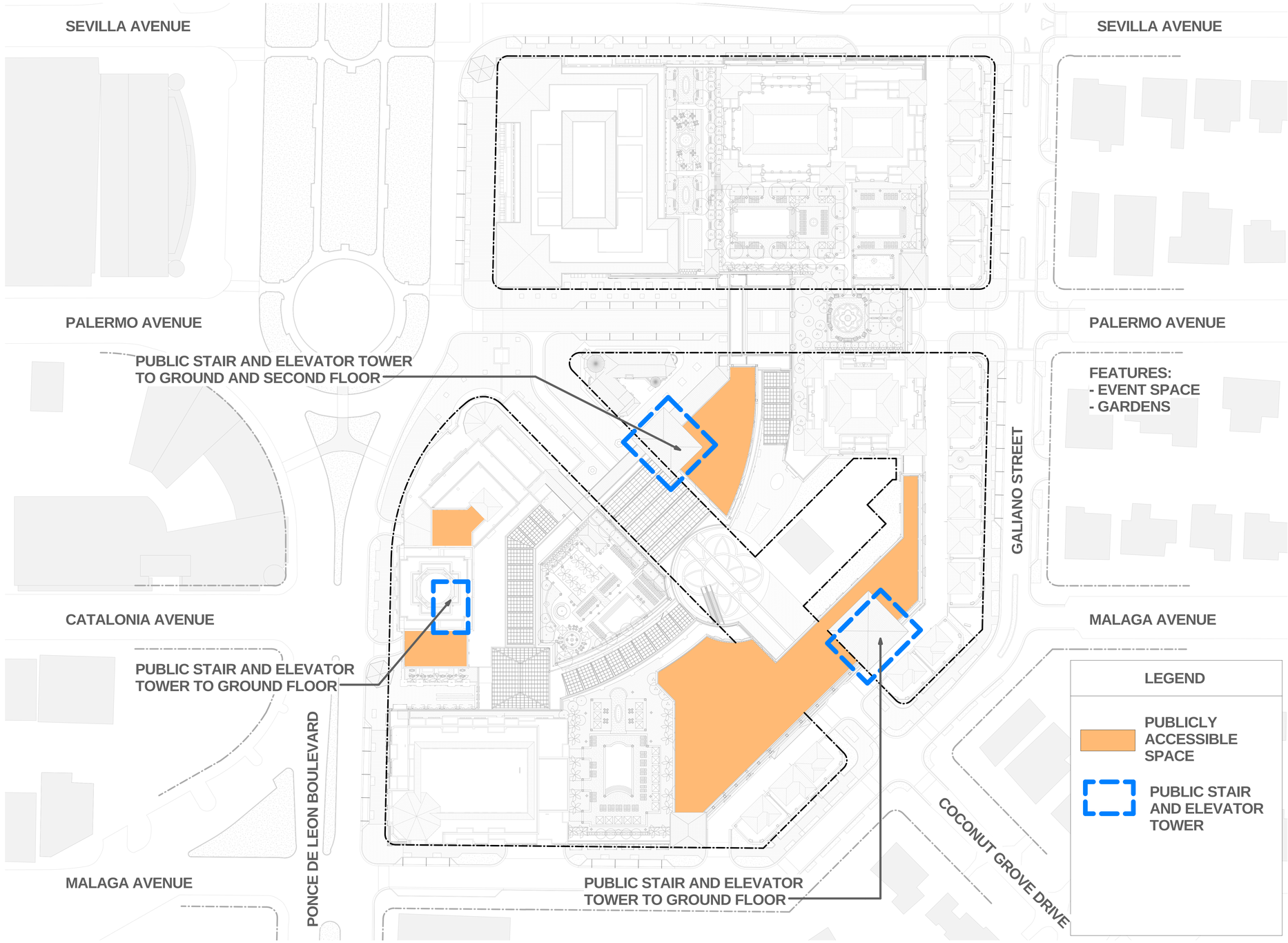
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TITLE
PUBLIC ACCESSIBILITY

NUMBER
A-0.7.8

2014 RTKL ASSOCIATES INC.

TIME 3/19/2015 5:52:36 AM
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1 ROOF PLAN
1" = 40'-0"

NOT FOR CONSTRUCTION

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CONSULTANT

PROJECT

MEDITERRANEAN VILLAGE at Ponce Circle

CLIENT
AGAVE PONCE LLC.
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ISSUE DRAWING LOG

SEAL

SHEET IDENTIFICATION

TITLE
PUBLIC ACCESSIBILITY

NUMBER
A-0.7.9

2014 RTKL ASSOCIATES INC.

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TIME: 3/19/2015 6:53:29 AM

Mediterranean Village Staff Report
Attachment F: Form-Based Code Discussion and Expert Panel Meeting Minutes

On Friday, November 21, 2014, the City sponsored a peer review panel meeting for the proposed legislative amendments to the Zoning Code and the Comprehensive Plan related to the Mediterranean Village project. The zoning amendments follow a format known as a "form-based code." The peer review was designed to provide expert information for use during the subsequent review and approval process of the legislative amendments.

This memorandum provides background information and discussion about policy and planning regulations related to the proposed project, which should be considered during the evaluation of the request. Verbatim minutes of the expert panel review are attached for review.

Applicant's Request

The applicant, Agave Ponce, LLC, is proposing legislative changes to the Zoning Code and the Comprehensive Plan for the area bounded by Ponce de Leon Boulevard to the west, Galiano Street to the east, Sevilla Avenue to the north, and Malaga Avenue to the south, that would:

- Increase allowed maximum height for buildings that provide public amenities at the rooftop, which would allow a public restaurant at the top of a hotel and public rooftop parks at the top of the building podium.
- Limit massing and bulk through town planning criteria instead of Floor Area Ratio (FAR)
- Reduce and optimize parking requirements, through shared parking and enhanced transit service

The Code amendments would also require:

- Enhanced public amenities
- High architectural quality
- Contribution to transit system
- Compatibility with neighboring areas through a regulating plan
- Complementary mix of uses and building types
- Emphasis on pedestrian activity and mobility
- Parking and traffic studies that exceed current requirements

Conventional Zoning vs. Form-Based Codes

The proposed Zoning Code amendment is formatted with a planning technique known as a "form-based code." The applicant is requesting that the City of Coral Gables adopt this new zoning option within the Planned Area Development procedures for the implementation of a complex mixed-use project.

Conventional, or Euclidian, zoning codes are text-based documents that rely on separation of uses and mathematical formulas such as FAR to regulate urban development. Typically, conventional zoning codes do not address urban form and public space. Form-based codes, on the other hand, are illustrative documents that rely on diagrams and illustrations to demonstrate how to shape effective public spaces with pedestrian-oriented buildings.

Both conventional zoning and form-based codes are effective planning tools. Neither is superior nor has unique characteristics in terms of content. However, when choosing between the two approaches, the specific needs of the city or district being regulated should be considered.

When a city's goal is aesthetic and functional excellence for a large scale mixed-use project, a form-based code is more effective because the emphasis is placed on design of buildings and public spaces, coordination among transportation options and land use, and compatibility with the overall vision of the city. Such codes also provide enhanced town planning direction to an applicant and precision for decision-makers, when compared with text-based regulations used in conventional zoning.

What are some benefits of the form-based technique?

- City building is a physical act that involves the artistic shaping of the public spaces. Form-based codes address the form, orientation, and architectural expression of each building to shape public space.
- Form-based codes present land development regulations in a graphic format that is easier to understand.
- Illustrative regulations can be directly applied to architectural drawings for building projects, eliminating a potentially confusing "translation" step from text regulation to architectural drawing.
- Form-based codes ensure a more predictable built result that contributes to the City's vision.

Does the form-based code approach allow more development than the conventional zoning approach?

No. Form-based codes provide a structured format for place-making. They do not necessarily allow more or less development. Form-based codes are content neutral, as are conventional zoning codes; either approach can be used to increase or decrease intensity.

Does the proposed Mediterranean Village Form-Based Code allow more development capacity than the current Zoning Code?

Yes. The proposed Mediterranean Village Form-Based Code allows for the development of a Mediterranean Village project, which is designed to have 4.375 FAR, which exceeds the current FAR limitation of 3.5 outside of the Central Business District.

Can the proposed "Mediterranean Village" be reviewed and approved with current code provisions?

No. Many desirable innovative features are not contemplated by the current Code, as described below. Moreover, although the current Code already contains outstanding regulations that encourage quality development, the proposed amendments implement even higher standards for aesthetics, environmental performance and public space.

What innovative tools are included in the proposed "Mediterranean Village Form-Based Code", which are not currently found in the Coral Gables Zoning Code?

- The **Regulating Plan** identifies specific locations for public space and architectural features that enhance urban form.

- **Building Form Standards** allow for specificity of urban form and shaping of public space that is otherwise not possible with text-based regulations.

- The **General Standards** address innovative urban planning techniques that are not otherwise addressed in the Zoning Code, and that work together to incentivize mixed-use, walkable urban development. Some of these techniques include:

    a. Green building requirements
    b. Transit improvement requirements
    c. Innovative parking requirements
        i. Higher ratios of bicycle parking and support facilities
        ii. Electrical vehicle charging stations
        iii. Shared parking reductions based on professionally acceptable methodologies and approved parking operation plans.

- The **Architectural Standards** present regulations that exceed the requirements of the current Zoning Code and can only be explained through graphic, form-based means.

Is a form-based code an effective tool for the Mediterranean Village PAD?

Yes. The proposed option allows a comprehensive reformatting of basic planning ideas (setbacks, maximum height, design standards, etc.) and innovative techniques that are not found in the current Zoning Code (shared parking, green building, active public space, transit contribution, etc.). Thus, the proposed option provides a clear regulatory environment, which comprehensively addresses a broader range of issues, and adds predictability to the review and approval process for a complex mixed-use project.

Should form-based planning techniques apply to the whole City?

Maybe, at the discretion of the Commission. The proposed amendment is designed only for a large scale Planned Area Development, a technique that many cities have adopted and have found to be most beneficial. However, a form-based code may be well suited for the Central Business District and North Ponce Area. On the other hand, established single family neighborhoods may not need or desire any Code changes. That discussion may take place in the future, and does not affect decisions about the currently proposed option.

Where else are form-based code techniques used?

Hundreds of municipalities across the country have adopted form-based codes, in ways calibrated to their specific needs. Form-based codes have been created for many different purposes, including rural conservation, suburban retrofit, and urban infill. Form-based codes come in many different formats, as presented below. Form-based techniques are intended to refine planning and design regulations very precisely, to respond to the policy goals of a community. For additional examples, visit www.formbasedcodes.org.

A. **City-wide Mandatory Form-Based Code:**

1. Miami, FL: Miami 21 Zoning Code

   Miami 21 has been a very effective tool to encourage mixed-use, pedestrian-oriented development throughout the City of Miami. Miami 21 is a city-wide, mandatory form-based zoning code that went into effect in the City of Miami in 2010. Miami 21 focused on creating street-oriented buildings with pedestrian amenities and entrances along the sidewalk, and parking in the back. Miami 21 also focused on creating mixed-use, walkable "centers" in strategic places throughout the city, in order to protect existing neighborhoods and encourage growth and investment in a unified and strategic manner.
   http://miami21.org/index.asp

B. **Site-Specific, Incentive-Based Form-Based Codes:**

Many municipalities decide to adopt optional form-based overlays or options for particular areas of the city, rather than adopting city-wide regulations. Just a few examples of these types of Form-Based Codes are provided below for discussion:

1. Arlington County, VA: Columbia Pike Form-Based Code

   The code was written to encourage redevelopment along a 3.5-mile commercial corridor. Like the proposed Mediterranean Village Form-Based Code, the code is an optional (or parallel) code, with all of the underlying zoning remaining in place, but includes incentives such as expedited review and approvals to encourage its use. http://formbasedcodes.org/codes/columbia-pike-code

2. Flagstaff, AZ: Flagstaff Zoning Code

   In 2011 the City of Flagstaff adopted an optional Form-Based Code for its downtown and surrounding historic areas. The code promotes sustainable development consistent with the general plan and, through its form-based elements, fosters transit- and pedestrian-oriented infill redevelopment. The form-based code is an optional (or parallel) code with the underlying zoning remaining in place, but it includes numerous incentives to encourage its use. http://www.flagstaff.az.gov/index.aspx?nid=1416

C. **Planned Area Development-Based Form-Based Code:**

The proposed Mediterranean Village Form-Based Code is an optional form-based code that can be applied only to Planned Area Developments within the specified geographical area. This is a common approach that has been adopted by many municipalities and counties, for both infill development and greenfield development. Each example below uses the form-based technique to implement the community's general vision. The proposed code is calibrated for compatibility with the type and quality of development desired by the City of Coral Gables.

1. Sarasota County, FL: Sarasota County Mixed-Use Infill Code

   An overhauled "floating-zone" code was adopted in 2007, which encourages redevelopment of vacant/underutilized parcels to create mixed-use neighborhoods. Developers who want to build under the code must commit to a public workshop process from initial planning stages. The code gives explicit standards for assignment of transect zones and the selection of street and lot types from a pre-approved palette. The county commission approves each regulating plan through a PUD-like rezoning process. http://formbasedcodes.org/content/uploads/2014/02/sarasota-code.pdf

2. Miami-Dade County, FL: Standard Urban Center District Regulations

   The Standard Urban Center District Regulations is a form-based code that provides common regulations for current and future Urban Centers within Miami-Dade County, including Naranja, Goulds, Princeton, Ojus, Perrine, Leisure City, Cutler Ridge, Model City, and North Central. These centers are designated by the county's Comprehensive Plan to develop over time into multi-use districts characterized by high quality urban

design. Downtown Kendall and Palmer Lake Metropolitan Urban Centers have their own form-based code regulations. http://www.miamidade.gov/zoning/library/reports/standard-urban.pdf

3. St. Lucie County, FL: St. Lucie County: Towns, Villages and Countryside

   The code provides explicit standards, including minimum percentages of the land that will remain as "countryside" and assignment of develop-able land into transect zones. Developers must create a regulating plan for each proposed village, identifying specific transect zones while assigning street types and lot types according to prototypes in the code. The county commission approves each regulating plan through a PUD-like rezoning process. http://formbasedcodes.org/content/uploads/2014/02/st-lucie-tvc-code.pdf

What form of professional input has shaped the proposed Mediterranean Village Form-Based Code?

The Mediterranean Village Form-Based Code was cooperatively developed by the applicant and City staff. Staff was assisted by special land use counsel Susan Trevarthen and town planning firm Dover, Kohl & Partners, as consultants to the City. Ms. Trevarthen presented the Form-Based Code concept to the City Commission at a workshop in January 2014, and Victor Dover and Ms. Trevarthen presented to the Commission at a second workshop in June 2014. Over the past year, the consultant team has worked collaboratively to create the proposed Form-Based Code document.

- *Susan Trevarthen,* Special Land Use Counsel with Weiss Serota Helfman Cole Bierman & Popok. Ms. Trevarthen has extensive experience in innovative land use and zoning law and handles land use matters on behalf of nearly two dozen South Florida municipalities. She has been recognized as one of the top land use attorneys in the state in publications such as Florida Trend Magazine and Superlawyers, and she has an AV rating (highest attainable) from Martindale Hubbell. She is a Fellow of the American Institute of Certified Planners and is Board Certified in City, County and Local Government Law by The Florida Bar.

- *Victor Dover,* Principal at Dover, Kohl & Partners in Coral Gables. Victor and his partner Joseph Kohl are pioneers in the creation of Form-Based Codes and they are founding members of the Form-Based Codes Institute. Victor is a Fellow of the American Institute of Certified Planners and he served as national chair of the Congress for the New Urbanism (CNU) from 2010 to 2012. He served on the core committee that established the LEED for Neighborhood Development (LEED-ND) standards. He recently coauthored, with John Massengale, the book Street Design: The Secret to Great Cities and Towns (Wiley 2014).

The Code has undergone rigorous peer review, including an expert panel review held on November 21, 2014. The expert panel included the following leaders in form-based code writing:

- *Elizabeth Plater-Zyberk*, former dean of the University of Miami School of Architecture; principal at Duany Plater-Zyberk & Company (DPZ). DPZ is a local firm that is internationally recognized as leaders in form-based codes and traditional town planning. They are the authors of hundreds of form-based codes, including Miami 21, the city-wide form-based code for the City of Miami.

- *Charles Bohl,* director of the Graduate Program in Real Estate Development + Urbanism, University of Miami School of Architecture. Dr. Bohl is an internationally-recognized author, professor, and expert on place making, community building and mixed-use development, and has done extensive town planning work in Coral Gables over the last fifteen years.

- *Ana Gelabert-Sanchez,* former Planning Director for the City of Miami; Design Critic in Urban Planning and Design at the Graduate School of Design at Harvard University. Ms. Gelabert-Sanchez was planning director for the City of Miami from 1998 to 2010, where she led the Miami 21 rezoning initiative to make Miami a more sustainable, pedestrian-friendly and better-planned city. Miami was the first major U.S. city to adopt a form-based zoning citywide code. Miami 21 won numerous awards, including the American Planning Association National Planning Excellence Award for Best Practice in 2011.

The expert panel shared past experiences working with form-based codes across the country and internationally, and provided constructive comments to the applicant for consideration. Overall, they commended the applicant, the City staff, and the authors of the form-based code for their high quality of work, and expressed support for the form-based code concept in this part of Coral Gables. Key quotes from the expert panel are below, and the full meeting minutes are attached for reference.

- "Form-based code is that method of regulating development to achieve a specific urban form and creating a predictable public realm by controlling primarily the physical form"

- "Having much more specific documents like this is a kind of guarantee of long-term quality and at the same time they provide a certain degree of flexibility for change over time as well."

- "Cities are not static and they are constantly evolving. Codes seem to be static and some of the ways that we have been regulating building, both in the private sector development as well as our approach to public spaces, primarily as engineering, perhaps we have been much more concerned by issues of quantity, perhaps much more than quality, and the form-based code takes us into the realm of quality, not just for private development but for public spaces."

- "The form-based code really imagines the place in which every development effort that is made adds value to the prior or to the next one because they are a coordinated effort and I think that is one of the most important aspects of it, is that there is a picture of public benefit, of increasing benefit for all rather than just focusing on one property at a time, which is really the way codes have been written for a long time. And so they enable individual developers and property owners to understand how they are contributing to the long-term vision of the City."

- "It's important to differentiate this particular form-based code from a lot of others… which in those other [codes] the objective was in many cases to create [a clear path for by-right development approval]. So that if an applicant's project was to merely comply with the new rules, they would not be subject to a discretionary review. That is not the case here…in Coral Gables we have a situation in which this is high-demand real estate and the City can demand the best possible project. And so what happens here is that the City staff and the Development Services Director and Commission hold really important controlling authority over key project specifics and the final approval… This is more of a curatorial approach to the composition of the City, to the great ongoing artwork that is the City."

- "[The regulating plan] says 'shopfront' but it doesn't mean that there are going to be retail stores along every square foot of that frontage. The whole point of the form-based code is its flexibility in use. So it is a frontage condition that is appropriate to that street [but allows for other uses such as restaurants, personal services, and lobbies.]"

- "This is a long overdue new take on the parking standards for downtown… they are some of the highest in South Florida. We have done work for the BID [Coral Gables Business Improvement District] that also proposed shared parking standards and there is work to be done in other parts of the code, but I think this is a particularly opportunistic place in the city to try this out on because the developer is not going to under park their project… so it's a good real-world marked-based test of the stomach for shared parking reform from that perspective. And then I think it could be eventually a standard for other parts of the City."

- "I think the Mediterranean architectural standards are remarkable because they are such a useful guide, as someone who has been attempting to produce building facades using the historical prototypes. I think that just showing what a rich background there is

in the City and how one can learn from it, including all the regulating lines you are showing, the proportions, the symmetries, and the great examples. This would be useful to everyone in the City."

- "So here it is [Mediterranean architectural standards] illustrated and I think this is really at least a 2.0 version for the Mediterranean ordinance and I think it gives a whole better opportunity to produce much better Mediterranean architecture."

Page 1

IN RE: PEER REVIEW MEETING ON AGAVE PONCE
_____:

TRANSCRIPT OF THE PROCEEDINGS

The above-entitled cause came on for hearing before the Peer Review Committee of the City of Coral Gables at 405 Biltmore Way, Coral Gables, Florida.

Friday. November 21, 2014
City Commission Chamber
405 Biltmore Way
Coral Gables, Florida
2:20 p.m. - 4:58 p.m.

- - -

Page 2

APPEARANCES:
BOARD MEMBERS:
MR. CHARLES BOHL
MS. ELIZABETH PLATER-ZYBERK
MS. ANA GELABERT-SANCHEZ
ALSO PRESENT:
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ALSO PRESENT:
MR. VICTOR DOVER, CITY PLANNER
MS. JENNIFER GARCIA, CITY PLANNER
MS. MEGAN MCLAUGHLIN, CITY PLANNER
MR. JOSH BAILEY, RTKL ARCHITECT
MR. DAN FREED, RTKL Architect
MR. ENRIQUE LOPEZ

Page 3

P R O C E E D I N G S

(Thereupon, at 2:20 p.m., the following proceedings commenced:)

MR. TRIAS: Okay. Well, thank you very much. My name is Ramon Trias. I am the Director of Planning and Zoning for the City of Coral Gables and thank you very much for joining us today.

We are going to have an expert panel that is going to critique the proposed code changes for the project that is known as the Mediterranean Village.

As many people know, that project is a very large mixed-use project that requires significant policy decisions be made by the Commission at some future time and this is one of the opportunities that we have to gather public input and also gather basically opinions and views from experts that are among the best people in the field by far in the country that deal with form-based codes.

We have invited a panel that is chaired by Elizabeth Plater-Zyberk who is an architect and is a former Dean of the School of Architecture and is a foremost expert on form-based codes for many, many years. Well, a few years anyway.

Page 4

MS. PLATER-ZYBERK: Thank you.

MR. TRIAS: She has certainly been the top authority in America on the topic.

We also have Chuck Bohl, a professor from the school of Architecture, also a national expert on codes and redevelopment and who has consulted by way of the bid at different times here in Coral Gables.

And we have Ana Gelabert-Sanchez that was the Planning Director in the City of Miami when they went through the development and adoption of their own form-based code, which as many people know was a real breakthrough in terms of codes in America, and I think her experience will be very good to give us some idea about the benefits and the challenges that one has when one decides to adopt this type of regulation for projects this size in a community like ours.

We will have several people speak. After I get done, Susan Trevarthen who is an attorney and is a consultant for the City will remind us of the different meetings that we have had so far to gather public input and to explain the project to anybody who has had any interest in the project and Susan will describe that and tell us what was

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learned and the way that the projects were modified.

And then we have Victor Dover who is the consultant who has prepared the code. He has been contracted by the City. His time has been paid by the developers. So it has been at the cost of the developer in this project.

And again, Victor Dover and his firm Dover Cole is a nationally known expert on codes. They have done codes all over America and I think from my perspective we could not have a better panel to give us advice to allow us to make the right decision.

So without further ado I will ask Susan to give us some description of what I have said so far.

MS. TREVARTHEN: Thank you, Ramon, for that introduction.

For the benefit of everyone in the room, what we are talking about is the area bounded by Ponce de Leon on the west, Sevilla on the north, Galiano on the east, and Malaga on the south and a different way of approaching the regulation in that area than we do in any other part of the City of Coral Gables.

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This idea has arisen and been developed over a series of multiple, multiple meetings and efforts both individually with the applicant as well as in the public and the first time that the City Commission looked at this was back in January when we had a workshop and we presented the concepts of form-based regulation to the Commission.

They were very favorable in their response. They wanted to learn more about it and see the idea move forward.

The project and the staff worked closely together over the following months. We came back to the Commission in June for further input and showed refinement in the design of the project and additional information on form-based coding at that point.

We had Victor on board and he presented some of his initial thoughts on the project.

The project then went through the Board of Architects preliminary approval process. They had a public hearing review of the project back in August and then just recently in, I think it was early in November or late October, they had a second meeting at which they granted their

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preliminary approval.

They will be coming back for the final approval as they do with other projects at the time of the building permit, but that was a constructive process where the board brought insights that were integrated into the project and it was made better as a result of their input.

In between Liz Plater-Zyberk led a different panel of architectural experts including an expert in, quote, "historical architecture," an expert in retail bids as well as Marian Casado (phonetics) on the residential components and we had a half day design panel that also resulted in a number of very favorable suggestions that we are integrating into the project and that are reflected in the design as it exists today.

So that brings us to where we are today, which is the second design review plan panel and the purpose of today is to look at the actual regulations themselves, the legislative decision that will be made by the City Commission of Coral Gables to modify its zoning code to create this option within the Klein Bury Development District (phonetics) to have in this geographic area a form-based code approach rather than the

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traditional Florida related ratio derivative approach to planning the intensity and the rest of the development.

So that's how we got to where we are. We are all here to answer your questions and with this I will turn it over to Victor for his presentation. Thank you.

MR. DOVER: Thank you, Susan. Hi, everybody.

I am going to do a very basic introduction to form-based codes which is important for the record and hopefully it will give people who are wondering what this is all about a chance to open it up and understand the concept first and then in part two I will show how we apply those concepts to the proposed code that we will be looking at in draft form.

Okay. The first question is: What do we mean by form-based coding?

Is it different from zoning? Is it different from something else?

The fundamental idea is this. The land development regulations are organized around the physical development intent in any given place as opposed to being organized around the principal

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land use in that place.
This means that it is better to tap into the modern requirements of mixed-use places. It does a better job of taking into account the fact that the land uses, activities inside a building, may change many times during that building's lifetime.
It also takes into account factors that address that given street corner or public space that will last a lot longer than the building, that house, or that ever changing land use in that area.
It's a way to change the land development regulations to improve with certainty.
I will give you some examples about it, but just to contrast form-based coding with the conventional alternative, as you know most of the time conventional land development regulations are organized around the use. So we have big color coded blocks. We have yellow blocks for residential and orange blocks for multi-family and red blocks for commercial; we have blue-grey blocks for industrial and so on, with the idea being that the local government regulates the land uses inside each of those areas by activity and

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says, Keep those activities apart from one another so as to minimize their impact on one another.
And then within those areas we have gradations in terms of the density and intensity, things that are measured in the residential or in nonresidential situations by ratios.
So what's wrong with that? Well, first the change over time as I mentioned in the beginning. It doesn't do a great job in taking into account the fact that real cities evolve according to the needs of the market and the population over time; and those blocks do not tell us much about how the outcome is supposed to be.
So we cannot tell, for example, whether a part of the map is going to be designed as a place where people want to live or not. We cannot tell whether a bright red block on the map is designed as a place where people want to go and enjoy a meal or buy something, or not and that's because the extractions per acre, for an area the ratio for intensity, means that there is nonflexibility implied in terms of how a design will actually fall on the ground.
So what it attempts to do is regulate very tightly that thing in a modern sense that is

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incidental since most of the uses that get mixed in a place like Coral Gables Mediterranean Village will be good neighbors with one another. It does a poor job of dealing with that.
And it gets very, very strict in terms of trying to minimize those impacts, one thing upon another to the detriment of the quality of the public space.
The setbacks, for example, meaning there is a line drawn on the lot that says that the building has to be behind this line.
Behind this line somewhere, it could be wherever you want, is the implication of that rule, which means we have no way of organizing or predicting the shape of the public space between these buildings that are situated wherever they may be as much of the less satisfactory and less beloved parts of Coral Gables built in the middle of the 20th century show.
Sometimes that means the builder presume you can park down the street for an apartment complex or for a commercial space.
Whereas in form-based code we do away with that requirement for the setback and we replace it with something, which says the front of your

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building has to be in this place because that is where we need that building to shape the public space in this way.
An example on the screen is the same thing as the Florida area ratio. The two examples on the right and left are the same for Florida area ratio, but they are different in terms of their relationship to the street and their relationship to their surroundings.
And that kind of guessing game induces, even though there is strict regulation, it induces a lot of uncertainty into real estate investment and produces a mixed result at best for the quality of life.
So why would we bother changing that? Let me see if I can make that more clear. Here is a sketch a few years old now where it illustrates the street where the buildings are rather intense and they have substantial amounts of parking and as happens when the real estate is valuable, it becomes scarce and it swells to the limits under the rules.
On the other hand, the form-based code predicts what that street should look like when it grows up, where we can actually specify much, much

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more about things like where the parking goes and how it is screened from view from the street or by the space or where the doors and windows will go.

Just to backup, the one that was simply regulated by high setbacks in Florida ratios, a blank wall facing the street.

The one regulated by the form-based code has a requirement for the doors and windows of storefronts have balconies and indications of human occupancy facing the street.

And instead of just guessing about the relationship of one building to another, the one in this example prescribes a pedestal or podium level, probable heights and has prescribed the setback in the building to be taller than that.

So instead of a random mix of buildings that have setbacks sometimes and not others, you are getting something where the buildings all vary. So that's the kind of thing that you can do with form-based codes that you cannot do with conventional.

The form-based codes institute, which we were in, trains people on how to use this technique and has set forward a lot of best practices about how to do this.

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And FDCI's definition of a form-based code is actually worth looking at.

Form-based code is that method of regulating development to achieve a specific urban form, created and predictable public realm by controlling primarily the physical form, and the land uses secondarily through adopted regulations.

The significant thing there is that use and density are still in the mix. They are still a part of what is regulated.

They just aren't the organizing principle around which the code is designed.

They think these three things are important: The form; the use, density, intensity; and management. They are all terribly important to a successful city place.

In conventional codes, use and density take on primary importance and get most of the attention and they are usually the first thing that a would-be investor, a potential buyer of a property or a developer would look at.

And form, while regulated in there through things like setbacks and height limitations, is really of tertiary importance.

In form-based code we turn that around. We still regulate use, density, intensity. We still comment on the appropriate day-to-day management of the place, but form gets the bigger place.

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So these are great slides. Pardon me.

An example diagram of form-based code, again to specify things like where the building goes on this lot and how there is, for example, in the case of a high-rise any kind of prescribed setback where that goes, at what level it occurs.

Form-based codes are used on a lot of other scales as well. The scale of a mainstream building or individual townhouse, not just the tall ones.

Typically form-based codes even go further to deal with the special features that cause the building of a strict relationship with work, like appurtenances and encroachments, especially if there are lower levels that provide for shade on storefronts or protection.

A great many communities have used this technique not just in recent decades, but it's been revived after hundreds of years.

One key concept in the way we organize the form-based code is we come to understand that unlike those big vague blocks, with the form-based

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code we really want to know where we are and then adjust the regulations accordingly.

So know where you are. The form-based code says, Know where you are and plan the master plan of the neighborhood and build that way.

So what that ends up meaning is that the ground of building the street relationship changes as you step up from rural to urban and as we go into the center of town and into the bright center of the metropolis, the buildings become taller, more attached, more mixed. They tend to occupy more of the lot and the relationship with building the street just along with the street design itself.

Quick examples. You probably know the local example used in the now 15-year-old Downtown Kendall, Urban Kendall District, which has a map and it specifies each of the new streets and existing streets and says what type of streets to be created there.

And this color-coded map there, you parcel by parcel know where you are, and then you read the rules to determine the building form.

So actually that has been implemented with varying success in parts of Downtown Kendall and

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you can see it when you compare the map to the golf clubs.

Another example is along the corridor in Northern Virginia, where they were going through the process of molting. They are in suburban form.

This is the old cross-over supermarket backing up to the street. Now, there are few rules for the mixed-use small three-story buildings. They are good rules with new rules to follow.

Usually form-based codes begin with a map of what the place is supposed to be like when it grows up.

In the case of the Mediterranean Village for Coral Gables, the extensive design work that the developers and the architects have done informs the code.

In the same way in a hypothetical buildout, the form informs the regulating plan.

Then you dig into the document and street by street you find a different set of rules.

In another local example, you probably know Downtown South Miami went through a process of revitalization.

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Also the parks are built around a new set of rules and that was partly to deal with the very long-range, 100-year plan for what the place should look like when it grows up and it affected new buildings and it also affected a great many renovations like this one.

This is before and this is after. This one is before, and after.

And it has a map of street types of the one I showed you from Downtown Kendall. One we will see for the Gables.

Their pictures and posters, strict code, passed all the rules street by street.

And the diagrams in the form-based code work much like the key or legend to a map and explain the connection between the rules and the graphics.

And the buildings in South Miami were made following that code.

It should be said that the South Miami code is pretty loose. It's agnostic about architectural style, for example, which certainly the Mediterranean Village as you can see is not.

So let's talk about that.

These are the rough table of contents of

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the code. It starts at the front end with an explanation of how to use it and it ends with things that apply to all of the characters in between.

This is the specific standards that apply in the immediate place. That front end administration has the things that you would expect to see there about how to apply, but the most important in what you have to submit, but the most important component is Part F, I think in that table, anyway.

I think the numbers might have changed a little bit.

That says how to use this section. This is where we describe to the applicant. First you look at the map and determine what street type the land is adjacent to and then they turn to the portion of the code about that street type to read the rules under which they have to do their design for that particular building.

So here is the section on plans.

Part 2 first describes two important maps; one called the street types plan and the second called the regulating plan.

The street types plan is like the ones you

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saw for Downtown South Miami or it acknowledges where you are and build that way, go that way.

So Ponce de Leon Boulevard, for example, has a different set of rules culled out by the dark purple or dark blue-grey on the map from, for example, Palermo, for Coconut Grove Drive; and a different set of rules applies on Galiano.

The second plan is the one that specifies on the map in key ideas like where here is to be continuous shop or retail frontage.

Those two lines are indicated there where there is a special feature that helps in the composition of the city scene; places in terms of a vista or architectural treatment in a given place. Those are culled out on the map.

Certain frontages are required to have an arcade. Others find it is merely recommended there.

Okay. You get to the next part of the code, the building form standard. First you summarize. SO all of the numbers are on that chart and then the first street called Signature is also Ponce de Leon Boulevard.

The next called Plaza is a special public space, a shared place, where Ponce de Leon meets

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the place they describe.
Then we have the downtown street type.
Under each, first there is a section on heights and architectural appurtenances. Then street dimensions and lastly building dimensions.
The next section, what I just showed you in the summary chart is actually explained much more graphically. Here the dimensions are on the drawing itself.
You can find, for example, "Build two line section in plan."
In the building standards street by street we also deal with the fundamentals, not the tiny details but the fundamentals of the essential street type and the street design.
Here is the one for the townhouse street. Just as an example, where the Signature Street dealt with the very tall building, the townhouse street deals with the lower scale where it meets the Presidential.
Am I oversimplifying?
Then there is a section, both written and graphic, general standards that apply to all sites. This has requirements, basic requirements for eligibility. There are the requirements for

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density in order to be consistent with the City's conference of plan.
And then how the Mediterranean bonus concept is applied here, differently than in the rest of the downtown section.
Mediterranean amenities. Where vehicular access is to occur.
There is a special section on a Pure feature of this project, which is the bridges over public rights-of-way, and another special requirement for activated rooftops, basically allowing for rooftop gardens in public space to help achieve a minimum obligations in that regard that apply to this development.
The last section, Section 5, is on architectural standards. Just a brief statement of intent in the beginning and then a primer on Mediterranean architecture.
This is created using a series of newly drawn and historic drawings that are explicated to basically put forward what the basic requirements of this architectural form language are and it deals with proportion, it deals with the fundamental building components one by one, and with materials.

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These are example pages from the architectural standards showing, for example, arcades and loges or columns and railings.
At the very end is a set of custom definitions. So the terms we use in this form-based code might be used differently here than elsewhere in the City's land use regulations or in common parlance and are defined for the purposes of this code.
Just one page, not that many of them. In every case where it seemed appropriate, we stuck with the definition that the City of Coral Gables applies.
So that is the summary of what we have got so far and I turn it back to Ramon.
Ramon, you can turn back to any page and I have a copy of the code on the screen.
MR. TRIAS: Thank you very much.
For all of you who have not had a chance to see it, there is a document that is the draft code that the panel will be reacting to.
And just to summarize in a couple of seconds what are some of the advantages of this document is that even though Coral Gables has an excellent zoning code, outstanding in its content

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and it has created many wonderful buildings, this code has some additional requirements that I think would make the code much more effective and much better as it applies to this project, such as a regulating plan, such as building form standards, such as the general standards that Victor was talking about, which included shared parking. It includes green building requirements.
None of that is in the current code.
And finally, the architectural standards that are in the current code are based on the requirements of the existing code.
However, in this document they are explained finally with proper graphics and useful information.
So I will let you lead the discussion from now on and you are the chair and any way you want to do it, that's okay with us.
And, Victor, will be able to respond to questions and we are all here.
At some point if there is any need for public opinion, at your discretion you may allow it.
MR. DOVER: Jennifer Garcia, who worked very hard on this, is also present and there are

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probably some revisions that I have missed that she knows about. So I will also relying on her to help with answering questions.

MS. PLATER-ZYBERK: Thank you. Thank you, Victor, and thank you, Ramon.

That was, I think, an excellent explanation of what I found to be an excellent document and I understand that our role is to explicate it further, critique it, ask questions that others might ask as well in the future about specific aspects of it or its use.

And I would start with one question myself, which is probably a question for Ramon.

As I am, of the three of us on the dais today, I am the one who has seen the project to some degree in detail before this.

Do you want us to be referring to it as well as just as a code by itself?

MR. TRIAS: Yes, you should. You should refer to the project.

It's going to be reviewed as a process at the same time as the code review. So that would be very helpful.

MS. PLATER-ZYBERK: And so one thing that we might start out with is just a few comments

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about why one would go to the length of developing the whole project to be to the degree of design as we see it in these kinds of drawings before us as well as the additional regulations to speak specifically to this part of the city.

And I would point out a few things. One particularly important one might be that projects evolve overtime, owners evolve; and what may initially be presented as an intention of both intensity and form, how dense something is, what its uses are, and what it will look like change drastically over time within the kind of typical zoning regulations that typically set them forth.

So having much more specific documents like this is a kind of guaranty of long-term quality at the same time that I think, as Victor pointed out, they provide a certain degree of flexibility for change over time as well.

So although, Victor, you did a very thorough explanation of form-based codes and this one, I thought I might add a few comments to that just to round out the picture, the bigger picture.

And so I would start out by saying that in the manner that I just illustrated, cities are not static and they are constantly evolving.

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Codes seem to be static and some of the ways that we have been regulating building, both in the private sector development as well as our approach to public spaces, primarily as engineering, perhaps we have been much concerned by issues of quantity, perhaps much more than quality, and the form-based code takes us - although as you pointed out accommodates quantity issues - and takes us into the realm of quality, not just for the private development but for public spaces.

So as we reach the limits in our part of the world, sometimes it seems we are reaching the limits of road capacity, we want to make walking places, places that are walking friendly, transit friendly, that encourage people to use other modes to get out of their cars and that requires quality of placement.

The FAR codes or most of the codes that are in place, let's say since World War II, FAR is a 20th century, mid 20th century invention, are quantity predictable and they have brought us to where many cities are today, which is developing largely open land or downtowns that were not fully developed.

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And the form-based codes bring us to a point of or the goals of quality where the prior codes were kind of hit or miss, unpredictable, and generally did not or do not - many of them are in place - deal with coordinating individual efforts of development.

The form-based code really images the place in which every development effort that is made adds value to the prior or to the next one because they are a coordinated effort and I think that is one of the most important aspects of it, is that there is a picture of public benefit, of increasing benefit for all rather than just focusing on one property at a time, which is really the way codes have been written for a long time.

And so they enable individual developers and property owners to understand how they are contributing to the long-term vision of the City.

Something that Coral Gables has had since its beginnings is a long-term vision, but may not have been quite as specific about its downtown.

Now, interestingly enough, I believe some of the early height limits in the City were dealing with the width of the road or the street

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in front and so I would propose that this kind of effort builds on the historical beginnings even though perhaps they could not envision the density that we have today.

And that brings me to another point, which I described in the introduction I wrote for the first book that describes form-based codes, the book by Dan and Karen Gurlick (phonetics); that there are essentially even in the youth of these codes, because in our time they are fairly new, two types. There are the form-based codes that are street based and those that are building-type based.

And ultimately a good form-based code will deal with both issues, but it may take its initiating cue based on whether the regulations are reacting to the street as Victor primarily has shown in Downtown Kendall and as this code, I think, was initiated and secondarily to building type.

Miami 21, which Ana and I worked on, both grew out of building type concerns, which had more to do with the underlying building code of that city and in the end they do relate to the public spaces of the streets.

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So this is just a way of adding background to Victor's basic "intro" and I hope it doesn't just add to the confusion.

MR. TRIAS: Thank you, Liz.

Let me ask a question and try to help a little bit perhaps. Can you give us an idea of how this particular code would compare to the way Miami 21 was developed; the similarities, the differences, the challenges.

And maybe Ana could also help with that.

MS. PLATER-ZYBERK: Do you want to start with it?

MS. GELABERT-SANCHEZ: Yes.

MS. PLATER-ZYBERK: Well, that was the beginning, to talk about the difference, which is that Miami 21 is based on the smart code, which is a template for form-based coding, which was developed by members of the Congress of the New Urbanism and other organizations in recent years and it really does deal with categories of intensity or density.

Using the projection that Victor showed you, it branches from more rural or let's say less dense in Miami to more dense and it takes some of the aspects of the old code into that range

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according to what kind of buildings would be built, whether buildings are freestanding like single-family houses or duplexes, or whether they are partly walled buildings like townhouses or even high-rise buildings without setbacks in Downtown Miami.

So it's really building-type based and that is the main. Of course, it covers the whole city. It doesn't have the kind of specificity that you do on this site, where you really can delineate the different types of street that your regulating plan does.

But Ana might add to that.

MS. GELABERT-SANCHEZ: I guess building on what Liz said, I am excited as a planner and as a resident of the City of Coral Gables that you have moved to taking this step to a form-based code.

Clearly, working on Miami I think for many years we have strived to get the walkable city that we all envision and I am a firm believer that the form-based code is the mechanism that allows us to do that and yet provide flexibility on the development program.

In Miami it was for the whole city. So like Liz said, it probably was not able to

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regulate it as, Victor, you have done in yours; I mean that you have been able to put.

But I think what we have been able to do, which was a challenge, but something that was a step for Miami, it was because it was for the whole city that we were able from form-based code to create those types of uses of the transit that Victor described.

So I support it and I am excited in seeing that it is coming to Coral Gables.

I do have some questions and I am not sure what would be the way. As I am looking at the program, there is one thing that is mentioned and that is the renderings may change because the project may change.

Is the code the one that will maintain the guidelines if the project changes; that the architect will come back or the City will have review of the documents, correct?

MR. TRIAS: The code clearly has very strict requirements in terms of the quality of the architecture, the type of buildings, the location of buildings, et cetera, et cetera.

What has changed in the project every time that there has been a public meeting is that the

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very good suggestions that have been proposed have been incorporated and, for example, the bulk of the project has been reduced somewhat.

Some of the locations of certain building zones have been moved, et cetera.

However, it's opened within the envelope of the form-based code and I think that the form-based code has a very good regulating plan that deals with the streets, the street types, but also it has the building form standards that are seen here in this illustration that are very, very detailed.

So from that point of view, I think that what you see is very much what the code requires and something else will not be allowed.

So it's very clear that whenever the Commission decides to consider this project, they know that that is what they are looking at; that nothing very different is going to be proposed.

MR. DOVER: I will add to that. It's important to differentiate this particular form-based code from a lot of others that we have done, which in those other projects the objective was in many cases to create crystal clear as a bright path to production.

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So that if an applicant's project was to merely comply with the new rules, they would not have to be subject to a discretionary review.

That is not the case here. That is a very appropriate move in reform to put in place where there is limited development pressuring and where there are clinical sites and not merely development.

And in Coral Gables we have a situation in which this is high-demand real estate and the City can demand the best possible project.

And so what happens here is that the City staff and the Development Services Director in particular heads the Commission and holds really important controlling authority over key project specifics and the final approval.

So this is not a case where we are feeding a dying patient adrenaline and trying to wake him up. It is not that.

But this is more of a curatorial approach to the composition of the City, to the great ongoing artwork that is the City.

And here, because it's a site of incredibly high importance, the City is not doing this just so it can turn a key, let go, and walk away from

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discretionary view.

It's holding onto those controls.

And so why do this? Because this provides the instruction manual for that review.

MR. TRIAS: Very few cities can propose architectural regulations at this level based on local examples from the history of the place, very few; and this one is one of those very few.

In fact, the current code has all of that already in it. So it's not like it's a new idea.

And, in fact, the form-based code has many form-based code notions in it. What this is is just an improvement of those ideas that are very good and hopefully of the highest level. I mean the aspirations are the very best form-based code for the best projects.

MR. DOVER: We are not saying that the City will approve a project it doesn't really like and then say, "It's not my fault. The code made me do it."

That is not what is going to happen.

This remains a very strict application by application review.

MS. GELABERT-SANCHEZ: Like I said, I am the biggest proponent of form-based codes and so

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the question is more to make sure that it happens and it continues.

MR. DOVER: Good question.

MS. GELABERT-SANCHEZ: So those are the questions.

In looking at it, I looked at the regulating plan and then the question I had was again to follow up on the presentation and the desires to taking the step to form-based codes and having you draft them is: Why?

In Cutler Road Drive and Palermo, it seems that it doesn't have the same. It doesn't say shop frontage. So I think that would be one.

And my question is, I guess, to the requirement of the commercial, which I see in the plan which I think is great, but I am kind of going back to the regulations and would that be something that the development service director, planning director would have the authority to say, "This is a requirement"; that the use of the ground level be commercial, of having the space as we did. So that was one question I had.

MR. DOVER: I can speak to the intent behind the draft and I think Ramon might add how he sees it unfolding should a different idea

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emerge inside or outside of City Hall.
MS. PLATER-ZYBERK: We've heard you. So let's say that we take the moment now to address the plan in that manner and then we will move on to the other sections later.
MR. DOVER: Sure.
MS. PLATER-ZYBERK: So we have begun by looking at the plan.
MR. DOVER: Okay. The idea that the storefront retail requirement is in some places but not others, first doesn't mean you can't have storefront in the other places. It just means it is not required. That is the first one.
And the thought was that these are the places, the Signature Street and the plaza are the public spaces which will rely for their success most on continuous storefronts.
So it's not to prevent it from happening in other locations that are shown as options.
It did seem important to keep a continuous retail frontage theme along the high street and the plaza to avoid long gaps between doors or long gaps between transparent sides and to encourage more permeable interaction between the sidewalk space and having the space on the ground floor.

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So this relates to another thing here. There is permission here for second floor retail if the architect feels that is something that they would be contemplating.
It is highly unusual. It doesn't always work out in the way it is intended as we know.
It does work sometimes in some situations. It doesn't work every time.
So here we are allowing it, but we are not requiring it.
MS. PLATER-ZYBERK: But let me follow up on that because I think what you are pointing out is that there are probably streets such as Galiano, the street that faces the residential neighborhood where you would not invite shopfronts.
MR. DOVER: Right.
MS. PLATER-ZYBERK: So there may be a shopfront optional that should be here.
If you are saying that there are places on -- well, if Coconut Grove and Palermo could have shops, that is not clear.
MR. TRIAS: Okay.
MS. PLATER-ZYBERK: Right now it's on or off and maybe there is ---
MR. TRIAS: Right now the requirement is

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this black line right here and that is what you are saying; that maybe it should be a little bit more.
MS. PLATER-ZYBERK: Right.
MR. TRIAS: Right.
MS. PLATER-ZYBERK: And if you don't want to require it for various reasons because we are always being accused of asking for too much retail at the ground level, at least it's optional and it's clear that where it doesn't show, it's not going to happen.
MR. TRIAS: Yes. Where it doesn't belong is on Galiano because that is a residential area and that's where they are proposing the townhome. So that to me is a clear distinction, but the other one is a little ---
MS. GELABERT-SANCHEZ: Yes, I think on Galiano you understand perfectly even for the residents on the other side, they wouldn't want it. So that I understand.
I guess the issue was raised and I think on Ponce de Leon it would look great to have it. I mean, I can visualize it in looking at the drawings and I am just wondering can we have a little bit of that great thing that you are doing

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for Ponce, to be able to bring it into Palermo and Coconut Grove Drive.
So as a requirement it could be and I know we struggled with that at Miami 21 and instead of saying we can have habitable space, it's just to make sure that, in fact, the project does have turning some of the lights on; you know, that the project is -- I think where am I coming from is like I said at the beginning. I commend the City for doing this form-based code and to do it at this scale.
I wish it would continue throughout the City, but precisely for that is to make sure that it doesn't become one development but it actually does that kind of design that we are trying to do; that every street becomes walkable and that's my concern.
MR. DOVER: I want to make sure we are clear.
Look at Page 3.11 in my draft and it is probably the same page numbering on yours.
This is the downtown streets category.
MS. PLATER-ZYBERK: Which is what Palermo and Coconut Grove are.
MR. DOVER: And so if we looked at that,

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the street type map, that's Coconut Grove Drive, Palermo, Malaga, Sevilla.
And then on that spread that looks like this (indicating), I will just zoom in on that.
MS. PLATER-ZYBERK: 3.10 and 3.11.
MR. DOVER: The developments that are allowed include shops. So it is simply not mandated.
MR. TRIAS: The distinction is that the regulating plan really mandates in a very, very fine level of detail and your question is how much of that should be clearly mapped when we are doing the planning.
Certainly it's allowed. It's allowed in the code and that is the issue that we need to talk about.
On another topic that is really important, which is the question of citywide versus small area, certainly citywide applies.
I mean the reason why we are dealing with a small area here is because we are dealing with one project, but the principles and the ideas can be applied to other locations in different ways.
The location that according to the transit and with the right regulations.

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MR. DOVER: So when you look at the townhouse street type, for example when you look at that same component, so now we are looking at Galiano, that list does not have shopfronts. So that is Galiano for comparison.
MS. PLATER-ZYBERK: And the concern is that whatever is built is habitable space. When we look at this, at diagram on 3.10 and 3.11, you are showing the cars above on the first two floors. So does that ---
MR. DOVER: Which page? This one (indicating)?
MS. PLATER-ZYBERK: 3.10 and 3.11. Are we saying that those first two floors, whether there is an arcade or not, it will be habitable?
MR. TRIAS: Yes. Right.
MS. PLATER-ZYBERK: Okay.
MR. DOVER: That's right. So maybe here you can see the cross section through the parking.
MS. PLATER-ZYBERK: Because parking placement is third through seven.
MR. TRIAS: Can you move it up so we can see the underground also?
MR. DOVER: Yes. Sliding that up, there are a couple of lots of parking underground that

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are envisioned. They are considered optional.
MR. TRIAS: So it's very clear that the habitable spaces - and maybe we need to qualify, perhaps.
MR. BOHL: I think this is a good point of clarification for the audience and other people.
This says "shopfront," but it doesn't mean that there are going to be retail stores along every square foot of that frontage.
The whole point of the form-based code is its flexibility in use.
So it is a frontage condition that is appropriate to that street and if we are talking about, you know, where retail would like to be in the creation of an active retail environment, of course that area where you also have the shop frontage around the historic building and the plaza, that obviously has potential to be a very nice focal point for the project.
And the frontage that continues along the corridor on Ponce Circle Park has great potential for that habitable space to be engaged with that public space.
So I think the major point is that there is flexibility within this shopfront.

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MR. DOVER: There is flexibility and there is not flexibility.
The Ponce frontage and the plaza frontage are required to have storefronts with shops and restaurants.
MR. BOHL: Shops and restaurants, not just stores.
MR. DOVER: So that is continuous storefrontage.
That is what that black line is for.
MR. BOHL: And when you get up on the park?
All I am trying to say is that people should not read this as just retail shops; that you can have restaurants, you can have cafes, you can have a whole variety of things along this frontage.
MR. TRIAS: And I think one of the things is that it also says, "Parking placement, third to seventh floor."
It's very clear that you are not going to have parking on the first and second floors and, if it is not, we need to make it a little more clear and that speaks to the activity that is expected.
Maybe we need to talk a little bit about

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loading also. In this particular project, all the loading takes place underground, but maybe we need to make sure that it is very clear that it is not going to take place along the frontages.

MR. DOVER: The black line does mean commercial uses.

MR. BOHL: Right. So your point is that if there is a hotel on one of these corners, the frontage will either be a restaurant or a shop or a cafe.

MR. DOVER: Or a hotel lobby or a bank or something nonresidential.

But they are required to meet the door spacing requirements, which is going to militate for street-oriented retail and restaurants.

MR. BOHL: But this is the distinction between use and form, where you have more flexibility on the use.

MS. PLATER-ZYBERK: So let's see what other questions we have on the regulating plan because I am sure we have some and some of our questions are probably just because we read this once as opposed to many times and so some of our questions may be because of just not knowing.

MR. BOHL: I have one under signature

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terminated. You have identified one, but you could arguably say a couple of the other corners here are very significant, potential signature business.

MR. DOVER: To answer your question, that one is considered special because of the long access that terminates and that one, the one with the red box, showing you where it is (indicating), is allowed for its type. So.

MR. TRIAS: Yes, let me clarify. That is significant because the City wants you to make your main bonus, but to fulfill their requirements you can go up to 190 feet, six inches, plus some architectural embellishments on top.

That's basically one of those black-and-white rules that have been in place for a while.

So this project is asking for additional height in one, in one building, which is the hotel. So that is the reason for that.

MS. PLATER-ZYBERK: So if we were to pick one, where would it be? Is that what it comes down to?

MR. DOVER: On access with University.

MR. TRIAS: Right, and Ponce.

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MS. PLATER-ZYBERK: And Ponce.

MR. TRIAS: And the choice is based on town planning criteria and overall design.

MS. PLATER-ZYBERK: Well, it's the one that terminates the most vistas.

MR. DOVER: There are lots of them.

That one is really significant for the composition of the City.

MS. PLATER-ZYBERK: So here is an item that I might have missed somewhere in the text. The property that is not included, I wonder if there should be a statement somewhere that says that any property that is not included would be subject to continuous adjacent or abutting regulation at such time that it might include or develop.

Is that something you probably discussed?

MR. DOVER: This has come up a lot in the last few months.

MS. TREVARTHEN: That's a property that currently is designated as residential, although it does have the commercial zoning, and that is the intent; that it would continue until the condition is ready to change.

Certainly, by my memory, we don't actually have that statement in here. It's just a

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recognition of their existing rights, but we could consider that.

MS. PLATER-ZYBERK: So I will tell you where this is coming from because we have been working on a special relation for the design district and property ownership has gaps in it and questions have come up: What happens to the gap when it is ready to go?

And, you know, it is related to the infrastructure improvements out front, but also does that person have to come in and provide their own parking requirement and, you know, back according to the old code or do they come in?

MS. TREVARTHEN: No, the concept is when there is going to be a change, if there is going to be a change because that is not the intent of the current property owner, that it would come into conformance with the overall scheme here.

MS. PLATER-ZYBERK: So my suggestion is that somehow if it's possible, if it's legal to put that in here, that some statement be made about it just to clarify the intention because later on a city staff may find itself without the recourse to be able to do that.

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MR. DOVER: Right now it is not inside the boundary of the newly created district.

So the thought occurs to me that at any time the boundary is changed, whether it is changed by adding that property in someday or changed somewhere else in order to make it similar for the like, then the statement might be that at anytime the boundary is amended with the intent to extend --

MS. PLATER-ZYBERK: Or to include.

MR. DOVER: -- the similar regulatory requirements onto the newly incorporated parcels, that ---

MS. PLATER-ZYBERK: So I think we should leave that in your hands. It could take the rest of the afternoon to figure that out.

MS. TREVARTHEN: Okay.

MS. PLATER-ZYBERK: And you would probably want to look at, well, what if it crossed the street in one direction where people would not want it to? You need to figure out how to do it, but you probably should include that.

MS. TREVARTHEN: It's a good comment and we will follow up on it.

Obviously with what Victor has said, if and

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when that moment came, the test for compatibility and what is desired is, of course, defined by what surrounds it.

MR. DOVER: So in the most hopeful of scenarios, this works very well. So I can imagine either newly regulated areas being founded and new maps added to reflect those areas or the area extended in any event with or without the nonincluded parcel.

MS. PLATER-ZYBERK: Anything else on the plan?

Before we move on to one more thing, I want to give my colleagues a chance to comment.

(No response)

MS. PLATER-ZYBERK: So the one other question I had at this point, and others may come up as we go through the text, is that the permitted upper level bridge, while most other things like the streets and with the shopfrontage and the arcade and so on are described more clearly later in the texts, the dimensions of the bridges I think is mentioned once.

I guess it is not correct. It doesn't need to be in the plan, but that is where I first noticed it and now I am thinking that I did see

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it.

MR. DOVER: That is in Part 4.

MS. PLATER-ZYBERK: Under "General Standards."

MR. DOVER: It's 4.4. Section N as in Nancy.

MS. PLATER-ZYBERK: 4.4.

So you do have a dimension for bridges?

MR. DOVER: We do and it's quite tight.

MS. PLATER-ZYBERK: And so I guess that is perhaps a question to ask relating this code to the design.

MR. TRIAS: Yes, and I think that is probably one of the biggest issues that town planning practices would discourage; that crossing over the street and so on; and the developer and the applicant believes that it is needed for a variety of reasons.

There is one reasonable explanation, at least the way I see it, which is the second level retail, it makes sense to be able to cross.

Now, once you go to the upper levels, what we have mostly in this project is parking and that has to do with creating some connection with different areas of the project for parking and so

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that is the developer's choice and I think that what would be useful is for your opinion on how that would work best and what would be the ideal scenario.

There are other projects in Miami that have been approved with comparable ideas.

So basically, yes, that is one of the issues that I think the code is a little bit less clear on.

MR. DOVER: The key paragraph is the last one or the key sentence is the last one in the first paragraph: "Additional upper level bridges and/or those that are wider than ten feet on those multiple stories may be allowed, but following approval from the City."

It did not seem appropriate to us to lock in as a right a compromise on that, the importance of it.

MS. GELABERT-SANCHEZ: I don't understand why the upper level bridge.

I think it goes against the form-based code and against everything else that you have been doing in creating the walkability in such a small area as we said and there is not even -- well, it's not U.S. 1.

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I think I would recommend that the bridge is not there.

I think if you are trying to create the walkability, if we are trying to as we were having a conversation just a few seconds regarding the use on the other streets, on Coconut Grove and Palermo, it seems that if you are putting the habitable space and creating that people are actually going to be walking, creating what we are promoting, what you are promoting, I think a bridge would go, as I understand it and I think as you just explained it, I think it goes against the principles. That would be my comment on the bridge. I think it is wrong.

MS. PLATER-ZYBERK: The reason being that it takes away from the life of the street.

MS. GELABERT-SANCHEZ: It would take away the life and if we are trying to promote something on the ground level, why would we want to cross on the second level here; the second or the third or the fourth.

I think what happens on Coconut Grove and what happens on Palermo, the people should be there. There is no need to have someone crossing above.

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MR. TRIAS: Okay. Why don't we get the applicant's perspective on this?

MR. GARCIA-SERRA: Good afternoon, everyone. Mario Garcia-Serra. I am the land use attorney for the project and I am joined here by Freed Fried, our project architect from RTKL.

And as you can see, it's been a very collaborative process between us and the City. It's been three years in total that we have been discussing this project and working on this code and indeed I think, you know, on ninety-nine percent of the issues we have agreed.

There is maybe one percent, with this being one of them, as to why we have sort of stuck to our guns and felt strongly about it.

And I will ask Dan to sort of give his experience in retail development and talk about what our thinking was behind these bridges in particular and why we need them.

MR. FREED: I think there are two issues involved with the crossing of Coconut Grove and Palermo. The first issue is the retail level that occurs on the second floor and it is critical in my experience that for that second level to be successful for that pathway or pedestrian path to

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be contiguous through all parts of the project.

So we are really creating a dumbbell scheme, if you will, that is generated by a loop or the circulation of the retail of the level one and level two.

We are trying to connect the north side, which has a major anchor on the north side as well as a smaller anchor on the south side.

In order to do that, on the second level we feel very strongly that we need to frankly not only connect it on a pedestrian scale, but also to have shops wherever possible so that it is not just a pathway crossroad, a retail contiguous storefront; that the shopper has an opportunity or sees a break in that storefront, half the time it means the shopper is not going to continue across the street and so we have been attempting to keep it as contiguous as possible.

From the standpoint of upper levels crossing over both Coconut Grove and Palermo, we only do that with parking and with the potential of cinema that is on the top of the parking.

From the standpoint of the parking diagram, it's next to impossible to get that parking to really function in a reasonable manner because of

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the size of the lots and where we are restricting parking to occur, not filling the entire footprint of each block with parking. We only fill the north block with parking above the retail.

We are trying to eliminate parking on the middle block and on the south block, but in order for those to function it's critical that you are able to drive across those upper levels.

Just from the standpoint of the parking functioning, we think it's critical whether it is below grade or above grade that it is contiguous.

So we are able in the current diagrams to enter parking from any of the locations on grade. You are able to go below grade, to a below-grade level parking that exists.

Once you are in that parking diagram, if you will, and you don't find a space for low grade, you are able to travel up without, through the ramps that exist in the layout and you don't have to go back out onto streets in order to get to another block or to get to above-grade parking.

So it's a matter of just functionality and continuity that we feel it's very critical for this to function with the retail.

Mario introduced me, but I am Daniel Freed,

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RTKL President here in our Coral Gables office.
MR. BOHL: Are both levels of the bridge as conceived enclosed or is the one on top open air?
MR. FREED: The entire project is open air from a retail standpoint.
So we protect it where we can with glazing that shields the shopper from wind and rain, but it's all open air condition.
MS. PLATER-ZYBERK: The bridges are air-conditioned?
MR. FREED: I'm not saying that. None of the retail environment is air-conditioned. It's all open air.
MS. PLATER-ZYBERK: So if you could make a successful second story of retail, I think the bridges are not the -- and I mean it's much related to their design, the pedestrian bridge especially if the stairs were in the street, you seem to have escalators. I don't know if they are on street level at the streets.
It is not detrimental to the street environment, the pedestrian environment of the street.
What I worry about actually is the parking that is thick and high and so it goes up to the

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seventh story, I think, and it is several -- well, it's a wide tray of parking.
If that was just driving, I think as we have in downtown, and there is at least one in Downtown Kendall that is not so bad, the multiple stories makes it trickier.
But I think that the undercroft in Merrick Park where there are deep bridges of building over the driving circus and really they have stopped being retail frontages. Those are just blank walls.
I think there are restaurants back there that are set up to be able to look out, but really it's hard.
They have made it as beautiful as possible, but I think they are not terribly positive contributions.
MR. FREED: I don't know how well they were in making them beautiful, but I seem to remember a conversation, a very similar conversation with the board of architects, and what I tried to reinforce during those conversations was that at Merrick Park those alleys, if you will, that allow you to get into the project that are quite covered and while attempting to function as retail are not

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inherent to the retail diagram. So the retail diagram is really about a large circular mood.
And where we are extending over Coconut Grove Drive and where we are extending over Palermo, it's inherent to the pedestrian path and integral, if you will, to the retail diagram.
MR. BOHL: How high is the passageway below the pedestrian?
MR. FREED: Both areas vary, but one story high about sixteen or seventeen feet.
MR. BOHL: That is part of what doesn't feel so good at Merrick Park, is the passageway coming into the street underneath feels very low and dark and dense.
That is why I think the restaurants have struggled there.
MR. FREED: I think it's poorly lit and it's poorly scaled in the sense that through recommendations from peer review that Liz shared previously and through conversations with the Board of Directors of Planning and Zoning, we are doing some detailing in those areas where we are actually creating arcades and changing the proportion of that opening so that, yes, there is a similar scale of height to it, but the

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proportions are much different than you see at Merrick Park.
MS. PLATER-ZYBERK: So you have reminded us that I brought this up once before and perhaps we don't need to spend a lot of time on it.
I do feel that it is a quality issue and there is perhaps what we leave the City with is that there is a discrepancy between the intention of the code or even the writing of the code and the project; that it is guiding and so that is perhaps something that needs to be further addressed.
MR. TRIAS: That is a very valid point, a very valid point, and that is one of the reasons why we had this general standards section, which deals with some of those issues that are not clear, the result of the form-based documents.
And one issue that I would like to go back and discuss with you sometime is the shared parking requirement that is also in that Section 4.3.
MS. PLATER-ZYBERK: Okay. So we stay on 4.3.
MR. TRIAS: Yes, on the previous page; and your thoughts on that and your thoughts on parking

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and in terms of the effect on the design and the planning of the project and perhaps some recommendations on how to deal with parking ratios, making more sense urbanistically and so on.

Victor, you may want to describe the policy and the approach.

MR. DOVER: I would be happy to.

Just on the subject of the bridges as related to this question about your parking, you zeroed right in on the issue that we spent a lot of time on, on the code as a whole.

Other sections did not get this much polishing off.

MS. PLATER-ZYBERK: Parking always takes up a lot of time and space.

MR. DOVER: That's right. It does.

And you work hard to avoid falling into the form follows parking trap. That seems to work against the best interests of any city.

So regarding the bridges, to be candid, that is an issue where we crafted the paragraph that is in the code as a way of reconciling our misgivings about the seeming departure from best practices and the need to agree to disagree with

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this important advocate.

It's not the single issue that is important to this project, but it is something that we wanted to make sure we brought forward to the Commission and draft and pass as a straight-face test and also says if they want to make that decision to allow that to happen and water bridges, keeper bridges, higher bridges they could make, the Commission.

MR. TRIAS: I think that at this time we understand the issue. Let's move onto the next topic.

MS. PLATER-ZYBERK: So the parking ratios, these emerge from this smart code, which is a nationally reviewed document which has proposed shared parking as do other organizations like the UL Lite (phonetics).

How does this relate to the City's requirements and how does it relate to what is being proposed?

MR. DOVER: I will defer to Ramon and the applicants for the implication of this calculation.

And I will simply say that we wanted to make sure there was more than one way to get to

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your shared parking solution. So the smart code option and the UL option are presented here as equal alternatives.

MR. TRIAS: Yes, let me. In terms of the big picture, what happens is that Coral Gables has the highest requirements for parking pretty much that we have seen around here.

Not only that, but there is no shared parking requirement or process.

And I believe the City of Miami has shared parking and many other cities have that provision in the code and that was one of the ideas; that with mixed-use projects or significantly large mixed-use projects, that is one of the first places that this idea makes sense.

So this will be the first time that the idea has come to the code in Coral Gables.

And then the issue is how much; how much less parking than required.

Dan, do you remember? Dan?

MR. FREED: We are providing 2,440 spaces.

This is Josh Bailey.

MR. BAILEY: Hi. I'm Josh Bailey from RTKL.

We are providing 2,440 spaces for our

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project and that was generated from an analysis that was a shared parking analysis, which incorporated the different mixed uses of our project; as well as it incorporated a transit study that takes into account public transportation and all of those factors, which allowed us to reduce our current parking to that 2,440.

Its basis is that we are flattening and we are providing that number. There is not much we can do to amend that.

And even in the form-based code, we provide and it gives a little bit of flexibility because the programs mixes may change, just is about a plus or minus ten percent of that.

MS. PLATER-ZYBERK: So do you specifically remember, if this is what is being proposed, what would the City otherwise require and what does this code?

MR. BAILEY: I'm accepting the requirement.

MR. FREED: The adjusted is three thousand and I want to say 3500 spaces, just off the top of my head, but it is significantly more.

MS. PLATER-ZYBERK: And if you were following this code, what would it be?

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MR. BAILEY: Following that code, what that code allows is a parking analysis and that's what we did and that number comes up to 2,400 spaces and we are providing 2,440 spaces.

MR. DOVER: So if you look at the third bullet, Applicants may provide a parking study, such as the one they have done, justifying the proposed parking solution.

MS. PLATER-ZYBERK: But you did not do the first two bullets just to compare what it would be?

You aligned your smart code.

MR. BAILEY: We compare it to the ULI and we also compared it to the City of Coral Gables and based on that, the number that ends up, "very similar," it was pretty close to the 2400 amount.

MR. DOVER: Since we are collecting early June conversations with the City Commission, this was in an early June workshop and we had just went through work in progress and thinking about this and, like you said, Liz, it takes up a lot of time and energy; a lot of that meeting was about parking.

And our initial response was on a site like this that we need no minimum parking requirements.

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Maybe it's a true maxim to let it go.

MS. PLATER-ZYBERK: So let me go back to the concept.

MR. DOVER: And they were not ready for that. They said this is far more complex than simply saying there are no minimum parking requirements.

But it does ensure that a large number would be provided.

MS. PLATER-ZYBERK: Maybe this section should have a statement that says that you show how it compares to those other two, which are recognized, obviously the formulas that are not as specific as doing the third bullet, which is your study.

But I think that might give confidence to a deciding board like the City Commission, given that you are -- "defaulting" is the wrong word, but in the end you are saying the final decision is for the City Commission.

But in other instances, this would give the City a way to make that judgment because otherwise they are just saying, "We will do whatever you want."

And so giving them the comparative

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statistics could be useful.

MR. BAILEY: All right.

MR. BOHL: This is a long overdue new take on the parking standards for downtown. If Nova is correct, they are some of the highest in South Florida.

We have done work for the bid that is also proposed shared parking standards and there is work to be done in other parts of the code, but I think this is a particularly opportunistic place in the city project to try this out on I think because the developer is not going to underpark their project.

You are just not going to agree to have none of the parking for retail and residential uses in the design that you are proposing. So it's a good real-world market-based test of the stomach for shared parking from that perspective.

And then I think it could be eventually a standard for other parts of the City if this goes forward.

MR. TRIAS: Basically what we are saying is this form-based code overlay gives an opportunity to test the idea that shared parking in a very precise way and if you have any thoughts or if you

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think it could be done better and simpler and more precisely, at this point what we are saying is the developer proposes a method, it has been reviewed, and maybe we can come up with a reasonable number.

MR. DOVER: The approach is one that has been tried and successfully applied in many, many places. So the new part is that it's new in Downtown Coral Gables.

MR. BOHL: It's not new.

MR. DOVER: It's not new at all.

So you might say we are not making this up.

MS. PLATER-ZYBERK: We know.

MR. DOVER: However, one of the key things here is that this roll-out of the shared parking approach in the Gables is being done in which there is a large commonly managed product, where their common interests of their own ownership and their own tenants are all in this together.

The impact of success or failure of the approach will be felt by them more than anyone else - do you see my point? - as opposed to just one little building that's having a huge impact on their neighbors.

So that's what we can try here in a way that lets Coral Gables see how this feels, in a

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way where the risks are really managed because they are being born principally by the people who are asking for the shared parking.

MS. TREVARTHEN: And if I could just add to that, I think these are all good points that are being raised, but for the record I want people to look at Page 4.3 because it is not just whatever the applicant submits and in actuality if you look at the second column of Page 4.3, there is quite a lot of detail here that was informed by the advice of traffic engineers.

These have to be professionally appropriate methodologies. They have to use ITE.

We are requiring looking at actual parking experience in the region, operational assessments.

The location of transit for this particular location is particularly strong in Coral Gables, right on top of the trolley; required valet and other things.

So if there are ways in which that may be improved, we would really value your input on that. Thank you.

MR. DOVER: I would also urge you to look at the preceding page because I think what is nice about this is although the shared parking thing is

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not so now and there are other features in the parking policy described in here that would not have come up in a conversation like this twenty years ago: electric vehicle charging, bike parking.

MS. PLATER-ZYBERK: All right. So that opens the door to bike parking.

I didn't do a drawing to see what this would produce, but for 2,400 spaces of parking, you would need 244 spaces of bicycles --

MR. DOVER: Right.

MS. PLATER-ZYBERK: -- which is a lot of bicycle space to say that you are going to put it in a public or a private frontage. It's a lot of street space and so maybe some of that could be in the garages.

Did anybody pencil that out just to see how much space it takes up?

MR. DOVER: We did.

MR. FREED: We have and it's quite dramatic.

MS. PLATER-ZYBERK: It's a kind of Copenhagen scale bicycle yard.

MR. TRIAS: Yes, and that's a very good point.

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MR. BAILEY: Well, we actually did pencil it out.

MS. PLATER-ZYBERK: Not because we wouldn't want to see one of those, but you may not be thinking about it.

MR. BAILEY: We actually did pencil it out and we gathered them around the project on public spaces.

MS. PLATER-ZYBERK: So it's not a problem?

MR. BAILEY: It's actually not a problem when you have ten and fifteen. So it allows us to work it into the design.

MS. PLATER-ZYBERK: All right.

MR. DOVER: There are a great many modern projects that have bike parking that includes, you know, two on a pole, for example, in protected space.

You can imagine some of the excellent carbon bicycles that the Coral Gables residents will bring to this place. You will need somebody watching them and need a cover from the rain and those are places where you could do a great sport front mews on bikes.

MS. PLATER-ZYBERK: Do they have a bicycle shop?

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MR. DOVER: So don't think in terms of just one, every bike having to be at grade side of every other bicycle.

There are certainly ways to get a lot more bikes into the volume without all of them being on the sidewalk.

MR. BOHL: Quick footnote on the shared parking, I am looking at a model shared parking ordinance dated 1983.

So I mean, I know we like to let other communities test these ideas out, but we have had over thirty years at least of shared parking ordinances and they are working out all right.

MR. TRIAS: On a related issue is the transit component to the traffic. The developer would make a contribution to the transit system and part of that is to develop an ordinance that allows for developers in general to make a contribution to the transit system.

So if you have any thoughts on that related to the parking and transportation, that would be also very helpful.

MS. PLATER-ZYBERK: Could I just finish the bicycles?

MR. TRIAS: Yes.

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MS. PLATER-ZYBERK: On a day like today, you may not want to get on a bicycle that's been sitting on a public frontage all day in the rain and so allowing some of this to be elsewhere than in the frontage might be useful.
MR. DOVER: Good point.
Now, it doesn't say that that can't be sheltered by parking, even though it is in the frontage, but your point is good. Thanks.
MS. PLATER-ZYBERK: Transit.
MR. TRIAS: And basically we have a paragraph that says what I just said and the ordinance will be developed and it's in the process of being developed.
So if you have any thoughts on the process from your experience with the developer contribution, I think that would be very helpful because traffic, as we all know, is going to be one of the big questions here and, from my perspective, if you have an urban area traffic, it is a condition that happens.
It cannot be judged with the same standards that you would in a suburban location.
So transit, the bicycles, the pedestrians and all of that has to be part of that traffic

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study.
So any discussion on the transit would be very helpful at this point.
MR. DOVER: It's on Page 4.1.
MR. TRIAS: 4.3. 4.3.
MR. DOVER: Well, 4.3 under "Parking."
4.3 is the transit discussion under "Parking."
But on 4.1 there is the transit requirement that you were talking about.
MR. TRIAS: Yes. You are right.
MS. GELABERT-SANCHEZ: Can I ask, what would be the incentive for the developer of this project to provide or go through shared parking and less parking?
MR. DOVER: The price per space to deliver the said parking is so great that if the regulations are requiring them to deliver an amount of space in excess of market realistic requirements, spaces that therefore are likely to sit empty far too often, each of those spaces is such a high price that the incentive is managing that cost.
There is another one that is really important. Every time we bloat the park supply,

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we probably do it at the expense of the quality of the public spaces and the number of eyes on the street.
MR. TRIAS: And the beauty of the architecture, too. It's an aesthetic effect.
MR. DOVER: So what we are seeking is enough parking, but not extra and in order to avoid having an excess of parking harm the quality of the place.
Now, the incentive is both financial and qualitative.
Nobody goes to Paris to see the park lots. So keeping the parking under wraps where we can and keeping it under control, putting some of it below the ground, all of these are things that they are planning to do and I think it's fair to say planning to do to an extent greater than many peer projects around the region. So it will set a new bar for others to copy.
MS. GELABERT-SANCHEZ: This may be - and forgive me if it is just that I don't know the code today in Coral Gables; with the existing code, how high would you go versus how high fits the project going right now?
And I might be off.

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MR. TRIAS: Are we talking about the top height of the project? Is that it?
MS. GELABERT-SANCHEZ: Yes. How much development capacity is increased.
MR. TRIAS: The number is 190 feet that is the maximum height for the maximum building. You go through the maximum development potential and in the city it's 190 feet, six inches to the top of the habitable floor.
So right now ---
MR. FREED: We are asking for 218 on the top of the habitable floor on top of the hotel.
MR. TRIAS: 218.
MS. GELABERT-SANCHEZ: 218 for the hotel or 218 for the whole ---
MR. TRIAS: That is just for the tower.
MR. DOVER: Just for the tower. For the red box.
MR. FREED: Just to clarify, the only two floors that exceed the 190.5 are these two levels and they are only being used for a restaurant, a publicly accessible space.
MS. GELABERT-SANCHEZ: And it might be here, but you are pointing to the project right now and if I go to the regulating plan, if I do

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not have the project in front of me and I go to the regulating plan, does it say somewhere that there is a location on the site limited to a portion that is limited to the 200 or pretty much is that at the discretion?

Do you know what I am trying to say?

If I understood correctly, 190 is today, but now you can actually go to 210. The project anticipates only on the hotel, but say the market changes and you see a benefit to having another tower on another hotel, could that happen?

MR. TRIAS: Yes, there is something. Can you explain that red dot there?

MR. DOVER: Yes. We have given a brand name for it. It's the Signature on the Signature Street.

But if you look at the bottom of Page 2.1, that description of the place where there is additional floors permitted because of its unique site and then when you turn to the plan on 2.3, that's the red box.

So unless the plan on Page 2.3 were amended to add more red boxes, that limits the number of places where this can be.

MS. GELABERT-SANCHEZ: So that's the only

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time it would go there?

MR. TRIAS: And that's the benefit of the regulating plan; you can actually choose.

MS. GELABERT-SANCHEZ: And I would agree. I just wanted to make sure that it was explained that the regulating plan actually contemplated that location, that Signature, for that height.

MR. TRIAS: Yes, in the conventional zoning that is not possible. You cannot do it.

MS. GELABERT-SANCHEZ: And I think that's very good.

MR. BOHL: And it's not use specific. So it was something different that would still be a condition of the project.

MS. GELABERT-SANCHEZ: The issue was just the location and the height.

MS. PLATER-ZYBERK: It does say publicly accessible, though.

MR. DOVER: That's right.

No, it doesn't say that on 2.1, but maybe it is in another place right now.

MR. TRIAS: But maybe it should say it there.

MR. DOVER: We could repeat it there as well.

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MS. TREVARTHEN: 6.2 as well.

MR. DOVER: Yes, at the very end over on the last page.

MS. PLATER-ZYBERK: So we were asked a question about the text on transit, which I could not find.

MR. TRIAS: Yes, 4.1. In 4.1 there is just one paragraph, Paragraph H.

MS. PLATER-ZYBERK: 4.1?

MR. TRIAS: Yes, and it simply says, "The project shall include a transit improvement plan as part of the government agreement."

So if you have any thoughts on that, we would do very well to draft that plan based on your experience and recommendations. That would be very helpful.

MR. DOVER: You know, if we modify that language back at 2.1 about publicly accessible, we should modify it in the definition on the last page as well.

MS. TREVARTHEN: Yes.

MR. TRIAS: Okay.

MR. DOVER: On transit.

MR. TRIAS: So let's go to H.

MS. PLATER-ZYBERK: So I guess the

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beginning point for that would be to be able to record what is current, which is Dade County buses and the trolley, the Coral Gables trolley.

MR. TRIAS: Yes, this relates to the Coral Gables trolley, which is what the City can control.

MS. PLATER-ZYBERK: Right.

MR. TRIAS: Our general idea is that there will be a process whereby there is a fund that is used to provide enhanced service and developers are able to contribute to that fund. I mean that is the general idea.

Ken Plumber (phonetics) has been working on the language for that.

Any recommendations you can make at this point hopefully could be used for that effort.

MS. PLATER-ZYBERK: Well, obviously it would be very useful for this project, but it would be useful for everyone in the City.

MR. TRIAS: Yes, and on future projects that may also contribute in the future.

MR. DOVER: So right up in the front where the procedural instructions refer to the required development agreement, one of the things that has to be submitted as part of that or an element of

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that development agreement is assurances as to valet, tandem parking and contribution to transit.

So this is where those items get baked into a development agreement, subject to approval by the City Commission.

MS. PLATER-ZYBERK: Chuck, did you have something you wanted to add?

MR. BOHL: Well, I mean this brings up the importance of this site in relation to the rest of the downtown. So obviously the trolley relates to the trolley system as part of this discussion. It is linked to the Metrorail.

MR. TRIAS: Which goes along Ponce.

MR. BOHL: But also the fact that this site is in relationship to - especially since it will be something for retail - to the existing downtown or park and it is an important part of this, the realization of this project.

And I don't know if there is any discussion. It doesn't seem like it fits into the context of the form-based code, but I know there has been discussion about how the project can and probably should become part of the business district track so that it is contributing to the sustaining of all the vitality in downtown and

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this will become a super important part of that, at the point of Ponce Circle Park and a link as you go down towards the Village of Merrick Park.

MS. PLATER-ZYBERK: So I suppose one of the issues is contributions at the outset of the project and long-term maintenance.

MR. TRIAS: Yes.

MS. PLATER-ZYBERK: Victor used the word "management" early on; that the form-based codes can facilitate management, and I suppose that is what brings us to this topic.

So that is probably a continuing discussion --

MR. TRIAS: Yes, it is. Yes.

MS. PLATER-ZYBERK: -- about how a project like this can help sustain over the long run for the benefit of its users as well as the rest of the City, whatever it promises at the outset.

And I am sure there are people who are better equipped to do that.

MR. TRIAS: Yes, absolutely.

But I think Chuck raised a very important issue that is related, which is: What is the effect? What is the effect of this project on the existing retail, for example, on Miracle Mile or

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Merrick Park or other places throughout the City.

Is it going to be helpful or is it going to be detrimental to the existing and how do you make it part of that overall city?

That's another issue.

MS. PLATER-ZYBERK: And making sure that they are connected, well connected and complementary as part of that picture.

MR. BOHL: Well, it's the connection; not just the transit line, but the public relationship; so the maintenance and connections through the public realm.

From Ponce Circle Park to Miracle Mile is not far at all. The quality of that and the connections between these places becomes really important so that everybody or all of these elements are contributing and it's connected, it's a high-quality connection, and they reinforce one another.

It's not an either/or, but it's part of the same whole downtown.

MR. DOVER: Has anything specific been stated about the bid and your relationship to it?

I don't know.

Maybe that's Chuck's question, right?

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MS. PLATER-ZYBERK: Yes.

MR. GARCIA-SERRA: Okay. We have a legal representative from the bid, Marina in the back.

We have had extensive discussions with the bid, as recently as last week. So we continue meeting with him as well as property owners in the area.

We want to see this project be of benefit to the whole community, including the business owners along Miracle Mile, and so we are talking about the sort of things you are suggesting: extending the streets, getting improvements so that it creates the kind of activity on Miracle Mile and other properties.

Also we talk about potential transportation links between the two so that indeed it becomes two parts of the same whole; shoppers interacting between both areas and going to both areas for their shopping and entertainment.

MR. TRIAS: I think the important thing is that this is a conversation that I think the opinions of the bid and the opinions of other merchants need to be brought into the discussion and I think that's why they are here.

They have come to meetings and they have

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given us some input and I think that the most useful discussion we can have is to talk about the features of this code that encourage the integration and improvements and the fact that business is going to be a part of this project as opposed to some isolated project that is not bringing activity to the City.

MR. DOVER: So the facts for that integration are not in the code beyond the street standards and the relationship of building the streets, the things that you would expect the department of the code to regulate.

But the documents required before the City signs off on a development agreement include those assurances.

MR. TRIAS: And I think it would be useful if you could explain how the public space, for example, is anticipated to be in the code and also the fact that the architecture of the buildings is designed to really work with the public space and it is on a level of detail unseen in any other code.

I mean the level of detail that we are talking about and specificity is way beyond the typical even form-based codes.

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Maybe you can speak to how the code is shaping the public space and that public space is fully connected to the rest of the City.

MR. DOVER: Well, you said that and that is in here. That is thoroughly baked in.

What is left to be creatively addressed are the submissions for the development agreements.

So the street designs are described in considerable detail.

MS. PLATER-ZYBERK: The frontage along Ponce Circle is very important.

MR. DOVER: The continuity of the retail going all the way to the northern boundary of the project so that it has the best possible trajectory to encourage pedestrians to continue north to the Mile, that is in here.

But the financial commitments or what we call operational assurances, that could be brought up by the applicant.

MR. TRIAS: In the peer review when we submit we add the input about marketing and merchandising and so on; the fact that there is a department store on the location and the fact that there is a second one that was recommended and the project was revised to accommodate that.

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All of those things were a direct result of that conversation and have been included in the project.

MR. BOHL: I think the other real opportunity - and again, this is I think a great pilot opportunity for form-based code - is the knowledge transfer that can take place between the innovations in this form-based code applied to other parks of downtown.

So as you know, the bid has been worked in trying to get reform for its own form of the code in downtown and there are things like the shared parking concept and others that I am sure they would love to see adopted in downtown and then they looked at places like those at Merrick Park.

So you can do things here that we cannot do in downtown.

So I think that is another great opportunity to effectively extend the successful elements of this form-based code to also benefit this other retail/dining part of downtown.

MR. DOVER: In dealing with this many blocks simultaneously and as an integrated single project subject to a development agreement, it introduces complexity to this that form-based

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coding for other parts of the downtown would not require.

I mean, you could envision a successor document or a sibling document to this one governing another area on one of the high streets would be simplified compared to this because it would not be dealing with the same large-scale integrated-project issues.

MS. PLATER-ZYBERK: And the regulating in a planned way. An extended regulating plan might look very much like what you produced.

MR. DOVER: Oh, yes. Most definitely.

That is probably the most applicable aspect.

MR. TRIAS: And I think that the discussion of whether it's only an area or citywide is not really a true discussion. It depends on whatever decision the Commission makes. I mean, certainly that is an option. The form-based code will be adopted or not.

MS. GELABERT-SANCHEZ: Talking about open spaces.

MS. PLATER-ZYBERK: Could we move onto other issues, right?

MS. GELABERT-SANCHEZ: I think we still or

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I am still thinking on maybe more on the city side.

I think one of the great things that the form-based code has is that it is through the public realm together with the private.

So it also includes, in the same way that you are asking the private sector to do certain things, is for the City to kind of move the ground.

And I think once we had worked on that in Miami, I think it was extremely important because then all of us would agree.

I had one question and it goes, I guess, to the public realm and the city space and the plaza.

In reading the codes - and maybe if you could just elaborate - it says that the required open space can be met on the upper levels and I was a little confused about that because it said "upper levels."

It talked about being publicly accessible, yet it would not qualify for publicly accessible.

So my concern was I am all for the rooftops and to be able to have that and to have it here I think would be great, but when we talk about the public realm and the city spaces and creating

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those plazas, I guess I would like to make sure that everything that we have just talked about is actually implemented because the roofing would be great but if, you know ---

MR. TRIAS: These are some of the additional requirements of the project and Susan can explain in some more detail.

MS. TREVARTHEN: The idea behind that was so often these signature spaces like these two stories that have been pointed out to you for the restaurant are set aside for private enjoyment in the sense of a penthouse or in the sense of a membership only or if you are staying in the hotel, hotel guests only.

So that's why the language that at first blush seems contradictory, you know, it is not something that is solely used by the hotel, but rather citizens of Coral Gables can go in and enjoy that restaurant and those unique spaces.

Similarly the rooftop gardens, that those would become public spaces.

MS. GELABERT-SANCHEZ: And obviously that is not the issue that is understood and I guess my concern, going straight to the question, is: It's the open space requirement at the ground level,

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which meant to really serve the community.

Can a hotel committee say that they are going to have a restaurant on the rooftop and then can take away from the space, the city space and the public realm, which should be happening at the ground level. That is the question.

So I am talking now about checking that someone comes in and has it.

The more space, the better. I just want to make sure that these great spaces that we are talking about or looking at actually get to the public.

MR. TRIAS: And what happens is that if you look at the sidewalk, you can see that the ground level public space plan is good. So the ground level is the one that is right next to that.

And you can see that Ponce de Leon is a great sidewalk. You can see in the center there is an island plaza, for lack of a better description, with an historic building there. So it's all designed as one.

You can see that every street throughout this has been fully renovated on both sides of the street to create a high-quality environment a hundred percent of the way.

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So that in terms of what would be required on a normal typical project, all of that is taken care of at the ground level as it should be.

Now, in addition to that, in addition to what typically a Mediterranean level building would have, there is a second map which includes a variety of public spaces on the top of the roof of several areas.

Maybe you can describe which level and give an idea of how private and how public. There is a variety of things and some of them are passive parks for the public.

Access to towers like that little tower down there acts in ways that are very visible and they are really part of the public realm of the City.

MR. DOVER: So there are two different sets of percentages here. There is the required open space, some of which can be satisfied with the landscaping of the upper level terraces.

MS. PLATER-ZYBERK: Can you refer to the document when you are speaking about this?

MR. DOVER: Yes. Page 4.5 and it's here (indicating).

So there is a required percentage, okay,

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and some of that can be met creatively through satisfying on the upper levels and if you go through the diagrams, there is this and that that can count toward the percentage.

And then there is a separate requirement which says, over and above meeting that requirement, that says at least fifteen percent of the rooftop area in at least two locations shall be publicly accessible.

So those are two different requirements.

MR. TRIAS: Those are special requirements on this project.

MR. DOVER: You must do upper level rooftop accessible spaces that are habitable and you can count that towards some of the requirement for your open space overall.

Does that make sense, how those two things work?

MS. PLATER-ZYBERK: Where is the overall public space number?

MR. DOVER: The top of the page on 4.5.

MS. PLATER-ZYBERK: So the twenty percent all other street types is the open space requirement, the total open space requirement?

I did not key in on this one when I was

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reading. So that's why I am asking it now.

MR. DOVER: Yes.

MS. PLATER-ZYBERK: So the townhouses have to provide -- well, and where is this?

Let's use the townhouse straight. The thirty percent is including the street or is it just the private property of the townhouse street lots?

MR. DOVER: I don't think we addressed it.

You found something.

MR. TRIAS: I mean I think that, yes, what happens is the code right now requires twenty-five percent within your partial for townhomes.

MS. PLATER-ZYBERK: The current city code.

MR. TRIAS: The city code currently and I have to say which is one of the designations.

It's very difficult, I have to say, having worked on several townhome projects. We had to get very creative on that.

So here is something that we probably need to be clarified.

MR. DOVER: I agree.

MR. TRIAS: And the distinction that I talked about in making very clear what the ground level open space is, fewer classic open space

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requirements is, the problem is that we need to work it out. I think so.

MR. DOVER: I agree.

So Paragraph O, which is on 4.4, and the chart that I have up on the screen on 4.5 go together.

MR. TRIAS: And what happens is there has to be a distinction between public and private, I think.

MS. GELABERT-SANCHEZ: I think that would be correct. I agree with what you just said because even if you go to Page 4.5, it says, "At least one of the publicly accessible groups shall incorporate at least one public use such as dining, entertainment or private membership club."

So the way that I read it is that it could be a private club and if I am not a member, it's accessible to members, but it is not accessible to me.

MR. TRIAS: And that language should be cleared up. It needs to be clarified a little more.

MS. GELABERT-SANCHEZ: Yes.

MR. TRIAS: And I think your point is very well taken. What is missing is the clear classic

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open space required.

MS. GELABERT-SANCHEZ: For public use and to ensure because I think again when we go back to why the form-based codes and regulating and to be able to create those civic and open spaces at ground level I think are critical and I think that's one of the strengths that the form-based code has and I think you are doing it. You are representing it and making sure that, in fact, it happens.

MS. TREVARTHEN: It's a great comment and, as Victor was pointing out at the beginning of landscape on Page 4.4, the entire landscape requirement for the code is incorporated.

These are only here to show where it deviates from the normal requirements.

MS. PLATER-ZYBERK: Now, it's probably redundant, but we don't know what those are. So that's why the confusion.

MR. TRIAS: The reality is that we have not gone far enough with the form-based requirements for landscape.

We just incorporated one or two there of the conventional codes.

So Victor and I will go over this.

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MS. PLATER-ZYBERK: And the paseo, does the paseo count?
MR. TRIAS: Well, that is a good discussion point. I mean, what do you think? What do you recommend?
Because clearly the paseos are public. I mean, certainly they are at ground level. Certainly they do not have gates.
MR. BOHL: It's an urban place. So the plaza, the extent to which the street itself is a public space, and then the paseo is according to how it is articulated.
MR. TRIAS: They are fully designed from building phase to building phase.
MS. PLATER-ZYBERK: So one of the issues that might come up is security, nighttime security.
I don't know if that is an issue for this project, but you could allow some percentage of the open space to be run according to the hours.
MR. TRIAS: We have done that in some mixed-use projects; having some gates that are always open, but could be closed in theory.
MS. PLATER-ZYBERK: And that is part of the mixed-use part of the development agreement, as to

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what the hours are.
MR. DOVER: Do you think that that belongs in the form-based code purely specified?
MR. TRIAS: Well, I think the development agreement is probably a better place.
MS. PLATER-ZYBERK: Well, but you might be saying that the definition of public open space is that it is open; it's like a street.
But that you might allow additional space; that additional space that can be controlled privately at various times could count.
I think Ana is actually the better expert on this.
MR. BOHL: The ground level public space is super important. We need to be very clear about how much of that there is and where it is, but it would not take away from the fact that all of the rooftop spaces that you are proposing to create, we do not do that anywhere else in Coral Gables and we want to see it and this is a good opportunity for it.
So that's a good thing as well. I mean, we want to see that as well.
MS. GELABERT-SANCHEZ: I think it's a great thing. I think it's great that the project

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includes both.
I just want to make sure and I think that Victor and Ramon said that it's clear what is the percentage that is going to be allocated for real public access.
MR. DOVER: And when it's essential to say so or show so, where.
MS. GELABERT-SANCHEZ: And that it should be ground level in the plan if it's a percentage base because I know there might be some design tweaking as long as it's not reduced; that it is what the project calls for.
I am probably going back to what you said on the paseos. I think if it's an open space, I think it's activated.
I think what would be critical and that would be a question and it goes back to the first comment that we made, which is the habitable space that is not required; that there is no parking.
I understand that because it's from the third to the seventh floor, but that it doesn't become a blank wall or doesn't become just display because then you can have a paseo with a blank wall. There is no parking, but if there is no activation, then it is not truly according to the

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intent.
MR. TRIAS: Let me propose an answer to what you are saying and that is because we never had an architectural section in a form-based code just because most cities cannot have it. Then those issues tend to be directly dealt with.
Here let's not forget that the last section is architecture and it has created very clearly the open areas and the columns in astonishing detail.
So I think if we could make some connection to the code, maybe through linkages on those pictures more clearly, that would be very helpful.
Again, you know, most cities cannot do this. Coral Gables is one of the very few that is able to show pictures of good buildings of the highest quality and say, "This is what we need."
MS. GELABERT-SANCHEZ: Well, absolutely and I think it's a great draft and I think maybe you are getting a lot of comments just because it is and I am talking at this point not so much about the architecture, but as to the use.
MR. DOVER: And habitable space.
MS. GELABERT-SANCHEZ: And habitable space.
MR. DOVER: So in addition to the

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specifications for the design of the storefront, the habitable space requirement.
MS. GELABERT-SANCHEZ: Correct, and again that might be in the process here, but when I look at the dotted lines and I look at the garage that is proposed above it, it appears to kind of be the area where the dots are and then I just kind of wonder what is that facade and what is that height and what is that space going to be.
And I think it might be just, I guess, just receiving comments and maybe elaborating to make sure that it's that great space that I think the form-based code can actually achieve.
So I am just bringing that up.
MR. DOVER: And so just to make sure I am following you, when you look at the difference between the Signature Street and plaza, for example, versus the downtown streets, that's one of the fundamental changes.
So if you just turn your draft so that Page F plazas faces 3.8, faces G, downtown streets, 3.10, you are like that (indicating).
MS. GELABERT-SANCHEZ: Yes.
MR. DOVER: And then look at the two diagrams you are going to see the differences in

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the habitable space requirements.
MR. TRIAS: And I think Ana is concerned with having a storefront with not exactly anything interesting going on.
MR. DOVER: Behind it.
MR. TRIAS: We might want to explain it better.
MS. GELABERT-SANCHEZ: Yes, and as I look at this elevation and I can see it, I guess I am looking at this one here and then when one is clear, but I am saying it's just a clarification to make sure.
MR. TRIAS: Okay.
MR. DOVER: I think we get it.
MR. TRIAS: It's a very good point.
MS. PLATER-ZYBERK: Let me step in and say that I think we said we would go until 5:00.
MR. TRIAS: Yes.
MS. PLATER-ZYBERK: That is right, and so it might be worth asking my colleagues, since we have all reviewed this document, how many other items would you have to review?
I probably have about four others to review.
Ana and Chuck?

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Could we make a little agenda for the last part of this meeting so that we can be sure to cover everything?
MR. TRIAS: Please, go ahead.
MS. PLATER-ZYBERK: So I, for one, will just run through. I would like to go through the summary of street text standards.
I have a few comments there. I think this is in general very clear. It's a clearly presented and easy to use document.
There are little questions along the way that if we don't get through them, I don't think it will be terribly bothersome to the end.
Then I think we should spend a little bit of time on the architectural code.
Chuck, how about you?
MR. BOHL: I have just some notes on sections as well, just some notes that you can see the flexibility that was built into the code. So under the various street types, the fact that you have a variety of frontage options in many cases other than where you delineated, but you have frontage elements that the developer can choose from.
You even have flexibility to build two

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lines in some cases. So it's good, good guidelines, but good flexibility built into it.
I did wonder why you did not actually call street cross sections by a name rather than "Cross Section Plan A" rather than "Boulevard Option A."
MS. PLATER-ZYBERK: Related back to the text that you had in the beginning.
MR. DOVER: You are right.
MS. PLATER-ZYBERK: Okay. So those will become regular city streets over this -- I have forgotten.
MR. BOHL: There are like two options.
MR. TRIAS: Names.
MS. PLATER-ZYBERK: The signature street, the downtown street, the apartment and townhouse street, to use the same.
MR. DOVER: Great point. I don't know why I did not.
MS. PLATER-ZYBERK: Ana, do you have anything?
MS. GELABERT-SANCHEZ: No.
MS. PLATER-ZYBERK: Here is one item going to the summary of street type standards.
Oh, wait. It's on Page 3.3. The 30,000 square-foot floor plate maximum seems large to me.

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Is that corresponding to the proposed plan or is that a hypothetical?
MR. TRIAS: Well, what would be a good number from your point of view?
MS. PLATER-ZYBERK: So that is the specific kind of standard office plate that one has long heard is desired by the office development community and except for a few attorneys offices that might fill two or three floors, those are usually chopped up into smaller offices.
So it's a kind of myth. It's an urban myth.
MR. TRIAS: That's a great point.
MS. PLATER-ZYBERK: And they are huge. I mean that is very big.
MR. DOVER: They are chunky.
MS. PLATER-ZYBERK: Yes.
MR. DOVER: And we realize if you went all the way to that maximum, you probably are ---
MR. TRIAS: And it's based on the office floor plan.
MS. PLATER-ZYBERK: Yes.
MR. TRIAS: So if you have a better suggestion, then ---
MS. PLATER-ZYBERK: So I believe that we

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may have maintained that for offices in Miami 21, but we struggled to reduce that and I think that the residential one was reduced to eighteen or twenty.
The somewhat svelter towers in Dadeland I think were 16,000 or 18,000 square feet.
Vancouver limits it to 8,000 square feet and they are almost charming, if you could call a high-rise charming.
MR. TRIAS: The office floor plan is the largest floor plan.
MS. PLATER-ZYBERK: Yes.
MR. DOVER: So it sounds like the applicant's current plan for their project, to survive should change.
MR. TRIAS: Yes.
MS. PLATER-ZYBERK: I would not allow any greater flexibility on this. If 25,000 is satisfying this project, I would keep it at that because if you think this is maybe setting a precedent ---
MR. DOVER: Good point.
MR. TRIAS: Very good point.
MS. PLATER-ZYBERK: And I am not sure that you have a 30,000 square foot floor plan anywhere

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in downtown. I mean, that is something that you might study.
I do think that some of the long residential high-rises on Coral Way that cast long shadows on their neighbors are in the low twenties.
MR. TRIAS: Yes, yes.
MS. PLATER-ZYBERK: So I think this is an important aspect of form-based coding.
MR. TRIAS: I thing that an inspection of the office may also be necessary.
MS. PLATER-ZYBERK: And so although the form-based code typically gives freedom to tower and shape, I do think size is an issue.
MR. BOHL: If you take the minimum on ceiling height, above the third floor you could have a 30,000 square foot with ceiling height. It doesn't sound very nice.
MR. DOVER: I am not sure it would be nice at 25,000 square feet, but I hear your point.
I think we just need to revise that.
MR. TRIAS: Good point.
MR. DOVER: So we will add it to our list and go back in the huddle form.
What I meant to say was yes for that.

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MR. TRIAS: Good.
MS. PLATER-ZYBERK: Small things. 3.5 under miscellaneous: "All buildings must have a primary pedestrian entrance along the front facade."
I am not sure that "front" is defined anywhere. You may want to.
Maybe that is a street facade.
And the 30,000 feet is recurring in these.
MR. DOVER: Great.
Did you get that, Jennifer?
MS. GARCIA: Yes.
MR. DOVER: Okay.
MS. PLATER-ZYBERK: 3.9 under "Miscellaneous," the last sentence: "Upper level setbacks shall occur in buildings upfront."
Historic landmarks. That may be key to something else, but I am not sure that there is not some more description of that to be. You know, does it step back at the height of the historic building or where? How does it do that?
MR. DOVER: That is definitely the difference between F, Plazas, and the Signature Street is this setback feature and it is designed to relate to the single historic structure on the

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property in this case.
But it is written here as if it takes in all the historic landmarks in the whole city.
MS. PLATER-ZYBERK: It may be the setback on the seventh floor may be even lower for the historic building. I don't know.
MR. TRIAS: I mean right now it is the seventh floor maximum. It could be lower, but certainly you could go to the seventh floor.
MS. PLATER-ZYBERK: On Page 3.12 and 13, I think you will be impressed on how I have read every single word in this document, but "right-of-way," those two that are Plan A and Plan B should be named something else.
One is a sixty-foot right-of-way with a wider pavement whereas the wider right-of-way, the seventy-foot right-of-way has a narrower pavement width and I could not tell if that was intentional because of which streets they were because I was not sure which ones A and B were.
MR. DOVER: We will clarify that.
MS. PLATER-ZYBERK: All right. You can clarify that.
MR. DOVER: If you look at the plan diagrams on those two pages, Pages 12 and 13, you

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can basically see what is happening that is different between those two street types; and that is one has the wider sidewalk with one way circulation and the other has a narrow sidewalk and two-way circulation.
MS. PLATER-ZYBERK: Right, but one might expect to do the narrower pavement and the narrower circulation.
MR. DOVER: Of course.
MS. PLATER-ZYBERK: Not necessarily, but I could not tell.
MR. DOVER: Well, anyhow this is very site specific to their circulation.
MS. PLATER-ZYBERK: Yes.
MR. DOVER: That will be clearer when we get these A and B things matched to the map with the same names.
MS. PLATER-ZYBERK: The line concerning an expert in townhouses with the type B allowed?
MR. DOVER: I think that is an oversight.
MS. PLATER-ZYBERK: And this is really like a typo.
Suggestions? On Page 317, you have frontage element encroachment as a separate line and on Page 318 -- hold on a second. Oh, no.

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One has vertical clearance. That is a separate line.
And the other one combines it with frontage elements. So you may just want to be consistent.
MR. DOVER: You are right.
MS. PLATER-ZYBERK: These are so small items.
MR. DOVER: No, I am glad you pointed it out. I can't believe we missed that.
MS. PLATER-ZYBERK: And 4.4.
It's always easier if someone else does the editing.
Parking under public right-of-way. The last paragraph, "Exhausts may be located" -- actually air ventilation/exhaustion not allowed to obstruct sidewalks and other pedestrian spaces.
Perhaps you should say "obstruct or exhaust onto," because it could be not obstructing the sidewalk and be blowing right on the pedestrians.
MR. DOVER: Sure.
MS. PLATER-ZYBERK: And "exhausts shall be located," instead of -- well, maybe not if you have already done it to "not exhaust onto sidewalks."
In Miami 21 we said they had to exhaust at

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least eight feet above the sidewalk if they were going to be coming out of the wall, didn't we?
MS. GELABERT-SANCHEZ: Yes.
MR. DOVER: That makes a lot of sense.
MS. PLATER-ZYBERK: And then, you know, I think this Mediterranean architectural code, the architectural standards are remarkable because they are such a useful guide, as someone who has been attempting to produce building facades using the historical prototypes.
I think that just showing what a rich background there is in the city and how one can learn from it, including all the regulating lines you are showing, the proportions, the symmetries, and the great examples.
But this would be useful for everyone in the City.
MR. TRIAS: And I want to emphasize that this already is in the code. It's just that it's not explained in such detail. So it's not a new idea.
MS. PLATER-ZYBERK: The goal is in there, yes. The intent is in the code, but not the instruction.
MR. BOHL: It is not illustrated so

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clearly.
MR. TRIAS: An example is an appropriate methodology.
MR. BOHL: Back in 2002 when the School of Architecture was asked to focus directly on downtown, we heard a lot about Mediterranean architecture and ordinances and there was a disconnect between what people saw being built and they did not relate it to Mediterranean architecture and what they saw as the historic Mediterranean character of the City.
We heard that from citizens, not just from architects.
MR. TRIAS: Sure.
MR. BOHL: And you could write an article on what part of the Mediterranean did you understand, to publish it in the local paper.
So here it is illustrated and I think this is really at least a 2.0 version for the Mediterranean ordinance and I think it gives a whole better opportunity to produce much better Mediterranean architecture.
MR. TRIAS: Just to summarize what we have done, what we have done is we have researched the original drawings of the buildings that are listed

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currently in the code.
This is brand-new material that has not been available before. However, it's in storage in New Zealand and other places. So it's publicly accessible, but we have put it together in an illustrated manual. So that's the goal of this chapter.
MS. PLATER-ZYBERK: So I had one tiny addition to it and actually this may be -- well, I am not sure that this is appropriate, but I was wondering whether the quarter sphere awning, the kind of globular awnings, would be considered correct or not.
It's silent on that and I think there is one place where they are and they do not look too bad, which is the old San Michel Hotel.
MR. DOVER: Right. That's the one that came to mind when you said that. They are matched up with arches.
MS. PLATER-ZYBERK: Yes, but there are other instances where they are rather clumsy; not necessarily in our city, but in other places.
So one might just consider whether those should be ---
MR. DOVER: Well, an illustration of how to

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do it well would not hurt in here, would it?
I wonder if the distinction of when to do it is to do it as a possible response to an arched opening as opposed to just putting quarter-sphere shaped things onto the flat facade or above rectangular.
MS. PLATER-ZYBERK: But if it means the regular canopy awnings come out of an arch?
MR. DOVER: Certainly. So that is not a bad idea at all.
I would maybe do that by crowding this page a little and adding another example or by adding another page.
MS. PLATER-ZYBERK: And so then there is one small note that might be confounding to some architects on Page 5.12 under Table 5.12, Composite for rules outlined in this table shall be correct portion of the chosen order including -- and it names the orders.
I wonder whether that should make a reference to a particular treatise.
MR. DOVER: Like one of the scholarly texts.
MS. PLATER-ZYBERK: Yes, one of the texts because they do vary and maybe you just say such

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as. You don't want to be that specific.
MR. TRIAS: I will tell you one nice thing about this is that it showed nine different versions of the ionic column, all very different. I mean this is a description.
I think we can show some references.
Originally one of the ideas is that the original Mediterranean buildings were based on very specific books, picture books.
And I own some of them. I have them in my office and we could reference those original materials.
They are not necessarily the classical treatises, but the actual references used by the architects of the 1940s. So we have that.
MS. PLATER-ZYBERK: So maybe ---
MR. DOVER: I wonder if the bibliography might be even more powerful if we gave more specificity here.
MS. PLATER-ZYBERK: Yes.
MR. TRIAS: Yes, because we know some of those specific references and we can just list them.
We might want to do research.
MR. DOVER: There are two ways to look at

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this. One is that it could be very, very specified in an architectural play book in trying to show people how to execute the play successfully, which would be a good reason to send them to specific references.

The other reason is because it's not all that uncommon for this City to receive an application with traditional configurations - I am looking for the right word - simply done flat wrong.

And so if we make it more specific here, I suppose we want to be able to prohibit wrong.

If we include more bibliographic material and more guidance with the play book approach, it's because we are open to paradoxia in the way that it is.

Do you see what I am getting at?

So if our fear is that without listing which of the reference books to run, someone is going to bring us Tuscan done wrong and then we need to be specific.

If our concern is that people who are wading into this and want to learn how to do it well don't know where to look for additional guidance beyond what is here --

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MS. PLATER-ZYBERK: Yes, that's right.

MR. DOVER: -- then I think the bibliography approaches that.

I mean, these are just two ways of approaching that.

MR. TRIAS: And the bibliography may include the books that may be in the School of Architecture or may be in the library and those are books that I have.

I have some of those books, too. I think they are accessible. They are the true references that were used when this architecture was developed.

So we can work on that, the bibliography.

MS. PLATER-ZYBERK: So have we exhausted our comments?

MR. BOHL: A couple of caveats. Under shopfronts and signage, you have done a great job.

MR. TRIAS: Which page?

MR. BOHL: The second page.

MS. GELABERT-SANCHEZ: 5.18.

MR. BOHL: 5.18. So capturing the Mediterranean architectural language, you have done a great job with that.

I worry a little bit about being a bit too

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restrictive on signage and allowing the expression of the shops and the brands and the merchandizing and the activation on the street and all of the kinds of interesting things that make shopping and dining in public space areas interesting.

I mean, you get the appearance that the gap has to be chiseled in stone above the storefront.

I know it's not intended, but having that flexibility for the retailers as to the merchandizing to occur, I think is important.

I think you need to strike a balance on this.

MR. DOVER: Do you think there is something too specific already listed here or that that is just the feeling people are going to get; that they are not going to see the flexibility?

I am not quite sure I understand.

MR. BOHL: Again, I understand it says that the signage shall enhance the Mediterranean character and shall be designed as part of a uniform signage plan.

So that has to be determined, all right, what the uniform signage plan would be.

MR. TRIAS: Yes.

MR. BOHL: And then the purpose of this,

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basically of all advertising signs, et cetera, et cetera, cannot be used here. That sounds a little sweeping.

MR. TRIAS: Yes, the code, as you know, is very restrictive already on signs and that's one of the issues that have been discussed with bids and I think that's an area where we can have some further discussion.

MR. BOHL: When you think of great vernacular classical buildings in great cities like in Europe or in places like that, part of what makes it so interesting when they are really active places is that you have an Apple store and you have the modern brands and their expression there in those buildings.

MR. DOVER: Piccadilly Circus is like that, right?

MR. TRIAS: All right. Let me just say what I want to say, which is that we looked very, very hard for a road sign connecting points and the only picture we found with letters here is actually in the Coral Gables Elementary School.

So it's not even a store. That was just an illustration we wanted to have there, but clearly that doesn't mean that's the only thing you can

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do.
MR. BOHL: And also when you look at the original 1920s commercial buildings in downtown historical Coral Gables, you are going to see a whole wide variation in terms of signage and painted billboards and lighting.
MR. TRIAS: But I think that the key component here is that signage is one of the requirements that will be improved by the City Commission as part of the process of the signage plan and that it has to be incorporated into the architecture. That is one of the messages that we wanted to convey.
MS. PLATER-ZYBERK: One other small item under - well, I have forgotten where it is - the shopfronts, which is Page 5.16 in which you talk about durable materials. You note wood and masonry.
Does masonry also mean stone in that definition or is it different?
In other places you talk about stucco. So I think just clarifying would be good.
MR. TRIAS: Okay. Very good.
MR. DOVER: Okay. I am not sure we finished with what Chuck brought up.

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MR. BOHL: Yes. So the signage is not just to be incorporated into the architecture, right?
MR. TRIAS: No. What I mean is that the board is to review signage for architectural design and that's not the way that things are anyway.
So somehow we need to maybe explain that a little bit better because this is one single project. It's not an emergency type of regulation that we have to worry about too much.
MR. BOHL: But the retailers will have a lot of ideas about how they would like to express themselves.
MR. TRIAS: Yes. Merrick Park is going to change their frontage and they have some flexibility. So yes, we should.
MR. DOVER: I say we should redo the paragraph in light of the things that you raised.
Chuck, we can probably improve that sentence.
MR. BOHL: Yes.
MR. DOVER: And I would like to take a crack at it.
MR. BOHL: I could not find anywhere in here for the submission of a sidewalk cafe, you

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know, and other things that might be able to occur within the public realm.
MR. TRIAS: It's not allowed.
MR. BOHL: Those words do not appear anywhere in the document.
MR. DOVER: No.
MR. BOHL: They are prohibited?
MR. DOVER: Is that somewhere?
MR. TRIAS: And it should be very clear.
MS. PLATER-ZYBERK: You could out of the public realm.
MR. TRIAS: Outdoor seating that we mentioned, like you mentioned. Outdoor seating like you mentioned, occupying the public realm with chairs and tables.
MS. PLATER-ZYBERK: But that might be somewhere else in the City code.
MR. TRIAS: It is, but it should be here, too.
MR. DOVER: And it is potentially a place where in the bid it would be useful because I remember when the outdoor dining ordinance in Coral Gables was adopted. So in the years since we have had a lot of experience in living with that.

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MR. TRIAS: The issue is that the ordinance says that you can only have thirty percent of outdoor seating of the total seating area that you have. So that limits things significantly.
So this may be a way to deal with this issue in a significant way.
MR. BOHL: I would love to see a breakthrough in that area.
MR. DOVER: Well, we are making breakthroughs everywhere else, Ramon.
MR. TRIAS: That's true. Perhaps we should conclude and maybe have some public comment.
MR. BOHL: Can we have concluding comments?
MS. PLATER-ZYBERK: But I think that's a good idea. We have not asked for public comments.
Then we can conclude after that.
We have put everybody to sleep.
Or are there any final comments from the designers?
MR. GARCIA-SERRA: Well, this is a part of another step in the long journey that we have taken, but I think it's been a very helpful experience.
All of the comments received today I think can be incorporated both into the code and into

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the project and we can continue along in this process.

I don't know if there are any additional things about that you want to add, but we thank you so much for your time and we know it's not easy to take time out of your busy schedules to review something like this, but it really is of great value to us and we take it very seriously.

So thank you very much. We appreciate it.

MS. PLATER-ZYBERK: Anyone from the neighborhood?

I notice at least one person here from the neighborhood.

WOMAN FROM AUDIENCE: Good afternoon. I was not prepared to speak, but we had several meetings and thank you very much. You have been very willing to listen to us.

There is an ad hoc committee formed by the entire community, in particular several members of the community, and for our part there is some concern.

The traffic will attract a different type of retail, but in terms of the retail signs at the Agave Ponce, retail is like 147,000 square feet. Like 100,000 of that is amenities; you know, a

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juice bar, the health care, which is fine, but the true retail is at 241,000 square feet. That is comparable to Miracle Mile.

So, you know, we have had conversations with him, talking about the different needs of the City.

We believe that there is a big void in terms of having a convention center and we are not talking about a huge convention center, but just a convention center large enough to be able to accommodate 1,000 or 2,000 people.

As it is, I think people that I have talked to will have events here already capped. One is a foundation. They cannot go anywhere else.

You know, the country club over at the Biltmore only holds 350 people. Then the country club only holds 500 or so.

So there is a real need for us to be able to attract different conferences, international conferences and host people from around the county to come to Coral Gables.

So this is one of the areas.

Palm Beach has been very successful. They have a conference center and their conference center is approximately 150,000 square feet.

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So this is one of the things that we are asking them to consider.

I know others have been very successful in that their facilities have been remodeled.

For example, the Hilton in Downtown is one such project. Jungle Island after the concluded renovation.

And let me tell you, they are filled up almost every day of the year and they have luncheons and ballrooms and galas.

So that is one thing that we are asking for them to consider, to reduce the amount of retail. Thank you.

MS. PLATER-ZYBERK: That certainly sounds like good focus group information.

WOMAN FROM THE AUDIENCE: And there are other things that I would be able happy to share at a later time. Thank you very much.

MS. PLATER-ZYBERK: I don't think there is anything in this regulation that would prevent something like that from happening, but the designers would know better in terms of scale whether there is anything.

They certainly would not be in that 30,000 square feet.

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MR. TRIAS: Okay. Thank you very much.

Unless we have any other thoughts, if you want to conclude?

MS. PLATER-ZYBERK: I think there were some final comments from the panelists.

MR. BOHL: Well, I will jump in.

This is an extremely important location in the City that I think a lot of us people, residents of Coral Gables, have been hoping to see happen for a while, especially since the previous project could not go forward.

And I think I want to commend first of all the planning director for putting together this combination and the applicant for the willingness to go through the process where there has been a peer review at the School of Architecture and now this panel's opportunity to review the form-based code proposal, but just the fact that you have enlisted Deborah Cole to do the form-based code is a real accomplishment.

So what we have is an extremely important place in the City. We have a really beautifully done form-based code.

We can do a little tweaking, but this is the gold standard. I mean, Deborah Cole happens

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to be in our backyard, but on a national basis this is a leading firm in form-based coding, not excepting the Dwight Brothers, but they are really a terrific firm.

And you have RTKL, which is an incredibly talented architectural firm to carry out the project under this form-based code.

So I think you have a great kind of alignment of opportunity here to carry out a potentially very successful project and potentially set a new standard for the future reform of the code within the City.

MS. PLATER-ZYBERK: Thank you, Chuck. Ana?

MS. GELABERT-SANCHEZ: I think I will concur with what Chuck said.

I think you have a great team that you have assembled like Chuck said also; that the private development is willing to go through this and that this would serve as a pilot for the rest of the City.

So I look forward to this being the first step as the City proceeds in creating a great streetscape and continuing the development of Coral Gables as a walkable city that I think we

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have all been talking about for so many years.

And I think you have a great team and I would concur that you have a great firm that you have chosen to do the codes and I really look forward to seeing it implemented.

And I would also like to thank you for the opportunity of providing the comments to some of the committee which are appropriately based on the experience that we can bring and share with you today. Thank you so much.

MS. PLATER-ZYBERK: Thank you, Ana.

I should just say to my two fellow panelists it may be worth reiterating that the goals I think have been shared by many for many years to make this a city of specific character and a place of welcoming walkability to its residents and many important businesses and visitors who are here.

And this is really our first road map of how to get there after the first intentions of its founders and the first codes that set us on this path.

I think we need to thank Ramon for deciding that one could clarify and articulate how that path can be taken.

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And, Victor, thank you and your firm for the good work to produce this. I hope it serves Agave well and that your project will succeed to such an extent that everyone else in the City will want to follow the same direction. Thank you.

MR. TRIAS: Thank you very much.

(Whereupon, at 4:58 p.m., the meeting was concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA
SS:
COUNTY OF MIAMI-DADE

I, the undersigned authority, hereby certify that the foregoing transcript, Pages 1 to and including 132, inclusive, is a true and correct transcript of the meeting held before the Peer Review Committee of the City of Coral Gables, Florida, at the time and place stated in the caption thereof.

I further certify that I am not of counsel to either of the parties to said cause or otherwise interested in the event thereof.

IN WITNESS WHEREOF I hereunto set my hand and affix my official seal of office this 27th day of November 2014.

MARION L. ONA, NOTARY PUBLIC
STATE OF FLORIDA AT LARGE
MY COMMISSION NO. FF-053900
MY COMMISSION EXPIRES 10-4-2017

Mediterranean Village Staff Report
Attachment G: Comparison of Form-Based Code Regulations to Existing PAD Regulations

The proposed form-based standards will focus on the shaping of public space between buildings. In contrast, current zoning provisions regulate maximum building height and FAR, and provide Board of Architects' review of other issues.

The proposed Mediterranean Village Form-Based Code includes many provisions that are not addressed in the existing PAD regulations, including:

- Development is regulated according to the form of public space rather than through conventional calculations such as Floor Area Ratio;
- Specific dimensional requirements are included for streetscape, street frontage, building form;
- Detailed dimensional standards are provided for Mediterranean architectural design;
- Includes mandatory Mediterranean Level 2 Bonus provisions;
- Requires a mix of uses, including residential;
- Additional height is permitted to allow for place-making features such as terminated vistas and public access;
- Requires rooftop public spaces;
- Requires the project to be LEED-ND certified;
- Requires a high level of pedestrian and bicycle support amenities;
- Requires garage liner on most upper floors facing major streets and public spaces;
- Reduces step-back requirements from less intense land uses;
- Larger maximum area for rooftop architectural appurtenances;
- Allows on-street parking to count towards total parking requirement;
- Allows for parking reductions based on shared parking and proximity to transit; and
- Limited locational criteria for Mediterranean Village PADs

The table on the following pages outlines the existing PAD Use requirements and Minimum Development Standards as outlined in the Zoning Code, and the Form-Based Code requirements that would replace them for the Mediterranean Village PAD project area.

Comparison of Mediterranean Village Form-Based Code PAD to existing PAD standards:

Zoning Code Section	Provision	Existing PAD Requirements	Proposed Mediterranean Village Form-Based Code Requirements
3-502.A.	Uses Permitted	Must Comply with Underlying Zoning	Must also be a Mix of Uses; Applicant must submit a Use Plan by block
3-502.B	When there are conflicts with underlying zoning, PAD standards apply	Underlying Zoning regulations and PAD regulations can be adjusted for the purpose of Public Benefit	Same as Existing PAD Requirements: Underlying Zoning regulations and PAD regulations can be adjusted for the purpose of Public Benefit
3-502.C.1.	Minimum Site Area	1 Acre	6 Acres
3-502.C.2.	Configuration of Lands	200’ Lot Width min. 100’ Lot Depth min.	Controlled by Street Type Plan and Regulating Plan
3-502.C.3.	FAR	Must comply with Future Land Use Map	Building Mass and Bulk controlled through Building Form Standards
3-502.C.4.	Density	Must comply with underlying Zoning District	Density controlled by Building Form Standards
3-502.C.5.	Transfer of Density	Does not allow transfer of density that is intrusive to existing SFR	Density and transitions to SFR regulated by form and by Street Type
3-502.C.6.	Landscape Open Space	20% of PAD site	20% - 30% of Lot based on Street Type
3-502.C.7.	Building height	Must comply with Land Use and Underlying Zoning District	Must comply with Land Use and Building Form Standards in FBC
3-502.C.8.a.	Architectural elements	Required on all facades	Specific Form-Based Requirements in Architectural Standards
3-502.C.8.b.	Buildings over 150’ long	Must break up massing	Building Massing Composition Form-Based Requirements in Architectural Standards
3-502.C.8.c.	Parking Garage facades	Architectural Treatment	Requires habitable liner space on the majority of frontage onto Signature Streets and Plazas; Provides standards for architectural treatment for other unlined garage facades
3-502.C.8.d.	Paseos	Every 250’ of block face	Maximum placement of 250’ from side street; Specific Form-Based Requirements in Building Form Standards

Zoning Code Section	Provision	Existing PAD Requirements	Proposed Mediterranean Village Form-Based Code Requirements
3-502.C.8.e.	Pedestrian Entrances	Must face front or side property line	Primary pedestrian entrance requirements in Building Form Standards
3-502.C.9.	Perimeter and Transition	PAD must harmonize with adjacent land uses; maximum 45' height within 100' of ROW adjacent to residential	Controlled by Street Type Plan and Regulating Plan
3-502.C.10.	Minimum Street Frontage, Building Site, Lot Coverage, Setbacks	No minimum requirements	Controlled by Street Type Plan, Regulating Plan and Building Form Standards
3-502.C.11.	Platting / Replatting	Not required unless PZB or City Commission determines that it is in the public interest	Not required unless PZB or City Commission determines that it is in the public interest
3-502.C.12.	Facing of Buildings	Buildings may face a private street	Controlled by Street Type Plan and Regulating Plan
3-502.C.13.	Off-street parking and loading	Must comply w underlying Zoning District; common parking area permitted	Parking location controlled by Street Type Plan and Building Form Standards; Required Parking Count may include on-street and off-site spaces; Allows parking reductions based on a study; Loading locations and design controlled by Regulating Plan and Building Form Standards
3-502.C.14.	Boats and Recreational Vehicle Parking	Only permitted in enclosed garage	Not applicable
3-502.C.15.	Accessory uses and structures	Permitted	Allows uses that are permitted in the underlying Zoning District and Land Use Classification
3-502.C.16	Signs	Must comply w underlying Zoning Requirements	Must comply w underlying Zoning Requirements; Additional Form-Based Requirements in Architectural Standards
3-502.C.17	Refuse and Service Areas	Must be designed to minimize impact	May not be located on street-facing facades
3-502.C.18	Private Streets and Drainage	Must comply with Public Works Standards for public streets and Florida Building Code standards for drainage	Street Design Addressed by Street Cross Sections regardless of Public or Private status; No unique drainage standards included

Zoning Code Section	Provision	Existing PAD Requirements	Proposed Mediterranean Village Form-Based Code Requirements
3-502.C.19	Ownership	Applicant must be owner; must submit a development agreement	Applicant must be owner; must submit a development agreement with specific defined elements
3-502.C.20	Historic Landmark	Project must be compatible	Requires compliance w Zoning Code; first and second stories of all facades fronting historic buildings must be compatible; building must step back
3-502.C.21	Easements	City Commission may approve	City Commission may approve
3-502.C.22	Utilities	Must be installed underground	Must be installed underground
3-502.C.23	Mixed-Use	May include a mix of office, hotel, multi-family, and retail	Must be a Mix of at least four Uses, including residential; Applicant must submit a Use Plan by Street Type
3-502.C.24.a. 3-502.C.24.b. 3-502.C.24.c. 3-502.C.24.d. 3-502.C.24.e. 3-502.C.24.f. 3-502.C.24.g.	Property Owner's Association and the maintenance of common areas	Must be established for maintenance of common areas; Mandatory membership for all property owners; Responsible for liability insurance, local taxes, and maintenance; Property owners must pay share; If common areas are not maintained, City Commission has right to hire an outside maintenance company; Cost will be assessed and made a lien against properties; Common Areas shall be legally restricted, recorded, binding as covenant running with the land	Must be established for maintenance of common areas; Mandatory membership for all property owners; Responsible for liability insurance, local taxes, and maintenance; Property owners must pay share; If common areas are not maintained, City Commission has right to hire an outside maintenance company; Cost will be assessed and made a lien against properties; Common Areas shall be legally restricted, recorded, binding as covenant running with the land

Additional Items Required by the Mediterranean Village Form-Based Code That Are Not Required by Existing PAD Regulations
Street Types Plan and Regulating Plan
Context Analysis
Design Standards for plazas, paseos, and arcades
Pedestrian Open Space Plan, Parking, and Service Diagrams
LEED-ND Certification
Permitted Uses Plan according to Street Type
Mandatory Mediterranean Bonus Level 2
High-quality materials
Transit Improvement Plan and Transit Contributions
Public Art Plan providing greater quantity and quality of Public Art than required in the Coral Gables Code.
Innovative Parking Strategies, including shared parking, electric vehicle charging stations, and bicycle parking and support facilities
Neighborhood Streetscape Improvement Plan and Traffic Calming Plan
Requirements for Parking Under Right-of-Way
Landscape Requirements
Activated Rooftops
Graphically clear, instructive Mediterranean Architectural Standards

Zoning Code Requirements adjusted by the Mediterranean Village Form-Based Code

Zoning Code Section	Provision	Proposed Mediterranean Village Form-Based Code Requirements
Section 4-302 Commercial District (C) D.5.b.	C properties shall have a height limitation of three (3) floors or forty-five (45) feet, whichever is less, within one-hundred (100) feet of an adjacent, abutting or contiguous (including streets, waterways, or alleys) SFR and/or MF1 property, as measured from the C property line.	Building height and transitions to residential uses are controlled by the Street Types Plan and the Building Form Standards
Section 4-402. Prohibited uses, certain streets.	No driveway for use by motor vehicles or any other purpose shall be permitted to be constructed across the sidewalks on properties abutting Miracle Mile from Douglas Road to LeJeune Road and/or on properties abutting Ponce de Leon Boulevard from Minorca Avenue to University Drive.	Driveways permitted on Ponce de Leon Boulevard as part of a PAD Regulating Plan that is approved by Commission

Mediterranean Village Staff Report
Attachment H: Parking Analysis

Downtown Coral Gables has high-intensity, mixed-use buildings and an interconnected, fine-grain network of streets. This urban context provides substantial opportunities for walking, biking, riding the Coral Gables Ponce de Leon trolley and the City of Miami Coral Way trolley, and using Metrobus and Metrorail to get around. It is also a prime "park once" environment, therefore justifying shared parking reductions.

A key strategy towards becoming a sustainable, pedestrian-friendly community is adjusting parking requirements to account for mixed-use, multi-modal urban development. This is cited as a priority by leading urban planning professionals at the American Planning Association, Smart Growth America, and the Congress for the New Urbanism.

The City's Comprehensive Plan also supports alternative parking strategies for urban areas:

Policy MOB-3.1.1. The City shall research various parking strategies and policies for consideration and possible adoption that may include one or more of the following:

- *Quality pedestrian connections between the parking facility and the initial destination and secondary destination(s), and City trolley.*
- *Support a "park once" effort, whereas parking patrons become a "pedestrian" or "transit rider" between the City's downtown, adjoining retail centers, business attractors, employment center and the University of Miami.*
- *Continue research on the use of shared parking for destinations for public facilities or the overall parking system.*

Coral Gables' competitive advantage for attracting new development is its strong sense of place. This sense of place could be dramatically improved if a greater portion of buildings was devoted to human spaces rather than automobile spaces. Applying suburban parking ratios to urban buildings results in large parking garage podiums, and increases the mass and bulk of buildings.

Mediterranean Village Innovative Parking Strategies

The Mediterranean Village Form-Based Code introduces parking strategies that address Coral Gables' urban context. The following regulations are incorporated into the Mediterranean Village Form-Based Code and reduce the burden of excess parking, and ultimately improve "sense of place":

1. Allow for shared parking reductions.
2. Allow for transit-oriented development reductions.
3. Allow for payment into a Trolley Trust Fund in lieu of parking spaces.
4. Allow on-street parking to count towards the project parking requirement.

Shared Parking: How Does it Work?

Shared Parking means that parking spaces are shared by more than one user, which allows parking facilities to be used more efficiently. Shared Parking takes advantage of the fact that most parking spaces are only used part time by a particular motorist or group, and many parking facilities have a significant portion of unused spaces, with utilization patterns that follow predictable daily, weekly and annual cycles. For example, in a mixed use building with office, restaurant, and retail uses, the office parking will be most utilized during the workday, while the restaurant and retail parking will be most used at night and on the weekends. Shared Parking reductions calculate the total parking needed for all uses at the peak hour and peak day of the week, and allow the excess spaces to be eliminated from the required parking.

Coral Gables Parking Requirements Compared to South Florida Municipalities

The City of Coral Gables currently has the highest parking requirements amongst major South Florida municipalities, including Miami, Fort Lauderdale, and West Palm Beach. Of the cities studied, the parking requirements in Coral Gables are only exceeded by the City of Pinecrest, a suburban, auto-oriented community along US 1. In addition, the City of Coral Gables currently does not provide parking reductions or shared parking for mixed-use projects or transit-oriented developments. Please see Table 1: Parking Requirement Analysis below for a detailed comparison.

As shown in Table 1, if the Mediterranean Village project as proposed in December 2014 used the existing Coral Gables parking requirements, approximately 3,283 parking spaces would be required. This may be a reasonable amount of parking in a suburban context such as Pinecrest, but it may not adequately address the urban context of downtown Coral Gables. Under the Mediterranean Village Form-Based Code, the parking requirement is approximately 2,600 spaces . This range of minimum and maximum required parking that is still higher than the minimum required parking in the urban areas of the cities of Miami, Fort Lauderdale, and West Palm Beach.

Table 1: Parking Requirement Analysis

Urban Village PAD Proposed Program*		Parking Requirement by City					
		Coral Gables	Miami (T6)	Ft. Lauderdale (Transitional Mixed-Use)	West Palm Beach (City Center)	Pinecrest	South Miami (Hometown District)
Townhouse	15 units	2/unit	1.5/unit + 1 visitor/ 10 units	1.2/unit	1.5/unit	2.5 /unit + 1 guest/ 4 units	2/unit
2 Bedroom Apt	128 units	1.75/unit					2/unit + 1 visitor/ 10 units
3 Bedroom Apt	86 units	2.25/unit					
Hotel	184 units	1.125/unit	0.5/unit + 1 visitor / 15 units	60% of 1/unit	1/unit + 1/5 units for employees + 1/100 sf of mtg space	1/unit +1	1/unit + 2 spaces (reception)
Office	314,000 sf	1/300 sf	3/1000 sf	60% of 1/250 sf	1/400 sf	1/250 sf	1/250 sf (includes req. ground floor retail)
Retail	242,000 sf	1/250 sf	3/1000 sf	60% of 1/250 sf	1/300 sf	1/250 sf	1/300 sf
Restaurant	29,000 sf	12/1,000 sf	3/1000 sf	60% of 1/100 sf	1/100 sf	1/50 sf for patron use: plus 1/250 sf other****	1/100 sf
Daycare	12,000 sf	1/100 sf	1 dropoff space/child + 1/staff member****	60% of 1/325 sf	No parking required - accessory use	1/800 sf	1/250 sf
Cinema	32,000 sf	1/300 sf	3/1000 sf	60% of 1 for 3 seats****	1/300 sf	1 for 4 seats****	1 for 4 seats****
Required Spaces**		**3,283**	**2,453**	**2,023**	**2,673**	**3,508**	**3,173**
w/ Shared Parking Reduction***		None Available (under current Zoning Code)	2,131	Varies based on parking study	2,177	None Available	2,538
Other Incentives		Off-Site permitted (under current Zoning Code)	On-Street Counted	Off-Site Permitted; No Parking Requirement in Downtown	On-Street Counted; Payment in lieu	None Available	On Street Counted; Payment in lieu

**Numbers are for comparison purposes only and are based on a zoning analysis provided in the applicant's PZB submittal package dated December 2, 2014*

*** Numbers shown are the base parking requirements before any special parking reductions, such as shared parking, transit-oriented development, remote parking, municipal trust find, etc.*

**** Shared Parking Calculations based on regulations outlined in each municipality's zoning code.*

***** Unknown quantity. For the purposes of this comparison, the Coral Gables parking requirement is used as a placeholder.*

Mediterranean Village Staff Report
Attachment I: Comparison to Past Development Proposals

A Planned Area Development (PAD)/mixed use project referred to as the "Old Spanish Village at Ponce Circle" was originally approved in 2006 and amended in 2007. The PAD site plan consisted of multiple buildings on the same three (3) parcels of land separated by public streets within the comprehensively planned project, which included the following:

1. The 2801 Ponce Building (high-rise), Casa Palermo Building (mid-rise) and townhouses.
2. The historic 2901 Arts Center Building and 23 townhouses.
3. The 3001 Building (mid-rise) and townhouses.

On 08.22.06, the City Commission approved the Old Spanish Village project as a PAD and extended the Mixed Use No. 1 District boundary to allow the property to be developed as a commercial mixed use project with residential units. This also required change of land use, rezoning and re-platting due to the proposed reconfiguration of the existing street pattern.

On 09.25.07, the City Commission approved amendments to the PAD site plan approved in 2006. Those amendments generally included reducing the total number of residential multi-family and townhouse units to 243 and significantly increasing the amount of the project's commercial and office space to 240,000 sq ft. Re-plats of the parcels within the project site were approved by the City Commission on 05.27.08 in order to create separate building sites for different buildings and components of the project.

Site Plan Comparison

The following is a comparative summary of the proposed 2014 Mediterranean Village PAD to the approved amended 2007 Old Spanish Village site plan:

	Old Spanish Village Approved 2007	Mediterranean Village Proposed 2014	Existing Zoning Code and Comprehensive Plan Requirements
FAR	2.98 FAR (899,614 sf)	4.375 FAR (1,280,974 sf)	3.5 FAR (with Med Bonus) 4.375 FAR (in CBD with TDR)
Height	Low Rise • Townhouses: 31' Mid Rise • Podium: 25' – 73' • 3 Residential Towers: 97' High Rise • Office Tower: 190'6"	Low Rise • Townhouses: 36' • Amenity Podium: 70' Mid Rise • Residential Podium: 80' • Cinema Podium: 116'* High Rise • 3 Residential Towers: 190'6" • Office Tower: 190'6" • Hotel Tower: 218'6"*	Low Rise • 77' Max Height Mid Rise • 97' Max Height High Rise • 190'6" Max Height
Program	243 Residential Units 203,458 sf Office 35,646 sf Retail	229 Residential Units 314,000 sf Office 324,400 sf Retail / Other 184 Hotel Rooms	N/A
Parking	1,409 spaces	2,691 spaces**	3,283 spaces

**As part of the proposed Comprehensive Plan Text Amendment, additional height is permitted for public uses such as a rooftop restaurant or a public rooftop park.*

***As part of the proposed Zoning Code Text Amendment, a parking reduction is permitted when certain conditions are met.*

The following ordinances were approved for that project (copies of ordinances and resolutions referenced below are included in the Applicant's submittal, Attachment A):

1. Ordinance No. 2006-20 (adopted 08.22.06) – Approved change of land use for all projects within the project site to the appropriate designation in one of the following land use categories: "Commercial Use, Mid-Rise Intensity", "Commercial Use, Mid-Rise Intensity", "Commercial Use, Mid-Rise Intensity" and "Parks and Recreational Use" to allow the project's proposed mix of uses. A commercial land use designation is required for mixed use projects.
2. Ordinance No. 2006-21 (adopted 08.22.06) – Approved a Zoning Code text amendment that extended the southern boundary of the Mixed Use No. 1 District (from Archived Zoning Code) to Malaga Avenue, which allowed for the project to utilize the Code's mixed use provisions and include a residential component within a commercial project.
3. Ordinance No. 2006-22 (adopted 08.22.06) – Approved change of change of zoning for all projects within the project site to the appropriate designation in one of the following zoning categories: "CB", Commercial and "S", Special Use. The "CB", Commercial designation is required for mixed use projects, and the "S", Special Use designated properties were for park lands donated to the City by the developer.
4. Ordinance No. 2006-23 (adopted 08.22.06) – Approved the proposed Planned Area Development (PAD) site plan with itemized conditions of approval.
5. Ordinance No. 2006-24 (adopted 08.22.06) – Approved proposed vacations and dedications of public rights-of way as necessary and required for the approved PAD site plan.
6. Resolution No. 2006-163 (adopted 08.22.06) – Approved "special locational approval" for the use of Mediterranean Architectural bonuses for the proposed townhouses and multi-family residential units located across the street from existing single-family residential zoned properties.
7. Ordinance No. 2007.1 (adopted 09.25.07) – Approved amendments to the previously approved PAD site plan, and included revised itemized conditions of approval.
8. Resolution No.2008-78 (adopted 05.27.08) – Approved a Final Plat entitled "Ponce Place Villas East", being a re-plat to create separate building sites for the historic 2901 Ponce Arts Center Building and 23 townhouses.
9. Resolution No. 2008-79 (adopted 05.27.08) – Approved a Final Plat entitled "Ponce Place Villas West", being a re-plat to create separate building sites for the 3001 Ponce Building and 15 townhouses.

The previous ordinances included zoning designations and mixed use requirements for commercial projects that are no longer used in the current Zoning Code. The zoning designations and mixed use provisions were updated in 2007 as a part of the Zoning Code re-write.

Mediterranean Village Staff Report
Attachment J: Mediterranean Village PAD Zoning Analysis

Zoning Code Section	Mediterranean Village Form-Based Code Requirement	Site Plan
Section 3-510-1.A. Intent	The goal of these regulations is appropriate redevelopment and infill in the City's urbanized areas that is customized to and compatible with founder George Merrick's vision.	Complies
Section 3-510-1.B. Applicability	The Mediterranean Village option is only available for the properties bounded by Ponce de Leon Blvd. on the west, Sevilla Avenue on the north, Galiano Street on the east, and Malaga Avenue on the south. 1. Minimum site area. The minimum site area required for a Mediterranean Village shall be not less than six (6) acres. 2. Ownership. All land included within a Mediterranean Village shall be owned by the applicant requesting approval of such development, whether that applicant be an individual, partnership or corporation, or groups of individuals, partnerships or corporations. The applicant shall present proof of the unified control of the entire area within the proposed PAD and shall submit an agreement stating that if the owner(s) proceeds with the proposed development they will: a. Develop the property in accordance with: i. The final development plan approved by the City Commission for the area. ii. Regulations existing when the PAD ordinance is adopted. iii. Such other conditions or modifications as may be attached to the approval of the special-use permit for the construction of such PAD. b. Provide agreements and declarations of restrictive covenants acceptable to the City Commission for completion of the development in accordance with the final development plan as well as for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at general public expense.	Complies; Development Agreement will be finalized by Commission Approval
Section 3-510-1.D. Development Agreement	A proposed development agreement shall accompany the Mediterranean Village application, to assure all of the commitments and conditions associated with the Mediterranean Village option, all designed to assure a world class, unified and integrated mixed use project, providing for at least the	Complies; Development Agreement will be finalized by Commission Approval

Zoning Code Section	Mediterranean Village Form-Based Code Requirement	Site Plan
	following: 1. Detailed quality standards for attributes of the project including use and tenant selection, tenant build-out, maintenance and operations, and 2. Limits on the development rights granted, and 3. Aesthetic and operational assurances regarding well-integrated modifications and alterations over time, and 4. Assurances as to valet operation and tandem parking and contribution to transit, if a parking reduction is sought, and 5. Off-site improvements. 6. Any common areas established for the PAD shall be subject to provisions outlined in the Form-Based Code. 7. A process for ensuring that the applicant and any subsequent property owner shall be fully responsible for the initial development, maintenance, redevelopment if needed, and repair of all private and public infrastructure, both below and above ground, within a Mediterranean Village including, but not limited to, utilities; pedestrian amenities; tree grates; adjacent of above ground rights-of-ways, streets, alleys; and paseos and sidewalks. 8. Surety or a bond for the cost of restoration of the development site and its adjacent public rights-of-way if the project does not proceed to completion as approved. 9. Standards and procedures governing the notice to the City or approval by the City for future changes to the mix of uses affecting the shared parking calculations. 10.Traffic calming and streetscape improvement strategy for adjacent residential streets affected by project traffic including timing of requirements. 11. Mechanism for tracking and demonstrating continued consistency with the use assumptions utilized in the calculation of any shared parking reduction approved with Mediterranean Village, and further providing guidelines and procedures for the City to approve any material deviations from the use assumptions underlying the shared parking reduction study.	
3-510-1 (E) (1) Pre-application Meeting.	Applicant shall meet with the Development Services Director to review the proposal	Complies
3-510-1 (E) (2) Application	The applicant shall submit a public hearing application including all plans, documents, materials and information	Complies

Zoning Code Section	Mediterranean Village Form-Based Code Requirement	Site Plan
Requirements.	identified and required by staff at the required pre-application meeting. In addition, the applicant shall submit: 1. A Street-Types Plan. 2. A Regulating Plan. 3. Building massing, elevations and sections of any proposed buildings facades that face public or private rights-of-way or open spaces, drawn at an appropriate scale. The elevation drawings shall comply with the Architectural Standards in Section 3-510-5. 4. Pedestrian Open Space Plan, including detailed plans, sections, and elevations of all public spaces, including streets, plazas, arcades, paseos, and building frontages of at least the first 45' of the buildings, and addressing streetscape, landscape, and materials. 5. Parking and Service Diagrams, including but not limited to: a. The location of Parking and Service and which portions of the proposed development are served b. Circulation patterns of vehicles and users within buildings c. Turning radii of service vehicles and their ability to complete all turning movements within the building. d. The location of bicycle parking. 6. Analysis of LEED-ND indicating how the project conforms with LEED-ND requirements. 7. Any other diagrams, notes, and/or charts that identify requirements from these standards and demonstrate how they have been met.	
3-510-2. B. Regulating Plans	The Street Types Plan sets up a system of categories based on form and character from which the regulations for buildings, and the interface between the building and the street, are based. The various land development regulations are specific to, and may vary from one street type to another. The Regulating Plan's purpose is to add additional design requirements that are place specific.	Provided by Applicant; Regulating Plan complies with requirements and the project complies with the Regulating Plan
3-510-3. E Building Form Standards: Signature Streets	**Heights, Table 3.4A** Building Height **(1)** — 3 Floors min 190'-6" to eave max or as provided in the Comprehensive Plan Signature Terminated Vista Bonus**(2)** — 2 Floors max	Complies

Zoning Code Section	Mediterranean Village Form-Based Code Requirement		Site Plan
	Rooftop Architectural Elements**(3)**		
	Rooftop Area	3/4 max	
	Height Above Rooftop	25' max	
	Signature Terminated Vista Element**(1)**	1/2 Building Height, including 25' allowed	
	Floor Heights (floor to floor)		
	Ground Floor & 2nd Floor	11' min 17' max	
	Third Floor	9' min 17' max	
	Upper Floors (above 3rd Floor)	9' min 13'6" max	
	Ground Floor above sidewalk**(4)**	6" max	
	Profile, Table 3.4A		
	Upper Level Stepback above 7th Floor	0'	
	Building Separation above 7th Floor	45' min	
	Building Floorplate above 7th Floor	30,000sf office max 20,000sf residential 215' length max	
	Parking Placement	3rd - 7th Floor	
	Parking Setback from Primary Street BTL	20' min 70% min of Frontage	
	Parking Setback from Side Street BTL	20' min 70% min of Frontage	
	Building Placement, Table 3.5A		
	Front Build-to Line**(2)**	0’ min to 14' max	
	Frontage Build-out**(3)**	100%**(3)**	
	Parking Location, Table 3.5B		
	Front Setback	20’ min. when liner space present	
	Side Setback	20’ min. when liner space present	
	Frontage Elements, Table 3.5C		
	Distance	12’ max. or 2 feet behind the curb, if less	
	Allowed Frontage Elements	Shopfronts, Arcade, Balcony,	

Zoning Code Section	Mediterranean Village Form-Based Code Requirement	Site Plan
	Gallery, Canopy, Awning **Miscellaneous** a. All buildings must have a Primary Pedestrian Entrance along the front facade. b. Loading docks, overhead roll-down doors and other service entries shall not be located on street-facing facades.	
3-510-3. F Building Form Standards: Plazas	**Heights, Table 3.8A** Building Height **(1)** 3 Floors min 190'-6" to eave max or as provided in the Comprehensive Plan Rooftop Architectural Elements**(3)** Rooftop Area 3/4 max Height Above Rooftop 25' max Floor Heights (floor to floor) Ground Floor & 2nd Floor 11' min 17' max Third Floor 9' min 17' max Upper Floors (above 3rd Floor) 9' min 13'6" max Ground Floor above sidewalk**(4)** 6" max **Profile, Table 3.8A** Height to Stepback 7 Floors max Recommended Stepback above 7th Floor 15' Building Separation above 7th Floor 60' min Building Floorplate above 7th Floor 25,000sf office max 20,000sf residential 215' length max Parking Placement 3rd - 7th Floor Recommended Parking Setback from Primary Street BTL 20' min Parking Setback from Side Street BTL 0' **Building Placement, Table 3.9A**	Complies

Zoning Code Section	Mediterranean Village Form-Based Code Requirement	Site Plan
	Front Build-to Line**(2)** 0’ min to 14' max Frontage Build-out**(3)** 100%**(3)** **Parking Location, Table 3.9B** Front Setback 20’ min. Side Setback 0’ min. **Frontage Elements, Table 3.9C** Distance 12’ max. or 2 feet behind the curb, if less Allowed Frontage Elements Shopfronts, Arcade, Balcony, Gallery, Canopy, Awning **Miscellaneous** a. All buildings must have a Primary Pedestrian Entrance along the front facade. b. Loading docks, overhead roll-down doors and other service entries shall not be located on street-facing facades. c. All areas designated as a Plaza shall be streetscaped in a cohesive design. Facades fronting a plaza shall have a consistent appearance in materials, proportions, colors, and height. d. First and second Floors shall respect and be compatible with any historic buildings in height, scale, mass and detail.	
3-510-3. G Building Form Standards: Downtown Streets	**Heights, Table 3.10A** Building Height **(1)** 2 Floors min 190'-6" to eave max or as provided in the Comprehensive Plan Rooftop Architectural Elements**(3)** Rooftop Area 1/2 max Height Above Rooftop 25' max Floor Heights (floor to floor) Ground Floor & 2nd Floor 11' min 17' max Third Floor 9' min 13'6” max Upper Floors (above 3rd Floor) 9' min 13'6" max Ground Floor above 6" max	Complies

Zoning Code Section	Mediterranean Village Form-Based Code Requirement	Site Plan
	sidewalk**(4)** **Profile, 3.10A** Height to Stepback — 7 Floors max Recommended Stepback above 7th Floor — 15' Building Separation above 7th Floor — 60' min Building Floorplate — 25,000 sf max above 7th Floor — 18,000 sf max 215' length max Parking Placement — 3rd - 7th Floor Recommended Parking Setback from Primary Street BTL — 0' Parking Setback from Side Street BTL — 0' **Building Placement, Table 3.11A** Front Build-to Line**(2)** — 0’ min to 14' max Side Setback — 0', 10' min next to residential Rear Setback — 10', 0' with alley Frontage Build-out**(3)** — 80% min Upper level setback: — 15' min above the 7th Floor **Parking Location, Table 3.11B** Front Setback — 0’ min. Side Setback — 0’ min. **Frontage Elements, Table 3.11C** Distance — 12’ max. or 2 feet behind the curb, if less Allowed Frontage Elements — Shopfronts, Arcade, Balcony, Gallery, Canopy, Awning **Miscellaneous** a. All buildings must have a Primary Pedestrian Entrance along the front facade. b. Loading docks, overhead roll-down doors and other service entries shall not be located on street-facing	

Zoning Code Section	Mediterranean Village Form-Based Code Requirement	Site Plan
	facades.	
3-510-3. H Building Form Standards: Apartment and Townhouse Streets	**Building Heights & Profile, Table 3.14A** Building Height **(1)** 1 Floor min 3 Floors max Rooftop Architectural Elements**(3)** Rooftop Area 1/2 max Architectural Element Stepback 10' min Height Above Rooftop 11' max Floor Heights (floor to floor) Ground Floor 10' min 13'6" max Upper Floors 10' min 13'6" max Ground Floor above sidewalk 18" min Habitable Space Depth 10' min **Building Placement, Table 3.14.B** Front Build-to Line**(2)** 0’ min to 14' max Side Street Setback 0' min Side Setback 0' 10' min next to residential Rear Setback 10' 0' with alley Frontage Build-out**(3)** 50% **Parking Location, Table 3.15B** Setback from Front Street BTL 10’ min. Setback from Side Street BTL 20’ min. Rear Setback 10' min 0' with an Alley **Frontage Elements, Table 3.5C** Distance 12’ max. or 2 feet behind the curb, if less Allowed Frontage Elements Stoop, Porch, Balcony, Canopy, Awning, Bay Windows **Miscellaneous** a. Where a building facade steps back or is absent	Complies

Zoning Code Section	Mediterranean Village Form-Based Code Requirement	Site Plan
	from the BTL, the BTL line should be maintained and defined by fence, landscape wall or hedge 30"-54" high. b. All buildings shall have a Primary Pedestrian Entrance, such as a Stoop or Porch, along the front street facade. All buildings fronting a corner are recommended to have a Stoop or Porch with a Primary Pedestrian Entrance at the corner. c. Driveways, garage doors, and service areas shall be accessed from an Alley and may not be visible from the Apartment & Townhouse Street.	
3-510-3. I Building Form Standards: Paseos	**Paseo Placement and Dimensions, Table 3.17A** Distance from a side street: 250' max Width 10' min Vertical Clearance 16' min Frontage Element permitted Encroachment 10' min clear space **Allowed Frontage Elements, Table 3.17B** Shopfront Gallery Arcade Canopy Awning Balcony	Complies
3-510-3. J Building Form Standards: Alleys	**Building and Alley Placement, Table 3.18A** Width of Alley 20' min. 30' max Frontage Element 4' max Encroachment 20' min vertical clearance **Allowed Frontage Elements, Table 3.18B** See Section 5, Architectural Standards for additional regulations. Balcony Canopy Awning	Complies
3-510-4.B General Standards: Building Site	1. Platting or Replatting may be required. 2. Easements may be required. 3. All utilities shall be underground.	Complies

Zoning Code Section	Mediterranean Village Form-Based Code Requirement	Site Plan
3-510-4.C General Standards: Permitted Uses	Project shall be mixed use.	Complies
3-510-4.D General Standards: Mediterranean Bonus	Project shall meet the non-residential use requirements of the Mediterranean Level 2 Bonus program.	Complies
3-510-4.E General Standards: Green Building	Project shall be LEED-ND certified or equivalent.	Complies; will be incorporated into Development Agreement
3-510-4.F General Standards: Traffic Study	A Traffic Impact Study shall be submitted and a traffic calming and streetscape improvement strategy shall be incorporated into Development Agreement, including contributions toward said improvements.	Complies; will be incorporated into Development Agreement
3-510-4.G General Standards: Transit	Project shall include a Transit Improvement Plan.	Complies; will be incorporated into Development Agreement
3-510-4.H General Standards: Pedestrian Amenities	A pedestrian amenity plan shall be provided showing continuous pedestrian amenities along all required frontages.	Complies
3-510-4.I General Standards: Public Art	Public Art beyond that currently required by Code shall be provided at focal points	Complies; will be incorporated into Development Agreement
3-510-4.J.1 General Standards: On-Street Parking	On-street parking spaces are counted toward the project total.	Complies
3-510-4.J.2 General Standards: Bicycle Parking	One bicycle rack parking place shall be provided for every ten parking spaces	Complies
3-510-4.J.3 General Standards: Valet Parking	A valet plan shall be submitted and covenanted	Complies; will be incorporated into Development Agreement
3-510-4.J.4 General Standards: Electric Vehicle Charging Station	1 vehicle charging station shall be provided: for every 50 residential spaces and for every 200 hotel or commercial spaces	Complies; will be incorporated into Development Agreement

Zoning Code Section	Mediterranean Village Form-Based Code Requirement	Site Plan
3-510-4.J.5 General Standards: Shared Parking Reduction	Shared parking is permitted according to an approved methodology	Complies; will be incorporated into Development Agreement
3-510-4.K.1 General Standards: Loading and Service	Loading and service entries only permitted on certain streets, alleys, and within parking areas, and all turning movements must be internal	Complies
3-510-4.K.2 General Standards: Parking Garages Entry	Controls the location of parking garage entrances	Complies
3-510-4.L General Standards: Parking Under Public Right-of-Way	Underground parking is permitted under the public right-of-way under certain conditions, including sufficient tree planter space and appropriate ventilation that does not impact public spaces	Complies
3-510-4.M General Standards: Bridges and Roofs Over Public Right of Way	Establishes limitations on bridges and roofs over the right-of-way; allows exceptions upon approval by City Commission	The project exceeds the recommended limitations established for bridges and roofs, therefore City Commission must approve the Site Plan allowing additional bridging; Lighting study and security study needed for additional bridging; Condition of approval.
3-510-4.N General Standards: Activated Rooftops	Establishes standards for green roofs and publicly accessible roofs, as well as roofs in proximity to single-family residences	Complies; will be incorporated into Development Agreement
3-510-4.O General Standards: Landscape	Establishes minimum criteria that exceeds current Zoning Code requirements	Landscape plan will be revised to comply prior to Commission Approval

Zoning Code Section	Mediterranean Village Form-Based Code Requirement	Site Plan
3-510-5.B.1 Classical Proportion	All buildings shall be designed according to the rules of Classical Proportion.	Complies
3-510-5.B.2 Massing	The building mass shall include meaningful changes in roof height, facade depth, materials, and articulation used to express important moments in the building such as a Primary Pedestrian Entrance, a Civic space, or a Tower.	Complies
3-510-5.B.3 Vertical Hierarchy	All buildings shall have a clearly articulated base, middle, and top. The transition between each vertical layer shall be marked by a Cornice line, Balcony, or Stepback.	Complies
3-510-5.B.4 Emphasis	The facades of large buildings can be articulated through the application of special architectural elements. These elements shall be located to emphasize the principles of Base, Middle, Top, Massing, and Hierarchy.	Complies
3-510-5.B.5 Fenestration	The rhythm and spacing of openings in the building facade, and the Proportion of opening to wall shall relate to the overall Proportion, Massing, style, formality, and function of the building itself. Fenestration shall express each Floor of the Building.	Complies; final approval to be granted by Board of Architects
3-510-5.B.6 Windows and Doors	Proportions, materials, and style shall reflect Mediterranean Architectural precedent.	Complies; final approval to be granted by Board of Architects
3-510-5.B.7 Garage Openings	Garage Openings shall be designed to be compatible with the overall Mediterranean Architectural style and Window design of the building, but with a simplified treatment that expresses the utilitarian parking use.	Complies; final approval to be granted by Board of Architects
3-510-5.B.8 Awnings, Canopies, Balconies, and Cornice Lines	The shape shall relate to the window or door opening. Balconies and Cornice Lines can be used to mark the transition between the Base, Middle, and Top of the Building. When placed above ground level Shopfronts, Awnings and Canopies are permitted to encroach across the sidewalk in order to provide generous protection for pedestrians.	Complies; final approval to be granted by Board of Architects
3-510-5.B.9 Columns and Piers	All Columns and Piers shall be designed to appear to be load bearing according to the rules of tectonics. Columns and Piers shall have an expressed Base, Middle (Shaft), and Top (Capital).	Complies; final approval to be granted by Board of Architects
3-510-5.B.10 Arches	Arches shall be used sparingly to emphasize important elements on a building, such as Primary Pedestrian Entrances and Terminated Vistas that can be seen from a distance, and Civic spaces. Arches shall be designed with Classical Proportion and according to the common sense rules of tectonics. All elements of the Arch shall align to a	Complies; final approval to be granted by Board of Architects

Zoning Code Section	Mediterranean Village Form-Based Code Requirement	Site Plan
	center point and the springing of the Arch shall align with its means of support.	
3-510-5.B.11 Intercolumniation	Columns or Piers that are regularly spaced along a line create a Colonnade. The spacing between each Column (Intercolumniation), shall relate to the overall proportion of the individual Column. The space between Columns shall be vertical in proportion to express a load-bearing function.	Complies; final approval to be granted by Board of Architects
3-510-5.B.12 Arcades and Loggias	Arcades shall be designed to be consistent with the proportion, scale, architectural style, and materials of the main building. Each Bay of the Arcade shall be vertically proportioned in order to allow sufficient light and visibility to the Ground Floor facade of the building.	Complies; final approval to be granted by Board of Architects
3-510-5.B.13 Roofs	Roof shapes shall be simple and shall relate to the Massing of the building. Mediterranean Village Roofs shall be Gable, Hip, or Parapet, in keeping with the Mediterranean Architectural precedents.	Complies; final approval to be granted by Board of Architects
3-510-5.B.14 Rooftop Architectural Elements	Rooftop Architectural Elements shall relate to the overall proportion and design of the building, and shall be used to emphasize Building Massing. The scale of the Rooftop Architectural Element shall relate to its Height on the Building and its visibility from the Sidewalk level.	Complies
3-510-5.B.15 Shopfronts and Signage	Shopfronts are a mandatory Frontage on Signature Streets and Plazas. In a mixed-use building, the Ground Floor Shopfront shall be distinguished from the rest of the building, placing emphasis on the display windows. At least 60 percent of the Shopfront shall be glass. Signs shall enhance the Mediterranean character of the building, and shall be designed as part of a uniform Signage Plan. Outdoor advertising signs, automatic electric changing signs, and entrance features are not permitted as part of a Mediterranean Village. All signs shall not obstruct sight visibility triangles at street intersections.	Shopfront Complies. Signage Plan will be further developed prior to Commission Approval.
3-510-5.B.16 Porches, Stoops, and Garden Walls	Porches, Stoops, and Garden Walls shall be designed with the proportions, materials, and architectural style of the main building, and shall be Mediterranean in character.	Complies
3-510-5.B.17 Materials	All exterior walls of all buildings shall incorporate superior quality materials designed to be compatible with the Mediterranean Architectural examples. Building wall materials on each facade shall be designed so that visually heavier materials are below visually lighter materials.	Complies; final approval to be granted by Board of Architects

DAVID PLUMMER & ASSOCIATES
TRANSPORTATION • CIVIL • STRUCTURAL • ENVIRONMENTAL

1750 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA 33134
305 447-0900 • FAX: 305 444-4986 • EMAIL: DPA@DPLUMMER.COM

February 2, 2015

Mr. Glenn Kephart, PE
Public Works Director
City of Coral Gables
2800 SW 72 Avenue
Miami, Florida 33155
(305) 460-5004
gkephart@coralgables.com

Re: DRAFT Mediterranean Village Review - #14153
Traffic Impact Study, Parking Analysis & Valet Operations Analysis

Dear Glenn:

David Plummer and Associates (DPA) have completed a review of the Traffic Impact, Parking, and Valet Operation Analyses conducted for the proposed Mediterranean Village project. The re-analyses were conducted by Kimley Horn (dated January 27, 2015). Review comments that were not addressed adequately from previous reviews, as well as additional comments are below.

Traffic Impact Analysis

- Other improvements mentioned in the report include signalization of Ponce de Leon Boulevard/Palermo Avenue, Ponce de Leon Boulevard/Sevilla Avenue, Almeria Avenue / SW 37 Avenue, traffic calming devices, streetscape features on residential streets, a center median on Ponce de Leon Boulevard at Catalonia Avenue, a covered trolley stop, and a contribution towards trolley service enhancements. The city needs to determine how all of the improvements in the report will be documented in the development agreement and what the timing will be for the improvements.

- The city should consider requiring additional traffic calming studies for the residential streets east of LeJeune Road (Malaga Avenue and Catalonia Avenue) and east of Galiano Street (Sevilla Avenue, Palermo Avenue, Malaga Avenue) six to 12 months after the

opening of the project to assure that these streets are protected from cut-through traffic. If traffic calming thresholds are exceeded, the applicant should mitigate this condition.

- The traffic calming devices proposed by the applicant will need city Public Works, Miami-Dade County, and city fire department approval.

Parking Analysis

- **PREVIOUS COMMENT NOT ADDRESSED BY APPLICANT**: The study uses a 10% modal spilt reduction for employees/residents and 5% for visitors. These percentages are not consistent with the percentages previously recommended as acceptable (8% employees/residents and 4% visitors), which is an average from 2009-2013. The analysis should be revised accordingly. **The applicant used a 9.6% / 4.8% modal split. The analysis needs to be revised using the five-year average of 8% / 4%.**

- Parking requirements for the Day Care use were eliminated from the analysis. The Day Care should remain separate from retail use in the Shared Parking Analysis, unless the Day Care will not be open to the general public and only visitors of Mediterranean Village will be allowed to use the facility.

- The shared parking calculation in Appendix B needs to be updated based on the above comments.

Valet Operations Analysis

- **PREVIOUS COMMENT NOT ADDRESSED BY APPLICANT**: The applicant should provide dimensions of the proposed valet drop-off / pick-up areas to verify the number of vehicles that can be accommodated. **Exhibit A-0.11.6 shows the number of on-street spaces but no dimensions. This exhibit shows one parking space for the North valet station but the text and analysis references seven on-street parking spaces.**

- **PREVIOUS COMMENT NOT ADDRESSED BY APPLICANT**: The MV Parking

DRAFT

Operations Narrative (January 7, 2015) states that only part of level B2 will be for valet parking. Based on the assumed valet parking percentages, this is not possible. The applicant should provide the anticipated number of parking spaces that will be available for self-parking by land use. **This information was not provided.**

- The analysis concludes that the North valet station needs between 23 and 29 valet attendants, the Central valet station needs between 19 and 26 valet attendants, and the hotel needs between 5 and 6 valet attendants. This is an extremely high number of valet attendants. The city needs to determine how they will enforce that an adequate number of valet attendants will be on-site to make sure parking operations works adequately.

If you have any questions or require additional information, please contact me.

Sincerely,

Timothy J. Plummer, PE
President

cc: Ramon Trias, Yamilet Senespleda, Kevin Kinney, Jane Tompkins, file

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Mediterranean Village at Ponce Circle

Technical Memorandum

January 26, 2015

Introduction

Lambert Advisory has completed its Market Assessment and Strategic Services for the City of Coral Gables (City) associated with the retail component of the proposed Mediterranean Village on Ponce Circle (Mediterranean Village). As part of the strategic advisory services, there are three principal objectives guiding the analysis herein including:

- ✓ Provide insight into the proposed Mediterranean Village retail development plan including location, concept, design, and tenant mix based upon preliminary plans provided by the Developer and the City;

- ✓ Provide an overview of retail market conditions within Coral Gables and surrounding comparable/competitive markets including retail development/ district location, occupancy, lease rate, major retail centers/tenants and profile of relevant retail projects in planning.

- ✓ Provide guidance on how the proposed Mediterranean Village retail development may impact retail activity within other major retail nodes in Coral Gables and, specifically, Miracle Mile Business Improvement District (BID) and Village of Merrick Park.

Based upon the set of objectives above, we have organized this technical memorandum into three main sections including:

1.) *Proposed Project Profile for the Mediterranean Village Plan* covering location, surrounding land uses preliminary concept and tenant mix;

2.) *Coral Gables Supply and Demand Profile* of the retail market in Coral Gables by select retail areas and corridors, focusing narrowly the Miracle Mile BID and on Village of Merrick Park;

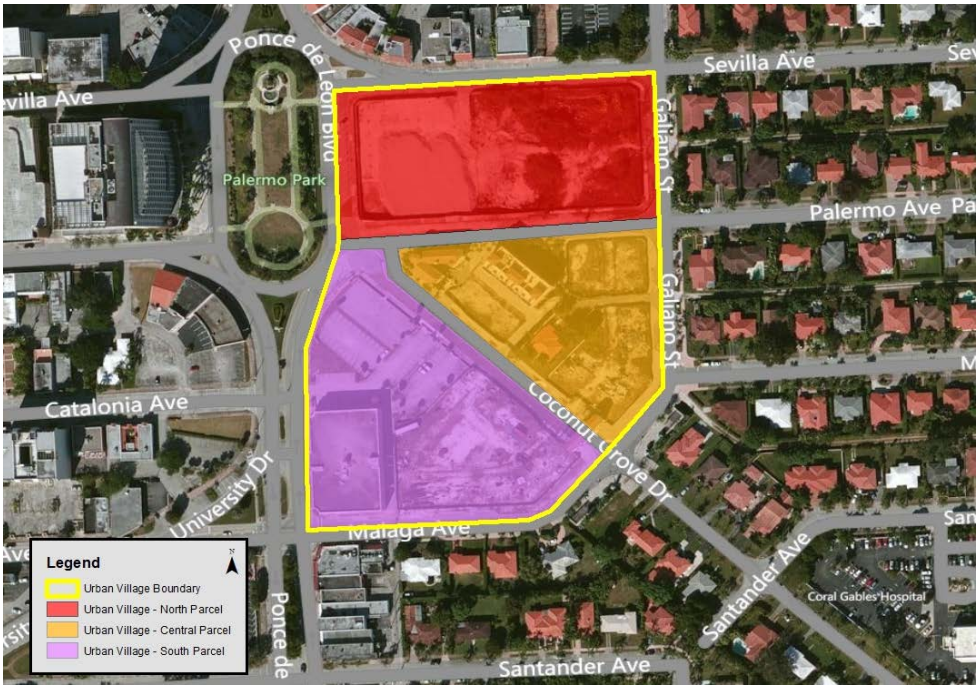
3.) *Other Surrounding Retail At a Glance* identifies select retail areas and corridors in other surrounding comparable/competitive retail submarkets such as Kendall/Dadeland, Downtown Miami, Miami Beach and Midtown/Miami Design District; and,

4.) *Finding and Conclusions* for the Mediterranean Village development summarizes our findings based upon key objectives and market observations.

1.) Proposed Project Profile

The Mediterranean Village at Ponce Circle is a 9.5 acre development parcel located in the northeast sector of the City of Coral Gables, less than ¼-mile south of the Coral Gables Miracle Mile Shopping District. The subject site is irregular shaped with approximately 475 feet of frontage along Ponce De Leon Boulevard on the west side of the property. Sevilla Avenue borders the subject property to the north, Malaga Avenue to the south and Galliano Street to the east. Palermo Avenue bisects the property east and west with approximately two-thirds of the property situated south of Palermo and one-third to the north. The larger southern tract is also bisected by Coconut Grove Drive which extends northwest and southeast between Ponce De Leon Boulevard and Malaga Avenue.

Figure 1: Mediterranean Village – Location Map

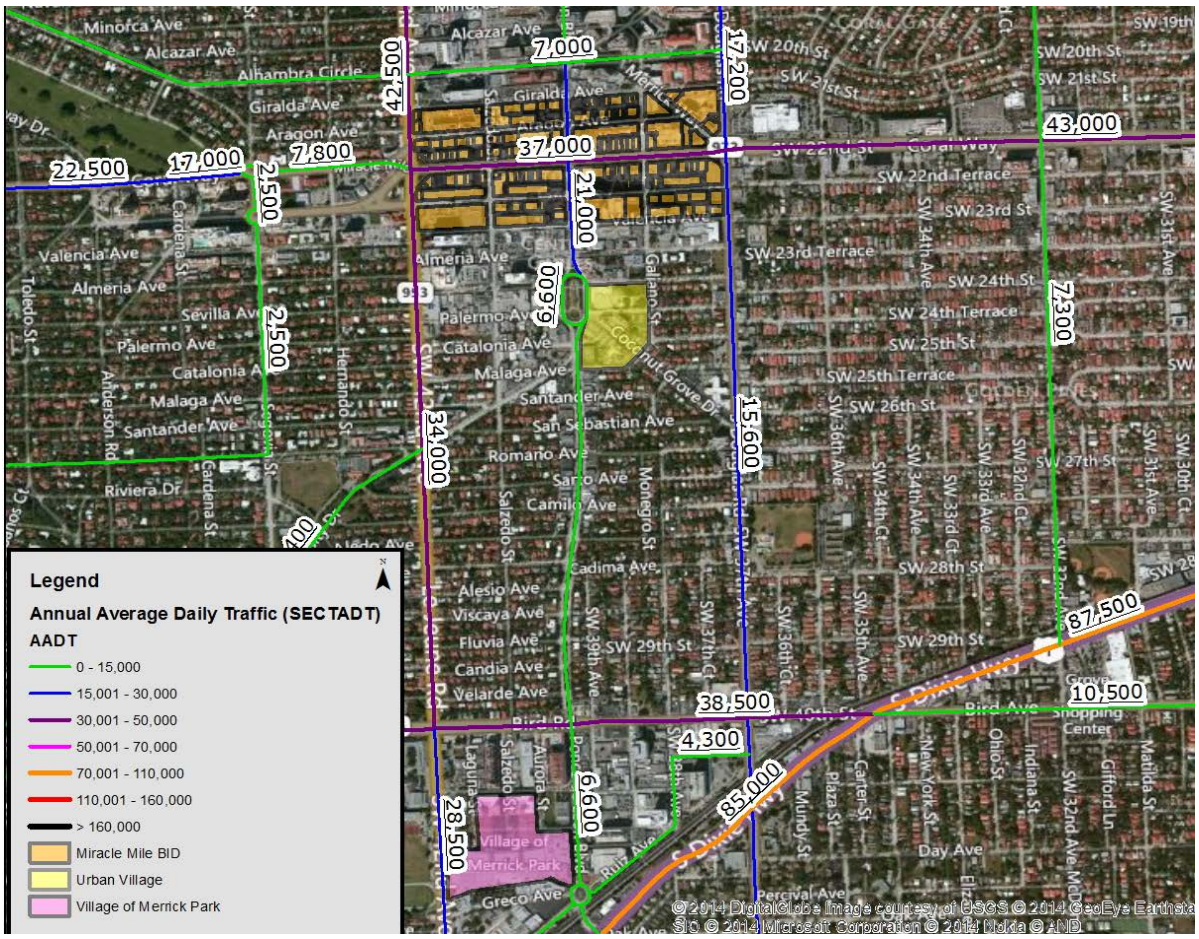


Land uses immediately surrounding the site include low rise offices on the north side of Sevilla Avenue and single family housing located immediately south and east. The Ponce De Leon commercial corridor is situated to the west of the site providing continuity and a walkable linkage extending north approximately ¼-mile to Miracle Mile/Coral Way. Land uses along Ponce De Leon Boulevard in the vicinity of the subject site are primarily a mix of retail and office use.

As shown below, Coral Way (S.W. 24th Street) north of the subject site is heavily traveled with more than 43,000 average daily traffic county (ADT), decreasing modestly to 37,000 cars in the core of the Miracle Mile shopping district. ADT counts decrease significantly along Ponce de Leon south of Coral Way, with

approximately 21,000 ADT in front of the subject property. While high traffic volumes are viewed with frustration by customers, is it like honey to a bear for retailers.

Figure 2: Coral Gables Retail Corridor Traffic Counts
Sources: Florida DOT



Based upon a profile of preliminary site plans, Mediterranean Village proposes a mix of uses comprising:

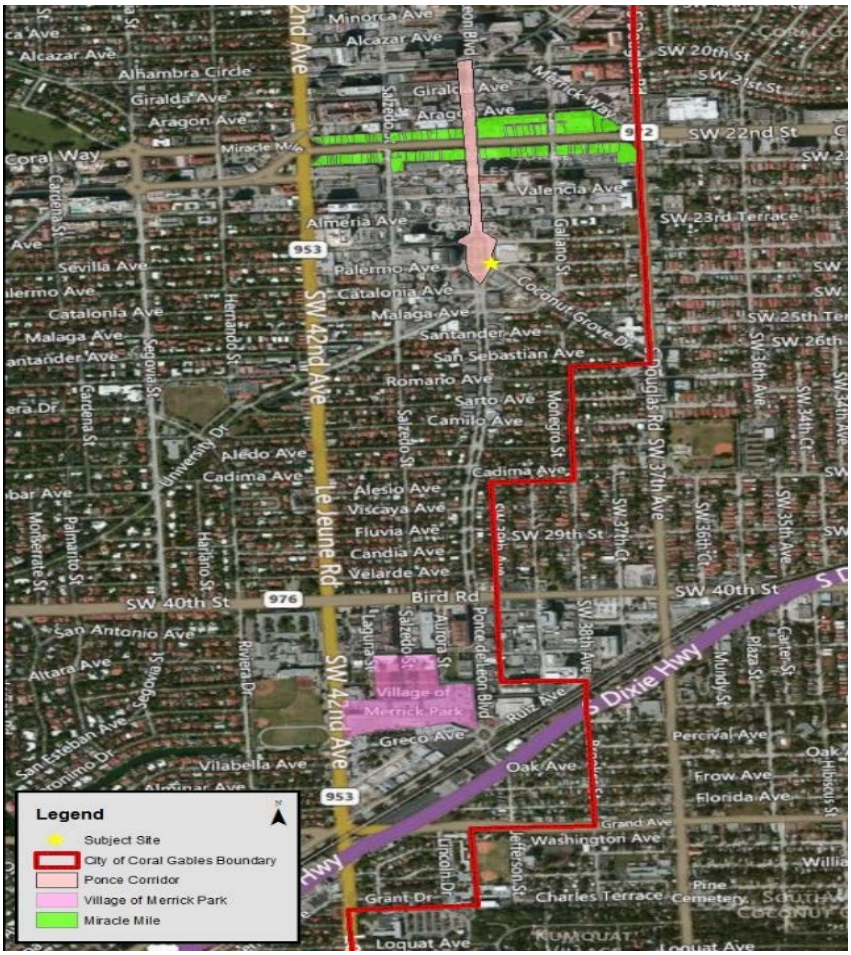
- ✓ *Retail* – 314,000 square feet of total retail space including 241,000 square feet of mid-size anchors and in-line space, 29,000 square feet of restaurants, and a 32,000 square foot cinema;
- ✓ *Office* – 314,000 square feet of Class A office space;
- ✓ *Residential* – 234 residential units;
- ✓ *Hotel* – 184 hotel rooms; and,
- ✓ *Daycare and Gym* – 12,500 square foot daycare facility; and, 9,500 square foot gym.

In all, Mediterranean Village is well positioned within the core of the Coral Gables commercial district, with adequate access, visibility and traffic flow to the site. There is a natural pedestrian linkage between the Miracle Mile shopping district and the subject development given proximity. Linkages to the Village of Merrick Park are more challenging, given a distance of 1 mile.

2.) Coral Gables Retail Market Supply and Demand Profile

According to CoStar, as of the 3rd Quarter of 2014, the retail inventory for Coral Gables is estimated at 3.6 million square feet. As it relates to Mediterranean Village, there are three notable retail areas/corridors within the City including the Miracle Mile shopping district (which we also refer to herein as the Miracle Mile Business Improvement District (BID)), the Ponce De Leon Corridor and the Village of Merrick Park regional shopping center. Among the three areas/corridors, the Village of Merrick Park comprises 1.06 million square feet, followed by the Miracle Mile BID with approximately 850,000 square feet and finally the Ponce De Leon Corridor with 175,000 square feet.[1]

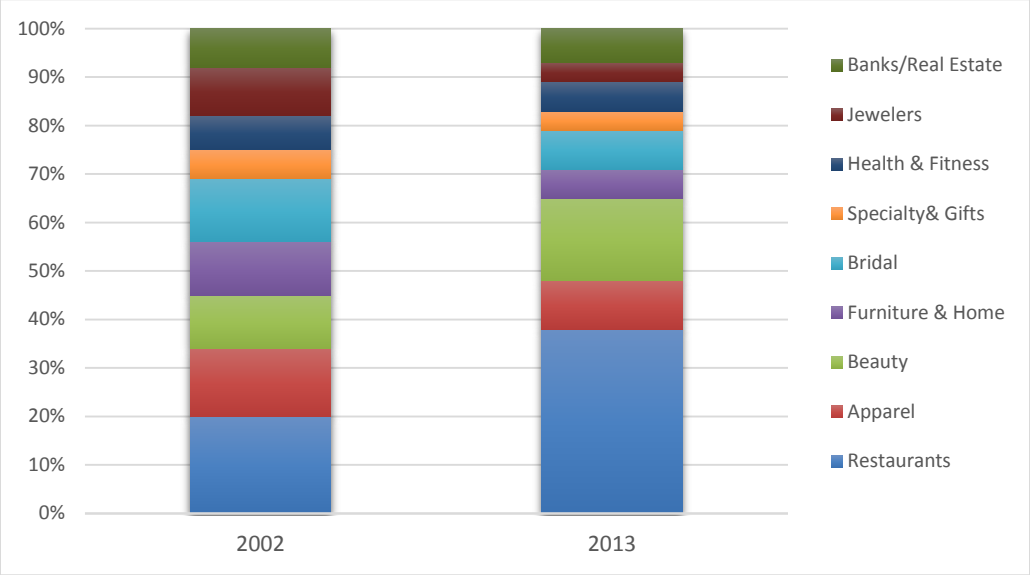
Figure 3: Coral Gables – Map of Select Retail Corridors



[1] Based upon Lambert's definition of the Ponce de Leon Boulevard Corridor for purposes of this analysis extends from Alhambra to the north and Palermo Avenue to the south.

The Miracle Mile shopping district is a widely recognized retail/entertainment node within Miami Dade County. The district has carved a niche as an upscale retail, entertainment and dining area, anchored by boutique shops, art galleries, live theater, and home décor.

Figure 4: Coral Gables – Miracle Mile BID Business Profile
Source: BID of Coral Gables



The graphic above provides a summary profile of the business sectors within the Miracle Mile BID – by number of establishment. Presently, restaurants dominate the business segmentation representing nearly 40 percent of all establishments within the district, followed by beauty (16+ percent), bridal and apparel (each with approximately 10 percent). Although restaurant were the predominate use in 2002 (at slightly more than 20 percent), this category nearly doubled during the past 10+ years. Beauty also experienced a substantial increase. In contrast, apparel realized one of the most significant declines in store representation from roughly 13 percent to less than 10 percent, and the drop in jewelers was even more substantial. Apparel and jewelry have always been boutique oriented within the BID without representation of national retailers. In spite of the shift in tenant mix, the Miracle Mile BID has experienced stable rent and occupancy growth since late 2010 as discussed further below.

Though the retail characteristics of the Miracle Mile shopping district has changed somewhat during the past decade, becoming more dining-centric, its appeal has not seemingly been compromised. However, there is one notable factor that indicates the BID's dining and boutique retail segment will continue to dominate the retail mix at least during the near term. The Miracle Mile district has physical constraints which are very difficult to overcome. Comparatively, the transition that has taken place on Lincoln Road and is underway in the Miami Design District is driven by either existing large spaces or repositioning of buildings through construction. Parcel depths along both sides of Miracle Mile are relatively shallow and constrained in terms of the ability to support larger ground floor retail stores required by most of

the national retailers. Likewise, the ownership of buildings along Miracle Mile is heavily fragmented, limiting the all-important glass frontage sought out by the majority of national retailers. The following map provides an illustration of the parcel configuration within the Miracle Mile BID.

Figure 5: Miracle Mile BID Parcel Map (and Depth)
Source: MDCPA; Lambert Advisory



As shown above, the majority of parcels within the Miracle Mile Bid are relatively small, with parcel depths that are largely 100 to 120 feet in depth. Comparatively, the western end of Lincoln Road has an average parcel depth of approximately 150 feet, and these are the stores that house a number of larger national apparel and home goods stores and restaurants. As illustrated below, as one moves east along Lincoln Road, parcel depths narrow on the north side of the corridor and the retail in those spaces begins to more resemble Miracle Mile.

Figure 6: Lincoln Road Parcel Map
Source: MDCPA; Lambert Advisory



While Lincoln Road has a number of large parcels that support redevelopment of larger stores (with adequate parking), a profile of the transformation of the Miami Design District is actually more telling. As shown in the following map, the Miami Design district, and specifically its core area between N.E. 39th and N.E. 41st Streets and N.E. 2nd Avenue and Miami Avenue, has parcel depths generally between 95 and 105 feet which is even smaller than that of Miracle Mile. These depths have until recently heavily restricted the ability to transform the area from smaller design centers, restaurants and boutique retail to a larger and more diverse shopping district.

Figure 7: Miami Design District – Core Redevelopment Area Parcel Map (and Depth)
Source: MDCPA; Lambert Advisory



However, during the past than 15± years, a single developer, Dacra (and/or its affiliates) has been acquiring the majority of parcels within the core area (and the district overall as well), including numerous contiguous parcels. With these acquisitions and parcel control, the company is investing more than $500 million to completely transform the area into a regional luxury shopping destination with a diverse mix of fashion, art/design and dining. This redevelopment opportunity is only possible with ownership control that allows for aggregation of abutting parcels to provide for adequate depth and frontage to accommodate larger buildings. The following is an illustration of the aggregated parcels owned/controlled by a single entity (or affiliate, partner) which have become the key development sites for the first phase of development.

Figure 8: Miami Design District – Aggregated Single Owner/Controlled Parcel Map
Source: MDCPA; Lambert Advisory



This is not to say that enhancements and/or potential repositioning of Miracle Mile cannot occur over time - should that ever be the focus or intent among its many property owners. However, it's just not a plan foreseen in the near term given that there does not appear to be a single owner/entity with a large amount of controlling interest[2] in contiguous parcels within the BID as illustrated in the map below, by the highlighted parcels which represent contiguous parcels with single ownership/control.

[2] The identification of single owner parcels is based upon our evaluation of the Miami Dade County Property Appraiser (MDCPA) tax rolls and highlighting those individual parcels for which the owner of two contiguous parcels is the same; or, has similar owner names sharing the same mailing address. Importantly, there may be multiple contiguous parcels for which ownership has a controlling interest but we are unable to confirm based upon the data provided.

Figure 9: Miracle Mile BID – Aggregated Single Owner/Controlled Parcel Map
Source: MDCPA; Lambert Advisory



In terms of overall market performance for the Coral Gables retail sector, the occupancy rates among the three retail areas/corridors range from 92 percent along the Ponce De Leon Corridor, to 95± percent within the Miracle Mile BID.[3] The occupancy rate for the Coral Gables submarket as a whole is just under 96 percent, in line with that of Miami-Dade County.

According to Costar, quoted NNN rental rates[4] among the three select retail areas/corridors in Coral Gables range from approximately $44 per square foot at the Village of Merrick Park for smaller spaces, to $39 per square foot within the Miracle Mile BID; however, some locations within the core area of the district exceed $50 per square foot. Ponce de Leon is currently reporting NNN quoted lease rates of nearly $49 per square foot; which is a dramatic increase from the $38 per square foot lease quoted for much of the past 5 years. The average quoted NNN rental rate for all retail space in Coral Gables is $36 per square foot, which is attributed to average rental rates in the mid- to upper- $20 per square foot range in other areas of Coral Gables including pockets along Le Jeune Road, Aragon Avenue, and Andalusia among others.

The following figure presents a Retail Market Snapshot comparison for the select Coral Gables corridors/areas and Miami-Dade County.

[3] Costar – Q3 2014
[4] NNN rental rates represent a lease agreement that designates the lessee (the tenant) as being solely responsible for all of the costs relating to the asset being leased in addition to the rent fee applied under the lease. The structure of this type of lease requires the lessee to pay for net real estate taxes on the leased asset, net building insurance and net common area maintenance.

Figure 10: Retail Market Snapshot: Miami-Dade County & Coral Gables
Source: CoStar Q3 2014

Trade Area	Total Inventory SF	Occp. Rate	Vacant SF	Quoted Rent/SF	In Construction & Proposed
Miami-Dade County	122,602,100	96.0%	4,505,400	$28.94	1,424,388
Coral Gables	3,692,643	96.4%	132,952	$36.04	658,311 (5)
Miracle Mile BID (2)	852,191	95.8%	35,731	$39.22	-
Ponce De Leon Corridor (3)	175,262	92.4%	13,873	$49.04	-
Vill. of Merrick Park (4)	1,181,671	98.0%	22,000	$42.81	-

Notes:
(1) Equals total space available, including vacant and sublet space.
(2) Represents properties within the Miracle Mile BID defined as east of SW 37th Avenue, north of Valencia Avenue, east of SW 42nd Avenue, and south of Alhambra Circle. Square footage based upon CoStar
(3) Includes the portion of Ponce De Leon Blvd. between Alhambra Circle on the north and Malaga Avenue/the Subject Site on the south.
(4) Includes the Village of Merrick Park Shopping Mall and surrounding outparcels.
(5) Represents Mediterranean Village and Gables Station.

Retail development trends within Coral Gables indicated that 1.46 million square feet of the current inventory was built before 1960, or more than 40 percent of the total inventory. The ratio is even higher within Miracle Mile with more than 80 percent of retail being built before 1960 as well as the Ponce de Leon corridor with more than 65 percent built before 1960. From 1960 to 1999, there was approximately 625,000 square feet of retail space delivered to the Coral Gables submarket, equal to 18 percent of the current total inventory. However, from 2000 to 2009, the inventory of retail space in Coral Gables increased significantly with delivery of 1.21 million square feet of space – the lion's share of which is 1.06 million square feet within Village of Merrick Park built in 2002.

The following table presents retail absorption trends for Miami-Dade County and Coral Gables from 2010 to 2013. During this time period, Coral Gables absorbed a net 78,000 square feet of retail space, equal to 2.6± percent of the total net square feet of retail space absorbed in Miami-Dade County. The City is capturing just slightly below its historical fair share of countywide demand considering the City's total existing 3.4 million square feet of retail space is roughly three percent of the County's total retail inventory.

Figure 11: Estimated Retail Absorption Trends: Miami-Dade County & Coral Gables
Source: CoStar

	Annual Absorption		
	Miami-Dade	Coral Gables	Coral Gables Share
2010	583,400	(57,905)	-
2011	1,191,800	54,692	4.6%
2012	604,200	7,905	1.3%
2013	552,600	72,988	13.2%
Total	2,932,000	77,680	2.6%
Annual Avg.	733,000	19,420	2.6%

Compared to many other municipalities throughout the County, Coral Gables has a relatively high concentration of high-end, boutique retail establishments, although there are a number of shopping centers and "big box" retail in Coral Gables with major anchor tenants, as highlighted below:

Figure 12: Coral Gables Shopping Center Profile
Sources: CoStar; Lambert Advisory

Name	Address	Distance, Drivetime & Direction From Trade Area from Intersection of Miracle Mile & Ponce de Leon Blvd.	Est. Square Feet	Major Tenants
Miracle Mile BID	BID Boundaries (Refer to Figure 10)	N/A	852,191	Ross Dress for Less, Barnes & Noble
Village of Merrick Park	4301 Ponce de Leon Blvd.	1.4 miles 5+ minutes south	1,181,671	Neiman Marcus, Nordstrom's
Miracle Market Place	3301 Coral Way	±0.5 miles, < 5 minutes east	250,000	Marshall's. LA Fitness, Nordstrom Rack, PetSmart, Bed, Bath & Beyond, DSW, Toys R Us, Ultra
Ponce de Leon Corridor	Alhambra to Palermo	0.5 miles ±5 minutes North & South	175,262	N/A
Other Major Retailers				
Office Max	1906 Ponce de Leon	2.5 blocks North	25,000	_
Staples	2120 SW 32nd Ave.	±1 mile 10 minutes West	22,000	_

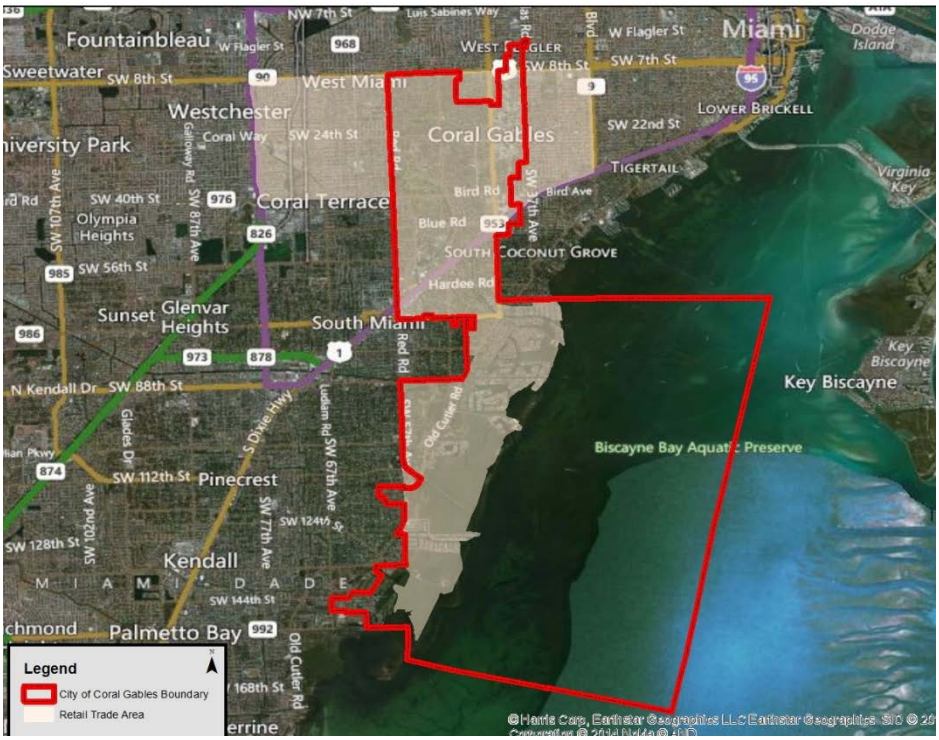
There is 658,000 square feet of retail space proposed in the Coral Gables submarket. This is predominately represented within two shopping centers, including Gables Station (summarized in the table below) for 330,000 square feet located on US Hwy 1 between Ponce De Leon and Mediterranean Village for 311,000 square feet.

Figure 13: Coral Gables Shopping Center Profile: Proposed
Sources: CoStar; Lambert Advisory

Name	Address	Distance, Drivetime & Direction From Trade Area from Intersection of Miracle Mile & Ponce de Leon Blvd.	Estm. Square Feet	Major Tenants
Gables Station	US Hwy 1 between Le Jeune Rd. & Ponce de Leon Blvd.	1.5+ miles 5+ minutes South	330,000	300,000 sq. ft. including Target (or similar) and other Big Box stores
Mediterranean Village (Subject Site)	2801,2901 & 3201 Ponce de Leon Blvd. (Ponce de Leon Blvd. at Circle Park)	0.25+ miles < 5 minutes South	311,311	Retail - 266,210 sq. ft. Restaurant - 27,684 sq. ft. Movie Theater - 17,417 sq. ft.
Merrick Manor	4111 Le Jeune Rd. (SW 42nd Ave.)	1.3+ miles 5+ minutes South	17,000	Misc. Retail
Subtotal Proposed			658,311	
Total Existing, UC & Proposed			658,311	

In spite of the two larger scale retail development plans, we believe the market is in a solid enough position to support new supply within the next few years. Moreover, support for this new supply will come from on-going demand within trade area, the majority of which will be derived from two primary sources: resident and visitor demand. In the effort to gauge the level of demand from these sources during the next 5+ years, we have completed a retail demand analysis to illustrate the relationship between supply and demand on a forward looking basis. Specific to resident demand, Lambert has defined the Coral Gables Retail Trade Area based upon boundaries for the trade area which is considered to represent the area from which we believe businesses will draw patrons for food and beverage establishments, local stores and boutiques, and specialty businesses on a regular basis – illustrated in the following map. While retail trade area boundaries are ordinarily defined by drive times, the boundaries set forth herein consider drive time, proximity to surrounding competitive commercial nodes, and have clear delineation around Census Block Groups to allow for comprehensive economic and demographic analyses.

Figure 14: Coral Gables Retail Trade Area Map



Based upon the defined trade area, we utilize our *Lambert Advisory Retail Trade Model* to estimate resident expenditure and translate it into demanded square feet of retail space by merchandise category. The detailed models can be found in the Appendix. We clearly recognize that the demand from trade area residents is not the only area from which the City's retailers will draw patrons. The trade model takes into account expenditures by residents outside of the trade area by utilizing inflow factors. We have estimated demand over a five year projection period and, based upon the output from the trade model, the net growth in retail demand solely from resident growth is estimated to be more than 400,000 square feet, of which roughly 50 percent represents Shoppers Goods and just over 25 percent is Convenience Goods, while Food Services and Drinking Places represent slightly more than 15 percent. The estimated resident retail demand is summarized in the table below.

Figure 15: Mediterranean Village Retail Trade Area –Estimated Resident Retail Demand (by Category)
Source: Lambert Advisory

	2015	2020	Change
Estimated Population	104,964	108,690	3,726
Per Capita Income	$35,574	$38,701	$3,127
Total Retail Expenditure Potential	$1,008,177,121	$1,135,729,006	$127,551,886
Expenditure Potential by Category			
Food Services & Drinking Places	$186,410,039	$209,994,141	$23,584,102
Shoppers Goods	$461,268,772	$519,627,269	$58,358,497
Convenience Goods	$298,899,709	$336,715,704	$37,815,996
Sales per Square Foot by Category			
Food Services & Drinking Places	$375	$375	$0
Shoppers Goods	$301	$301	$0
Convenience Goods	$351	$351	$0
Supportable Square Footage by Category			
Food Services & Drinking Places	497,093	559,984	62,891
Shoppers Goods	1,532,312	1,724,279	191,967
Convenience Goods	884,714	996,646	111,932
Non-Retail Space	298,067	335,937	37,870
Total Supportable Retail Space	**3,212,187**	**3,616,847**	**404,660**

It is also important to note that a considerable amount of retail demand within Miami Dade County is driven by visitors to the area – both domestic and international. In 2011, Lambert completed a retail demand analysis for Miami Dade County[5] within which demand from visitors was estimated from 2011 to 2016. In that study, the retail and entertainment demand countywide (including Shoppers Goods, Convenience, and Food and Beverage) from visitors during the five year period was estimated to be 8.1 million square feet (or 1.7 million square feet average per year). Since the time of the study, Miami Dade County visitor growth has actually exceeded the projected annual growth rate estimated in the analysis, and, therefore, we anticipate average annual demand to continue at or above the projected annual growth trend. Accordingly, if it is assumed that the City's retail and visitor demand capture mirrors its proportionate share of the County's total retail inventory (or 3.0 percent), then there is an estimated additional demand from visitors of roughly 225,000 square feet over the next 5± years.

Based upon the estimated demand from residents and visitors, the City is estimated to have roughly 625,000 square feet of new retail demand during the next 5± years. However, we recognize that a portion of this net new retail demand presumes absorption of existing vacant space, as well as support for a repositioning of older existing retail space. Nonetheless, this level of demand adequately supports

[5] Miami Dade County Retail/Entertainment District (RED) Assessment in conjunction with Miami-Dade County Board of County Commission Resolution 871-09 that called for a study of the opportunity to designate and promote a Retail/Entertainment District (RED) within the County.

new retail that is proposed within Mediterranean Village, along with support for additional supply from other proposed development such as Gables Station.

3.) Other Select Retail Submarkets At a Glance

The Coral Gables retail market continues to remain among the strongest in Miami Dade County, drawing residents and visitors from areas well beyond its boundaries. However, the retail market naturally is not impervious to development and leasing activity in other vital retail markets/nodes within surrounding areas. For this, we provide a cursory profile of other notable areas and retail developments within Miami Dade County that have a relevant impact on supply and demand factors affecting Coral Gables; namely, Kendall/South Dade, Midtown/Miami Design District, Miami Beach and Downtown Miami. Accordingly, we have included a location map for these other select submarkets and retail developments within the Appendix.

Kendall/South Dade Retail at a Glance

According to CoStar, as of the 4th Quarter of 2013, the retail inventory for the Kendall/South Dade submarket is estimated at 19.1 million square. We divided the submarket into four significant retail nodes including: East Kendall with 9.8 million square feet; Dadeland Mall with 1.488 million square feet; "All other Malls and Big Box Retailers" at 3.4 million square feet and "All Other East Kendall Retail" at 4.9 million square feet.

The occupancy rates among significant retail nodes in the Kendall submarket range from 94.9 percent for All Other Malls and Big Box Retailers, to 100 percent at Dadeland Mall. The occupancy rate for the Kendall Submarket is 96.6 percent, higher than that for both Miami-Dade County and Coral Gables at 96 percent.

Quoted NNN rental rates, among significant retail nodes in the Kendall submarket range from $33.32 per square foot for "All Other East Kendall Retail" to $100.00 per square foot at Dadeland Mall. For all of East Kendall the quoted NNN rental rate for retail is $57.00 per square foot when Dadeland Mall is included and $35.26 per square foot without Dadeland Mall. With the exception of Dadeland Mall, the quoted NNN rental rates for retail in the Kendall Submarket are higher than that for all of Miami-Dade County and comparable to Coral Gables.

The figure below presents a profile of the Kendall Retail Submarket with general comparisons for the Coral Gables Trade Areas and Miami-Dade County.

Figure 16: Kendall Retail Submarket Profile
Source: CoStar

Trade Area(s)	Total Inventory Sq. Ft.	Occp. Rate	Vacancy Rate	Vacant Sq. Ft.	Sublet Sq. Ft.	Quoted Rents/ Sq. Ft.	UC & Proposed
Miami-Dade	122,602,100	96.0%	3.7%	4,505,400	4,575,100	$28.94	1,424,388
Kendall	19,112,400	96.6%	3.4%	648,000	652,200	$29.97	237,365
East Kendall	9,823,560	96.1%	3.9%	382,359	6,039	$35.26 w/o Dadeland & $57.00 w/ Dadeland	160,000
Dadeland Mall	1,447,941	100.0%	0.0%	0	2,500	$100.00	
All Other Malls, Big Box	3,410,160	94.9%	5.1%	172,990	0	$36.23	
All Other E.Kendall Retail	4,965,456	95.8%	4.2%	209,369	3,539	$33.32	160,000

The following figure presents a profile of select shopping centers in the Kendall Submarket, including location, estimated square feet of rentable space and anchor tenants.

Figure 17: Kendall Shopping Center Profile
Sources: CoStar; Lambert Advisory

Existing			
Name	Address	Estm. Square Feet	Major Tenants
Dadeland Mall	7200-7500 N. Kendall Drive (SW 88th Street)	1,447,941	Macy's, Saks Fifth Avenue, JC Penney, Nordstrom's
The Falls	SWC US 1 & SW 136th Street	782,600	Bloomingdale's, Macy's, Regal Cinema
Shops at Sunset Place	5701 Sunset Drive (SWC S. Dixie Hwy & Red Road)	514,559	LA Fitness, Barnes & Noble, AMC Theater
Palms @ Town & Country	8268 Mills Drive	503,665	Kohl's, Dick's Sporting Goods, Nordstrom Rack, Marshall's
Dadeland Station	8312 S. Dixie Hwy (US Hwy. 1)	330,000	Target, Best Buy, PetSmart, Bed, Bath & Beyond, Sports Authority, Michael's
Kendall Village Center	8600 Block of SW 124th Ave.	267,000	LA Fitness, Old Navy, Gap, Barnes & Noble, Pier One Imports, Regal Cinema

A listing of select other miscellaneous major retailers in the Kendall Submarket, including location and estimated square feet is shown as follows:

Figure 18: Kendall Submarket – Other Miscellaneous Major Retail
Sources: CoStar; Lambert Advisory

Other/Miscellaneous			
Target	7800 SW 104th Street	200,000	-
Brandsmart	7260 N Kendall Drive	50,000	-
Best Buy	12495 SW 88th Street	35,000	-
Old Navy	7220 N Kendall Drive	30,000	-
Office Depot	7240 N Kendall Drive	20,000	-
Staples	8811 SW 107th Ave.	15,000	-
Staples	9801 S Dixie Hwy.	15,000	-
DSW	8607 S. Dixie Hwy	15,000	-
Toys R Us	8325 S Dixie Hwy	15,000	-
Baby's R Us	8325 S Dixie Hwy	10,000	-
Ross Dress for Less	8605 S Dixie Hwy	25,000	-
TJ Maxx	8765 SW 136th Street	30,000	-
TJ Maxx	7750 N Kendall Drive	30,000	-
TJ Maxx	7620 SW 117th Ave,	20,000	-
West Elm		15,000	-
Total Existing		2,922,824	
Percent of Kendall		15.3%	
Percent of East Kendall		29.8%	
Proposed	6101 Sunset Drive	160,000	General Retail
Total Existing, UC & Proposed		19,282,400	
Major Retailers et. Al. -Percent of East Kendall		15.2%	
Major Retailers et. Al. -Percent of Kendall		29.8%	

Midtown Miami & Miami Design District at a Glance

There are two significant retail nodes within east-central Miami, including Midtown Miami and the Miami Design District. The two areas are essentially contiguous with Midtown Miami extending north from NE 29th Street to NE 36th Street (US Hwy 27) on the north and from N. Miami Avenue on the west to Biscayne Boulevard on the east. The Miami Design District general includes the area north of NE 36th Street to NE 43rd Street on the north and from Biscayne Boulevard on the east to N. Miami Avenue on the west.

Midtown Miami consists of 1.43 million square feet of retail space and is further subdivided into the Shops at Midtown, which is a 645,000 square feet urban power center anchored by Target, Wal-Mart, PetSmart and also includes an assortment of 15,000-25,000+ square feet of discount and/or lifestyle stores such as Ross Dress for Less, Marshalls, Sports Authority and Home Goods. The Midtown retail node also includes another 787,000 square feet of other/miscellaneous retail and dining places and bars.

The Miami Design District has 885,470 square feet of retail space with another 300,000 square feet proposed. The Miami Design District is largely comprised of high-end fashion retail, restaurants, design studios and furniture galleries.

The figure below provides a profile of the Midtown Miami and Miami Design District Submarket, with comparison for all of Miami-Dade County and the Coral Gables Submarket.

Figure 19: Midtown/Miami Design District Retail Submarket Profile
Source: CoStar

Trade Area(s)	Total Inventory Sq. Ft.	Occp. Rate	Vacant Sq. Ft.	Quoted Rents/ Sq. Ft.	UC & Proposed
Miami-Dade	122,602,100	96.0%	4,505,400	$28.94	1,424,388
Coral Gables	3,692,343	96.4%	132,952	36.04	658,311
Midtown Miami	1,432,025	95.4%	66,478	$41.28	42,150
Shops at Midtown	645,000	92.9%	45,866	$42.56	32,150
All Other Midtown Retail	787,025	97.4%	20,612	$36.81	10,000
Miami Design District	885,470	86.7%	117,812	$42.82	301,465

The occupancy rates among within the Submarket range from 86.7 percent in the Miami Design District (which is currently undergoing a $500 million construction phase), to 97.4 percent for "All Other Midtown Retail." The occupancy rate for the Submarket is roughly 94 percent, lower than that for both Miami-Dade County and Coral Gables at 96 percent.

Quoted NNN rental rates, among select retail areas in the Submarket range from $42.82 in the Miami Design District to into $42.82 per square foot to $36.81 in "All Other Midtown". The average quoted NNN rental rate for retail in the Biscayne Corridor Submarket is $29.97 per square feet, which is higher than that for all of Miami-Dade County but lower than Coral Gables.

The following figure presents a profile of select shopping centers and proposed retail in the Midtown Miami/ Miami Design District Submarket, including location, estimated square feet of rentable space and anchor tenants.

Figure 20: Midtown/Miami Design District Shopping Center Profile
Sources: CoStar; Lambert Advisory

Existing			
Name	Address	Est. Square Feet	Major Tenants
Shops at Midtown	3101 to 3501 Block of N Miami Ave.	645,000	Wal-Mart, Target, PetSmart, Sports Authority, Ross Dress for Less, Marshall's, Home Goods, West Elm
Design District	Between NW 2th Ave on the West and Biscayne Bay on the East & NE 48 Street on the South to I-195/ NE 36th Street on the South	885,470	Specialty/Fashion, furniture & Design High-end Retail
Total Existing		1,530,470	
Proposed	Miami Design District	300,000	High-end Retail
Proposed	Shops at Midtown-Linear Retail	16,000	Specialty Retail/Restaurants
Proposed	Other Midtown	26,150	General Retail
Proposed	Other Biscayne Corridor	15,000	General Retail
Total UC & Proposed		357,150	
Total Existing, UC & Proposed		3,252,560	

Miami Beach/South Beach at a Glance

According to CoStar, as of the 4th Quarter of 2013, the retail inventory for the Miami Beach Submarket is estimated at 7.31 million square. Of this total, ±65 percent, equal to 4.73 million square feet, is located in South Beach, which includes the area from South Point Park on the south to 17th Street on the north. The Lincoln Road pedestrian shopping mall is located on the northern end of South Beach. The 945,655 square feet mall is anchored by Macy's and includes a variety of fashion and specialty stores.

The figure below provides a profile of the Miami Beach Submarket and select retail areas, with comparison for all of Miami-Dade County.

Figure 21: Miami Beach Submarket Profile

Source: CoStar; Lambert Advisory

Trade Area(s)	Total Inventory Sq. Ft.	Occp. Rate	Vacant Sq. Ft.	Quoted Rents/ Sq. Ft.	UC & Proposed
Miami-Dade	122,602,100	96.0%	4,505,400	$28.94	1,424,388
Coral Gables	3,692,343	96.4%	132,952	36.04	658,311
Miami Beach	7,309,860	95.4%	334,074	$61.15	231,893
South Beach	4,732,566	94.7%	253,144	$66.59	231,893
Lincoln Road	945,655	95.6%	41,886	$83.93	89,078
All Other Miami Beach	2,577,294	96.9%	80,930	$63.68	0

The occupancy rates among select retail areas in the Miami Beach Submarket range from 94.7 percent in South Beach, to 96.9 percent for All Other Miami Beach Retail. The occupancy rate for the Miami Beach Submarket is 95.4 percent, lower than that for Miami-Dade County Coral Gables at 96percent.

Quoted NNN rental rates, among select retail areas in the Miami Beach Submarket are some of the highest in all of Miami-Dade County and range from $64 per square foot for "All Other Miami Beach Retail," to $84 per square foot along Lincoln Road. The average quoted NNN rental rate for retail in the Miami Beach Submarket $61.15 per square feet, which is significantly higher than that for all of Miami-Dade County as well as Coral Gables.

The following figure presents a profile of select shopping centers and proposed retail in the Miami Beach Submarket, including location, estimated square feet of rentable space and anchor tenants.

In addition to the Lincoln Road pedestrian mall, the Shoppes at Fifth and Alton Road, located at the SEC of 5th Street and Alton Road, is an 180,000 square feet center that opened in April/May of 2014. Anchor tenants include Best Buy, TJ Maxx, Ross Dress for Less and Staples.

Another 321,000 square feet of retail space is proposed for South Beach, of which 231,915 square feet is along Lincoln Road.

Figure 22: Miami Beach Center Profile
Sources: CoStar; Lambert Advisory

Existing			
Name	Address	Estm. Square Feet	Major Tenants
Lincoln Road	Lincoln Road between Collins Ave. & Alton Road	945,655	Macy's, H&M, Express, Gap, Miscellaneous Fashion, Specialty Retail & Restaurants
Shoppes at Filth & Alton	SEC or 5th Street & Alston Road	180,000	Best Buy, Petco, TJ MaxxRoss Dress for Less, Staples
Other	Miami Beach	30,000	Office Depot, Staples
Total Existing		1,155,655	
Percent of South Beach		24.4%	
Lincoln Road as % of South Beach		20.0%	
Proposed	South Beach	231,915	High-end Retail
Proposed	Lincoln Road	89,100	Specialty Retail/Restaurants
Total Existing UC & Proposed Miami Beach		7,541,775	
Total Existing UC & Proposed South Beach		4,964,481	
Total Existing UC & Proposed Lincoln Road		1,034,755	
Lincoln Road as % of South Beach		13.7%	

Downtown Miami Retail at a Glance

Until 2006, Bayside Marketplace was the only major retail center in Downtown Miami, with 230,000 square feet, and heavily tourist oriented. Flagler Street is the other major shopping node, but it is mostly characterized by electronic, jewelry and small specialty stores – with the exception of Macy's (formerly Burdines). In 2006, Mary Brickell Village was built and primarily comprises restaurants and bars, anchored by a Publix store. Since that time, retail in the Downtown area has grown modestly, and with a heavy concentration in the food and beverage sector. However, as a second wave of major residential development has occurred, a considerable amount of retail development is now under construction and in process.

In 2015/16, Brickell CityCentre will be completed/opened and represents 625,000 square feet of retail space including a recently announced Saks Fifth Avenue, along with numerous restaurants, stores and movie theater. Additionally, there are several other sizable retail developments currently in the approval process within Downtown, the most notable of which includes the proposed World Center, a 750,000 square foot mixed use development which will be anchored by Macy's and Bloomingdales.

This has major implications for the Mediterranean Village development, less from the perspective of direct competition for day-to-day shoppers, but more for the fact that upscale oriented retailers have already staked out a presence in the surround submarket raising questions as to what pool of tenants will be available for the Mediterranean Village.

4.) Conclusions and Findings

The subject site profile, retail market overview and other general observations outlined above provides the basis of information that supports our conclusions for the strategic evaluation of Mediterranean Village. Specific to the objectives of this analysis outlined in the Introduction, there are three principal findings set forth herein:

- **Perceived Impact from Mediterranean Village on Miracle Mile and Village of Merrick Park -** As noted within the findings from the market assessment above, the Coral Gables retail market is relatively strong and should continue as such in spite of considerable luxury retail development in surrounding areas. Accordingly, the scale of retail development within Mediterranean Village is not considered to be at the scale that would significantly affect the surrounding Coral Gables market, particularly since there will be new underlying demand generated from the residential, office and hotel uses and if food and beverage space is kept to a reasonably small 27,000 square feet of the total project. Indeed, the opportunity of Mediterranean Village to introduce larger-format retail stores with a regional draw should actually have a positive effect on the nearby Miracle Mile district; particularly, given the pedestrian link between the two destinations. Irrespective of the proposed retail development within Mediterranean Village, Miracle Mile will continue to serve as a niche dining and shopping destination; especially, given the physical parcel constraints that limit the district's ability to accommodate the larger stores as discussed above. Moreover, the added demand from a regional retail store at Mediterranean Village, along with added residential, office and hotel uses should only be mutually beneficial to both retail nodes. As it relates to Merrick Park, while it has some of the same attributes of Mediterranean Village, Mediterranean Village given its location in the core of Coral Gables and, importantly the growth in regional demand as discussed above, marginalizes its competitive impact.

- **Observations of the Proposed Subject Development –** As outlined above, Mediterranean Village at Ponce Circle proposes 311,000 total square feet of retail space, along with 234 residential units, 200,000 square feet of office and 184 hotel rooms. Retail specifically is anticipated to comprise two junior anchor stores (98,000 to 36,000 square feet), along with 29,0000 square feet of restaurant space and a cinema. Following a profile of the most recent plan submittal, we continue to have principal concern with the preliminary design for the retail:

  - There is a large amount of second level retail space which does not traditionally perform well outside of major regional centers (ie. regional mall) or highly intensive urban environments (ie. Brickell CityCenter). Additionally, there is a portion of second level space that is oddly configured. While the residential, office and hotel uses may help support

second-floor retail, the Mediterranean Village development itself is not to the scale that it alone will support 314,000 square feet of retail space. The risk of developing the second level space with retail appears to outweigh the financial benefits; therefore, a recommendation is to re-vision it for alternative uses that could perform stronger, such as professional office or hotel banquet/meeting space.

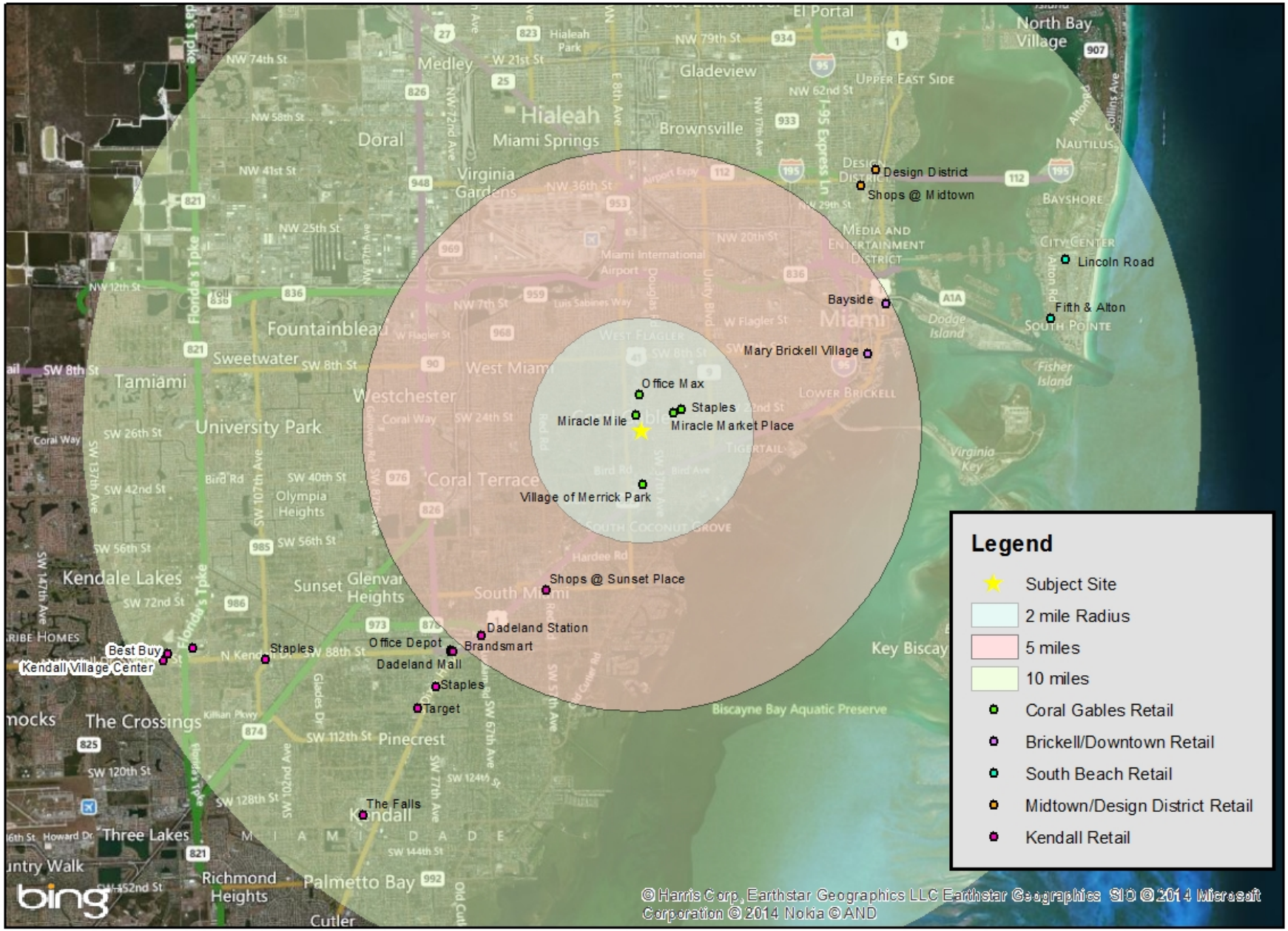
We continue to have conversations with representatives of the development about this concern. As we understand it, the developer is going through a redesign/rethinking of the retail elements of the project to both position the retail for success and to maximize performance.

- **Assessment of the Coral Gables and Surrounding Retail Market –** Coral Gables and its surrounding comparable/competitive retail market is well represented with a broad range of retailers ranging from small boutique to "big box" discount to regional mall. The broader assessment of the retail market completed as part of this analysis indicates that from a very narrow perspective of the Coral Gables market to the broader Miami Dade County region, the retail sector overall is very strong in terms of both occupancy and rate. This is further evidenced by the level of new and planned retail development; particularly, for larger scale and higher-end projects including but not limited to Miami Design District, Brickell CityCentre, Downtown's World Center, Lincoln Road, Gables Station, among others including the Mediterranean Village. While it is difficult to assess what the impact of any one new development will have on select submarkets within the region, especially since some projects (such as World Center) may not be introduced to the market for several years, the overall market should be able to accommodate these new projects reasonably well given growth projections. As a result, notable projects such as Miami Design District and Brickell CityCentre will inevitably impact the Coral Gables retail market and largely the luxury shopper segmentation. At the same time, though, retail demand will continue to increase from growth within the area's resident, worker and visitor base as detailed within the analysis of retail demand in Section 2 above. Accordingly, we estimate the proposed residential, office and hotel uses within the Mediterranean Village itself generates demand for 30,000 to 35,000 SF of retail component. Given the trends in the retail sector we believe Mediterranean Village can perform well if it is able to attract Dadeland and Falls type tenants but stays clear of the high end luxury market. The one area of significant concern is that the luxury retail market will have too much space given the expansion of Bal Harbor Shops, the redevelopment of the Design District, the construction of Brickell CityCentre, and the continued repositioning of Aventura Mall.

APPENDIX

APPENDIX 1

Regional Shopping Map


Legend
Subject Site
2 mile Radius
5 miles
10 miles
Coral Gables Retail
Brickell/Downtown Retail
South Beach Retail
Midtown/Design District Retail
Kendall Retail
Design District
Shops @ Midtown
Lincoln Road
Bayside
Fifth & Alton
Mary Brickell Village
Office Max
Staples
Miracle Mile
Miracle Market Place
Village of Merrick Park
Shops @ Sunset Place
Dadeland Station
Office Depot
Brandsmart
Staples
Best Buy
Kendall Village Center
Staples
Dadeland Mall
Target
The Falls
Hialeah
Miami Springs
Doral
Medley
Gladeview
Brownsville
Virginia Gardens
North Bay Village
El Portal
Fountainbleau
Sweetwater
Tamiami
University Park
Westchester
West Miami
Coral Terrace
Olympia Heights
Kendale Lakes
Sunset
Glenvar Heights
South Miami
The Crossings
Pinecrest
Kendall
Three Lakes
Richmond Heights
Palmetto Bay
Cutler
Key Biscay
Biscayne Bay Aquatic Preserve
Miami International Airport
Media and Entertainment District
Bayshore
City Center
Nautilus
Upper East Side
Lower Brickell
Dodge Island
Fisher Island
Virginia Key
South Pointe
bing
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APPENDIX 2

Mediterranean Village –

Resident Retail Trade Model

Resident Expenditure Estimate, By Major Retail Category, Urban Village

	2015	2016	2017	2018	2019	2020
Total Population	104,964	105,699	106,439	107,184	107,934	108,690
Per Capita Income	$35,574	$36,179	$37,047	$37,640	$38,167	$38,701
Total Income	$3,733,989,336	$3,824,049,425	$3,943,237,397	$4,034,373,500	$4,119,490,712	$4,206,403,727
% of Total Income Expended on Non-Auto Retail Expenditure	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%
Total Non-Auto Retail Expenditure	$1,008,177,121	$1,032,493,345	$1,064,674,097	$1,089,280,845	$1,112,262,492	$1,135,729,006

Distribution by Store Type - 2007 Census; Miami-Dade County

Expenditure by Store Type - Detail

General merchandise stores	**$ 156,706,521**	**$ 160,486,126**	**$ 165,488,157**	**$ 169,312,919**	**$ 172,885,083**	**$ 176,532,613**
Department stores	$ 78,360,584	$ 80,250,563	$ 82,751,812	$ 84,664,372	$ 86,450,621	$ 88,274,556
Other general merchandise stores	$ 78,345,937	$ 80,235,563	$ 82,736,345	$ 84,648,547	$ 86,434,462	$ 88,258,057
Clothing & clothing accessories stores	**$ 146,974,887**	**$ 150,519,774**	**$ 155,211,175**	**$ 158,798,415**	**$ 162,148,744**	**$ 165,569,758**
Clothing stores	$ 101,217,358	$ 103,658,620	$ 106,889,451	$ 109,359,880	$ 111,667,155	$ 114,023,109
Men's clothing stores	$ 4,907,956	$ 5,026,331	$ 5,182,992	$ 5,302,781	$ 5,414,659	$ 5,528,898
Women's clothing stores	$ 28,464,169	$ 29,150,697	$ 30,059,265	$ 30,753,995	$ 31,402,843	$ 32,065,380
Children's & infants' clothing stores	$ 4,912,999	$ 5,031,495	$ 5,188,317	$ 5,308,229	$ 5,420,222	$ 5,534,578
Family clothing stores	$ 49,651,463	$ 50,849,007	$ 52,433,868	$ 53,645,720	$ 54,777,537	$ 55,933,234
Clothing accessories stores	$ 5,944,388	$ 6,087,761	$ 6,277,505	$ 6,422,590	$ 6,558,094	$ 6,696,457
Other clothing stores	$ 7,336,383	$ 7,513,329	$ 7,747,504	$ 7,926,565	$ 8,093,799	$ 8,264,562
Shoe stores	$ 18,387,778	$ 18,831,273	$ 19,418,206	$ 19,867,000	$ 20,286,154	$ 20,714,151
Jewelry, luggage, & leather goods stores	$ 27,369,751	$ 28,029,882	$ 28,903,517	$ 29,571,535	$ 30,195,435	$ 30,832,499
Jewelry stores	$ 25,162,945	$ 25,769,850	$ 26,573,045	$ 27,187,201	$ 27,760,797	$ 28,346,494
Luggage & leather goods stores	$ 2,206,805	$ 2,260,031	$ 2,330,472	$ 2,384,334	$ 2,434,639	$ 2,486,005
Furniture & home furnishings stores	**$ 46,191,847**	**$ 47,305,948**	**$ 48,780,380**	**$ 49,907,792**	**$ 50,960,746**	**$ 52,035,916**
Furniture stores	$ 26,880,047	$ 27,528,367	$ 28,386,372	$ 29,042,437	$ 29,655,175	$ 30,280,840
Home furnishings stores	$ 19,311,799	$ 19,777,580	$ 20,394,008	$ 20,865,354	$ 21,305,572	$ 21,755,077
Floor covering stores	$ 4,459,672	$ 4,567,235	$ 4,709,586	$ 4,818,434	$ 4,920,094	$ 5,023,898
Other home furnishings stores	$ 14,852,127	$ 15,210,346	$ 15,684,422	$ 16,046,920	$ 16,385,478	$ 16,731,179
Electronics & appliance stores	**$ 66,577,655**	**$ 68,183,442**	**$ 70,308,583**	**$ 71,933,555**	**$ 73,451,209**	**$ 75,000,883**
Appliance, television, & other electronics stores	$ 53,026,241	$ 54,305,181	$ 55,997,764	$ 57,291,985	$ 58,500,731	$ 59,734,979
Computer & software stores	$ 12,843,492	$ 13,153,264	$ 13,563,225	$ 13,876,698	$ 14,169,469	$ 14,468,416
Camera & photographic supplies stores	$ 707,923	$ 724,997	$ 747,594	$ 764,872	$ 781,009	$ 797,487
Sporting goods, hobby, book, & music stores	**$ 25,278,998**	**$ 25,888,702**	**$ 26,695,601**	**$ 27,312,590**	**$ 27,888,831**	**$ 28,477,230**
Sporting goods, hobby, & musical instrument stores	$ 16,693,966	$ 17,096,608	$ 17,629,475	$ 18,036,928	$ 18,417,471	$ 18,806,043
Sporting goods stores	$ 8,737,901	$ 8,948,651	$ 9,227,562	$ 9,440,830	$ 9,640,012	$ 9,843,397
Hobby, toy, & game stores	$ 4,868,618	$ 4,986,045	$ 5,141,450	$ 5,260,279	$ 5,371,260	$ 5,484,583
Sewing, needlework, & piece goods stores	$ 1,135,597	$ 1,162,987	$ 1,199,235	$ 1,226,952	$ 1,252,838	$ 1,279,270
Musical instrument & supplies stores	$ 1,951,849	$ 1,998,926	$ 2,061,229	$ 2,108,868	$ 2,153,361	$ 2,198,792
Book, periodical, & music stores	$ 8,585,032	$ 8,792,094	$ 9,066,126	$ 9,275,662	$ 9,471,360	$ 9,671,187
Book stores & news dealers	$ 6,877,454	$ 7,043,331	$ 7,262,857	$ 7,430,717	$ 7,587,490	$ 7,747,571
Prerecorded tape, compact disc, & record stores	$ 1,707,578	$ 1,748,763	$ 1,803,269	$ 1,844,946	$ 1,883,870	$ 1,923,616
Miscellaneous store retailers	**$ 32,208,675**	**$ 32,985,516**	**$ 34,013,609**	**$ 34,799,732**	**$ 35,533,936**	**$ 36,283,631**
Florists	$ 2,288,002	$ 2,343,187	$ 2,416,219	$ 2,472,063	$ 2,524,219	$ 2,577,474
Office supplies, stationery, & gift stores	$ 13,331,434	$ 13,652,975	$ 14,078,511	$ 14,403,894	$ 14,707,787	$ 15,018,092
Office supplies & stationery stores	$ 8,530,807	$ 8,736,561	$ 9,008,863	$ 9,217,075	$ 9,411,537	$ 9,610,102
Gift, novelty, & souvenir stores	$ 4,800,627	$ 4,916,414	$ 5,069,648	$ 5,186,818	$ 5,296,250	$ 5,407,990
Used merchandise stores	$ 2,629,918	$ 2,693,349	$ 2,777,296	$ 2,841,484	$ 2,901,434	$ 2,962,649
Other miscellaneous store retailers	$ 13,959,320	$ 14,296,005	$ 14,741,583	$ 15,082,291	$ 15,400,497	$ 15,725,416
Pet & pet supplies stores	$ 3,329,077	$ 3,409,371	$ 3,515,634	$ 3,596,887	$ 3,672,775	$ 3,750,263
Art dealers	$ 3,010,051	$ 3,082,651	$ 3,178,731	$ 3,252,198	$ 3,320,813	$ 3,390,875
All other miscellaneous store retailers	1281063.697	$ 1,311,962	$ 1,352,853	$ 1,384,120	$ 1,413,322	$ 1,443,140
Food & beverage stores	**$ 175,366,903**	**$ 179,596,578**	**$ 185,194,244**	**$ 189,474,453**	**$ 193,471,985**	**$ 197,553,857**
Grocery stores	$ 160,571,602	$ 164,444,429	$ 169,569,832	$ 173,488,930	$ 177,149,200	$ 180,886,694
Supermarkets & other grocery (except convenience) stores	$ 155,999,919	$ 159,762,481	$ 164,741,958	$ 168,549,474	$ 172,105,531	$ 175,736,614
Convenience stores	$ 4,571,683	$ 4,681,947	$ 4,827,874	$ 4,939,456	$ 5,043,669	$ 5,150,080
Specialty food stores	$ 5,554,691	$ 5,688,665	$ 5,865,969	$ 6,001,543	$ 6,128,164	$ 6,257,456
Beer, wine, & liquor stores	$ 9,240,610	$ 9,463,485	$ 9,758,443	$ 9,983,980	$ 10,194,622	$ 10,409,708
Food services & drinking places	**$ 155,341,699**	**$ 159,088,386**	**$ 164,046,852**	**$ 167,838,303**	**$ 171,379,356**	**$ 174,995,117**
Full-service restaurants	$ 74,381,811	$ 76,175,826	$ 78,550,074	$ 80,365,523	$ 82,061,075	$ 83,792,400
Limited-service eating places	$ 53,819,722	$ 55,117,800	$ 56,835,712	$ 58,149,299	$ 59,376,132	$ 60,628,850
Drinking places	$ 8,848,592	$ 9,062,011	$ 9,344,456	$ 9,560,425	$ 9,762,131	$ 9,968,092
Health & personal care stores	**$ 118,126,703**	**$ 120,975,801**	**$ 124,746,374**	**$ 127,629,513**	**$ 130,322,240**	**$ 133,071,779**
Pharmacies & drug stores	$ 98,718,380	$ 101,099,368	$ 104,250,433	$ 106,659,869	$ 108,910,179	$ 111,207,966
Cosmetics, beauty supplies, & perfume stores	$ 7,895,197	$ 8,085,622	$ 8,337,634	$ 8,530,334	$ 8,710,307	$ 8,894,077
Optical goods stores	$ 5,349,117	$ 5,478,133	$ 5,648,875	$ 5,779,432	$ 5,901,366	$ 6,025,873
Other health & personal care stores	$ 6,164,009	$ 6,312,678	$ 6,509,432	$ 6,659,878	$ 6,800,388	$ 6,943,862
Home Centers, Paint & wallpaper stores, Hardware Stores	**$ 35,380,916**	**$ 35,380,916**	**$ 36,483,669**	**$ 37,326,879**	**$ 38,114,402**	**$ 38,918,539**
Building material & garden equipment & supplies dealers	**$ 85,403,233**	**$ 87,463,073**	**$ 90,189,122**	**$ 92,273,573**	**$ 94,220,361**	**$ 96,208,222**
Other building material dealers	$ 35,272,551	$ 36,123,290	$ 37,249,181	$ 38,110,084	$ 38,914,130	$ 39,735,141
Lawn & garden equipment & supplies stores	$ 2,950,664	$ 3,021,832	$ 3,116,016	$ 3,188,033	$ 3,255,294	$ 3,323,975
Outdoor power equipment stores	$ 669,305	$ 685,448	$ 706,812	$ 723,148	$ 738,405	$ 753,984
Nursery, garden center, & farm supply stores	$ 2,281,359	$ 2,336,384	$ 2,409,204	$ 2,464,886	$ 2,516,890	$ 2,569,991

Resident Expenditure Estimate, By Major Retail Category, Urban Village

Expenditure by Store Type - Summary	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
General merchandise stores	$ 156,706,521	$ 160,486,126	$ 165,488,157	$ 169,312,919	$ 172,885,083	$ 176,532,613
Clothing & clothing accessories stores	$ 146,974,887	$ 150,519,774	$ 155,211,175	$ 158,798,415	$ 162,148,744	$ 165,569,758
Furniture & home furnishings stores	$ 46,191,847	$ 47,305,948	$ 48,780,380	$ 49,907,792	$ 50,960,746	$ 52,035,916
Electronics & appliance stores	$ 66,577,655	$ 68,183,442	$ 70,308,583	$ 71,933,555	$ 73,451,209	$ 75,000,883
Sporting goods, hobby, book, & music stores	$ 25,278,998	$ 25,888,702	$ 26,695,601	$ 27,312,590	$ 27,888,831	$ 28,477,230
Home Centers, Paint & wallpaper stores, Hardware Stores	$ 35,380,916	$ 35,380,916	$ 36,483,669	$ 37,326,879	$ 38,114,402	$ 38,918,539
Miscellaneous store retailers	$ 32,208,675	$ 32,985,516	$ 34,013,609	$ 34,799,732	$ 35,533,936	$ 36,283,631
Shoppers Goods Subtotal	**$ 509,319,499**	**$ 520,750,424**	**$ 536,981,173**	**$ 549,391,882**	**$ 560,982,952**	**$ 572,818,570**
Food & beverage stores	$ 175,366,903	$ 179,596,578	$ 185,194,244	$ 189,474,453	$ 193,471,985	$ 197,553,857
Food services & drinking places	$ 155,341,699	$ 159,088,386	$ 164,046,852	$ 167,838,303	$ 171,379,356	$ 174,995,117
Health & personal care stores	$ 118,126,703	$ 120,975,801	$ 124,746,374	$ 127,629,513	$ 130,322,240	$ 133,071,779
Convenience Goods Subtotal	**$ 448,835,305**	**$ 459,660,764**	**$ 473,987,470**	**$ 484,942,269**	**$ 495,173,581**	**$ 505,620,753**
Building material & garden equipment	**$ 50,022,317**	**$ 52,082,157**	**$ 53,705,454**	**$ 54,946,694**	**$ 56,105,960**	**$ 57,289,683**
Primary Market Area Retention						
General merchandise stores	80.00%	80.00%	80.00%	80.00%	80.00%	80.00%
Clothing & clothing accessories stores	80.00%	80.00%	80.00%	80.00%	80.00%	80.00%
Furniture & home furnishings stores	60.00%	60.00%	60.00%	60.00%	60.00%	60.00%
Electronics & appliance stores	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%
Sporting goods, hobby, book, & music stores	70.00%	70.00%	70.00%	70.00%	70.00%	70.00%
Home Centers, Paint & wallpaper stores, Hardware Stores	70.00%	70.00%	70.00%	70.00%	70.00%	70.00%
Miscellaneous store retailers	70.00%	70.00%	70.00%	70.00%	70.00%	70.00%
Food & beverage stores	90.00%	90.00%	90.00%	90.00%	90.00%	90.00%
Food services & drinking places	80.00%	80.00%	80.00%	80.00%	80.00%	80.00%
Health & personal care stores	90.00%	90.00%	90.00%	90.00%	90.00%	90.00%
Building material & garden equipment	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%
Inflow from Secondary Market						
General merchandise stores	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%
Clothing & clothing accessories stores	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%
Furniture & home furnishings stores	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%
Electronics & appliance stores	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%
Sporting goods, hobby, book, & music stores	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%
Home Centers, Paint & wallpaper stores, Hardware Stores	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%
Miscellaneous store retailers	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%
Food & beverage stores	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%
Food services & drinking places	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%
Health & personal care stores	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Building material & garden equipment	2.00%	5.00%	5.00%	5.00%	5.00%	5.00%
Net Sales Potential		200000				
General merchandise stores	$188,047,825	$192,583,351	$198,585,789	$203,175,503	$207,462,100	$211,839,135
Clothing & clothing accessories stores	$152,853,882	$156,540,565	$161,419,621	$165,150,352	$168,634,694	$172,192,549
Furniture & home furnishings stores	$33,258,130	$34,060,282	$35,121,873	$35,933,610	$36,691,737	$37,465,860
Electronics & appliance stores	$39,946,593	$40,910,065	$42,185,150	$43,160,133	$44,070,726	$45,000,530
Sporting goods, hobby, book, & music stores	$21,234,358	$21,746,510	$22,424,305	$22,942,576	$23,426,618	$23,920,873
Home Centers, Paint & wallpaper stores, Hardware Stores	$28,481,638	$28,481,638	$29,369,353	$30,048,138	$30,682,093	$31,329,424
Miscellaneous store retailers	$25,927,984	$26,553,341	$27,380,955	$28,013,784	$28,604,819	$29,208,323
Shoppers Goods Subtotal	**$461,268,772**	**$472,394,114**	**$487,117,693**	**$498,375,958**	**$508,890,694**	**$519,627,269**
Food & beverage stores	$189,396,256	$193,964,304	$200,009,783	$204,632,409	$208,949,744	$213,358,166
Food services & drinking places	$186,410,039	$190,906,063	$196,856,223	$201,405,964	$205,655,227	$209,994,141
Health & personal care stores	$109,503,453	$112,144,567	$115,639,889	$118,312,558	$120,808,716	$123,357,539
Convenience Goods Subtotal	**$485,309,748**	**$497,014,934**	**$512,505,895**	**$524,350,931**	**$535,413,687**	**$546,709,845**
Building material & garden equipment	**$7,653,414**	**$8,202,940**	**$8,458,609**	**$8,654,104**	**$8,836,689**	**$9,023,125**

Resident Expenditure Estimate, By Major Retail Category, Urban Village

Sales Per Square Foot	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
General merchandise stores	$300	$300	$300	$300	$300	$300
Clothing & clothing accessories stores	$325	$325	$325	$325	$325	$325
Furniture & home furnishings stores	$250	$250	$250	$250	$250	$250
Electronics & appliance stores	$325	$325	$325	$325	$325	$325
Sporting goods, hobby, book, & music stores	$250	$250	$250	$250	$250	$250
Home Centers, Paint & wallpaper stores, Hardware Stores	$225	$225	$225	$225	$225	$225
Miscellaneous store retailers	$275	$276	$277	$278	$279	$280
Shoppers Goods Subtotal	**$301**	**$301**	**$301**	**$301**	**$301**	**$301**
Food & beverage stores	$310	$310	$310	$310	$310	$310
Food services & drinking places	$375	$375	$375	$375	$375	$375
Health & personal care stores	$400	$400	$400	$400	$400	$400
Convenience Goods Subtotal	**$351**	**$351**	**$351**	**$351**	**$351**	**$351**
Building material & garden equipment	**$115**	**$115**	**$115**	**$115**	**$115**	**$115**
Average Per Square Foot Sales	**$320**	**$320**	**$320**	**$320**	**$320**	**$320**
Warranted Square Feet						
General merchandise stores	626,826	641,945	661,953	677,252	691,540	706,130
Clothing & clothing accessories stores	470,320	481,663	496,676	508,155	518,876	529,823
Furniture & home furnishings stores	133,033	136,241	140,487	143,734	146,767	149,863
Electronics & appliance stores	122,913	125,877	129,800	132,800	135,602	138,463
Sporting goods, hobby, book, & music stores	84,937	86,986	89,697	91,770	93,706	95,683
Home Centers, Paint & wallpaper stores, Hardware Stores	126,585	126,585	130,530	133,547	136,365	139,242
Miscellaneous store retailers	94,284	96,208	98,848	100,769	102,526	104,315
Shoppers Goods Subtotal	**1,532,312**	**1,568,920**	**1,617,462**	**1,654,481**	**1,689,018**	**1,724,279**
Food & beverage stores	610,956	625,691	645,193	660,105	674,031	688,252
Food services & drinking places	497,093	509,083	524,950	537,083	548,414	559,984
Health & personal care stores	273,759	280,361	289,100	295,781	302,022	308,394
Convenience Goods Subtotal	**1,381,808**	**1,415,136**	**1,459,242**	**1,492,969**	**1,524,467**	**1,556,630**
Building material & garden equipment	**66,551**	**71,330**	**73,553**	**75,253**	**76,841**	**78,462**
Total Warranted Retail Space	**2,980,671**	**3,055,385**	**3,150,257**	**3,222,702**	**3,290,326**	**3,359,372**
Non-Retail Space (Services)	**298,067**	**305,539**	**315,026**	**322,270**	**329,033**	**335,937**
Non-Retail Percent	**10.00%**	**10.00%**	**10.00%**	**10.00%**	**10.00%**	**10.00%**
Total	**3,278,738**	**3,360,924**	**3,465,283**	**3,544,973**	**3,619,359**	**3,695,309**
Annual Net New Demand		**82,186**	**104,359**	**79,689**	**74,386**	**83,314**
Cumulative Net New Demand		**82,186**	**186,545**	**266,234**	**340,621**	**416,571**

Attachment M

CITY OF CORAL GABLES

- MEMORANDUM -

TO: CATHERINE SWANSON RIVENBARK
CITY MANAGER
RAMON TRIAS
PLANNING & ZONING DIRECTOR
ED HUDAK
INTERIM POLICE CHIEF
MARC STOLZENBERG
FIRE CHIEF
BROOK DANNEMILLER
PUBLIC SERVICE DIRECTOR
JESSICA KELLER
ASSISTANT PUBLIC WOKS DIRECTOR
CHARLES WU
ASSISTANT DEV. SERVICES DIRECTOR
CINTHYA BIRDSILL
ECONOMIC & CULTURAL DEVELOPMENT DIRECTOR
KEVIN KINNEY
PARKING DIRECTOR
WALTER F. FOEMAN
CITY CLERK
CRAIG LEEN
CITY ATTORNEY

DATE: DECEMBER 31, 2014

FROM: GLENN KEPHART
PUBLIC WORKS DIRECTOR

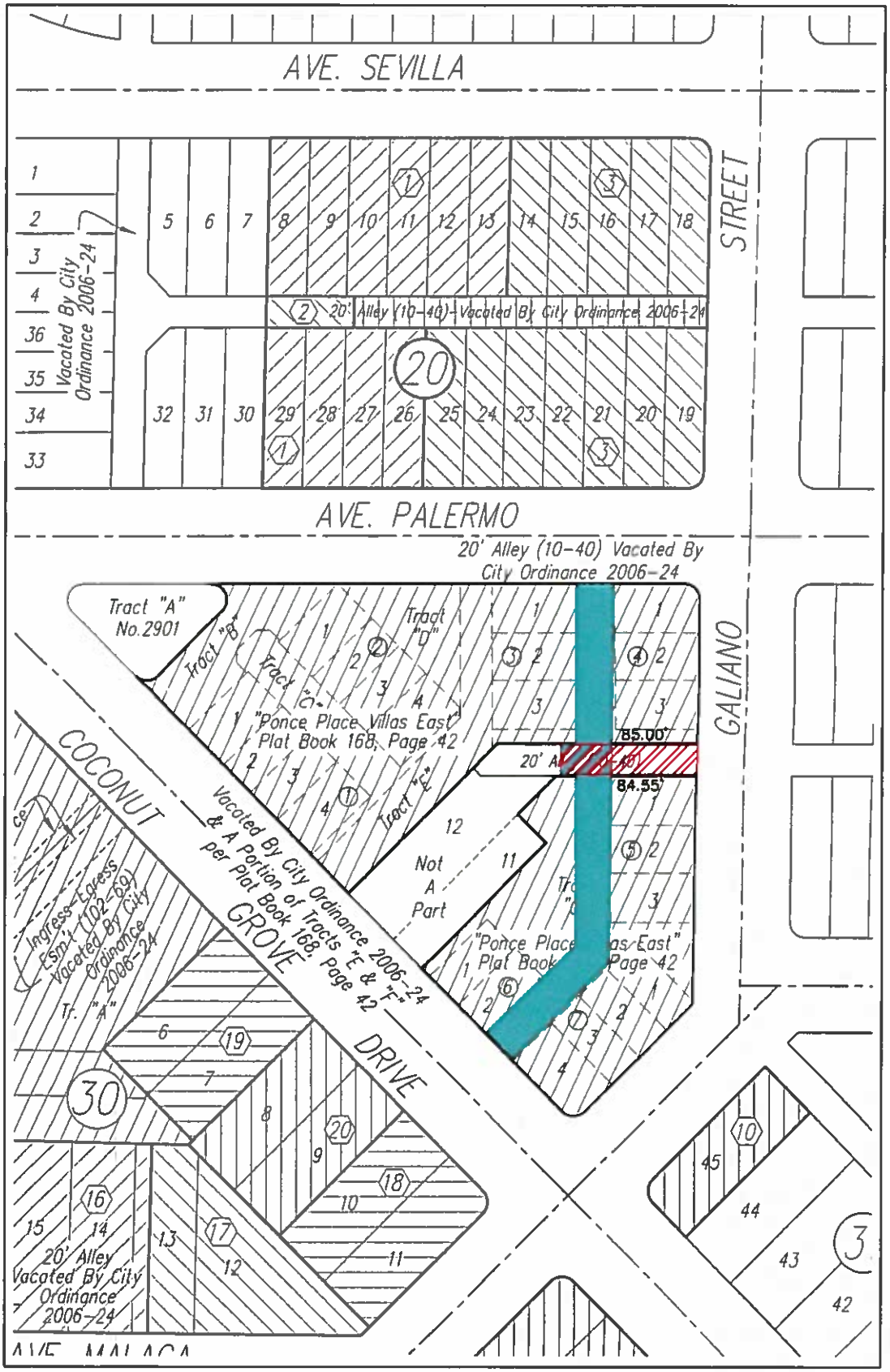
SUBJECT: PROPOSED ALLEY VACATION, CORAL GABLES "CRAFTS SECTION"

Attached please find an application for a proposed partial vacation of alley running East-West, dividing Blocks 3,4 and Tract F from Block 5 and Tract G on of Ponce Place Villas East (PB 168-Page 42) and the proposed dedication of a public access easement. This request is in connection with the proposed development "Mediterranean Villages".

In accordance with Ordinance No. 0-2004-34 and Chapter 62 of the City Code (attached) please review and provide your comments to the Public Works department by January 8, 2015.

This item, along with your comments, will be presented to the Development Review Committee scheduled for January 30, 2015.

C: Carmen Olazabal, Assistant City Manager
Jane Tompkins, Development Services Director
Ernesto Pino, Assistant Public Works Director
Walter Carlson, Planning Department
Scott Bolyard, Planning Department
Jorge Acevedo, Utility Director
Yamilet Senespleda, City Engineer
Juan Martinez, Professional Land Surveyor



Proposed alley to be vacated

Proposed public access easement

PROPOSED PORTION OF ALLEY TO BE VACATED

SCALE: N.T.S.	DEPARTMENT OF PUBLIC WORKS	APPR. BY: LH	SHEET NO.: 1 OF 1
DRAWN BY: WLJ	ENGINEERING DIVISION		
JOB #:	CITY OF CORAL GABLES, FLORIDA	DATE: 12/14	FILE NO:

THE CITY OF CORAL GABLES

CORAL GABLES, FLORIDA

STREET AND ALLEY VACATION GUIDELINES

CHECK LIST

APPLICANT(S) MUST RETURN THE FOLLOWING:

☑ 1. Application

☑ 2. Certified Survey (In the Public Works Department files)

☑ 3. Letter of Intent

☐ 4. Waiver of Objections (HAVE BEEN REQUESTED)

☑ 5. Filing Fee $1,500.00
(Ordinance No. 0-2004-34)

☑ 6. List of Property Owners within a minimum 1000' radius, (on file)

***Applicant: All property owners abutting the proposed right of way to be vacated**

THE CITY OF CORAL GABLES
CORAL GABLES, FLORIDA

STREET AND ALLEY VACATION

DATE:_____

APPLICATION FOR VACATION OF A STREET OR ALLEY, (PLEASE CHECK IF APPLICABLE ITEM)

_____ Vacation of Street

__X__ Vacation of Alley

PLEASE PRINT OR TYPE:

1. Agave Ponce LLC
Name of Applicant(s)

2901 Ponce de Leon Blvd.; 2801 Ponce de Leon Blvd.; 3001 Ponce de Leon Blvd.
Street Address

Coral Gables, FL 33134
City, State, Zip

_____
Telephone Number

CHECK APPROPRIATE BOX

[ ] Rent [x] Own

2601 S. Bayshore Drive, Suite 1215
Mailing Address

Miami, FL 33133
City, State, Zip

(305) 857-0400
Telephone Number

2. A. General description of r.o.w. to be vacated (survey with legal description to be attached)

20-foot wide alley, running East-West, dividing Blocks 3, 4 and Tract F from Blocks 5 and Tract G of Ponce Place Villas East. See Exhibit A.

B. Dimension of proposed vacation: Length in feet: 88.09.

Width in feet: 20.

Rev. 5/3/94
Rev. 12/11/97
Rev. 1/26/99
Rev. 6/22/05

3. If applicant(s) is going to dedicate property for a Substitute Street or Alley, describe the property to be dedicated for such substitution.
Applicant is dedicating a public access easement over an internal driveway to access Palermo Avenue and Coconut Grove Drive.

4. Reason for the requested abandonment, vacation and closure.
Applicant is requesting vacation of the alley to consolidate the building site.

Applicant(s) Signature

Rev. 5/3/94
Rev. 12/11/97
Rev. 1/26/99
Rev. 6/22/05

APPLICANT(S) (continued)

Agave Ponce LLC Name (Print)	x Signature	2601 S. Bayshore Drive, Ste. 1215, Miami, FL 33133 Mailing Address
OWNER OF: 1 Lot(s)	5 Block	Ponce Place Villas East Section
Agave Ponce LLC Name (Print)	x Signature	2601 S. Bayshore Drive, Ste. 1215, Miami, FL 33133 Mailing Address
OWNER OF: Tract G Lot(s)	Block	Ponce Place Villas East Section
Agave Ponce LLC Name (Print)	x Signature	2601 S. Bayshore Drive, Ste. 1215, Miami, FL 33133 Mailing Address
OWNER OF: Tract F Lot(s)	Block	Ponce Place Villas East Section
Name (Print)	Signature	Mailing Address
OWNER OF: Lot(s)	Block	Section
Name (Print)	Signature	Mailing Address
OWNER OF: Lot(s)	Block	Section
Name (Print)	Signature	Mailing Address

Action by:
Development & Review Committee

Date

Date

Date

City Commission:

Planning Department

Memoranda: _____

Rev. 5/3/94
Rev. 12/11/97
Rev. 1/26/99
Rev. 6/22/05

THE CITY OF CORAL GABLES
CORAL GABLES, FLORIDA
STREET AND ALLEY VACATION GUIDELINES

Please read carefully and comply with all instructions which apply to your request in order to avoid an incomplete application and resultant delay.

LIMITATION AUTHORITY

The Development Review Committee is charged with the responsibility of making an investigation, holding hearings, and submitting recommendation to the City Manager on requests for street and alley vacations. The hearing determination of vacating a street and alley is vested with the City Commission.

PRELIMINARY REVIEW

It is advisable to discuss the application with the staff of the Engineering Division in order to avoid filing is completely future or incomplete application.

INCOMPLETE APPLICATION

All required exhibits and supplementary data must be submitted at the same time as the application is filed, or the application will be determined to be incomplete. Incomplete applications will not be accepted and will be returned to the applicant.

FILING AND HEARING FEES

At the time of filing the application, the applicant shall pay a filing fee of $1,500 (Ordinance 0-2004-34, Section 5) to pay the cost of processing the application.

EXHIBITS AND DATA

A. GENERAL: All exhibits and data submitted in connection with the application becomes a part of the public records of the City of Coral Gables.

B. LETTER OF INTENT: All applicants must be accompanied by a letter of intent. Please describe in detail in the letter of intent the proposed use of the vacated property, also explain to what extent the request would serve the public benefit which would warrant the granting of the request. The letter of intent shall also contain a statement that all costs relative to the relocation of any and all utilities, pavements, sidewalks, curbing and removal of same where discontinued shall be borne by the applicant.

C. CERTIFIED SURVEY: All applications must be accompanied by a certified survey prepared by a registered land surveyor showing the dimensions of any locations of the street and alley to be vacated. The survey shall also show the following, located within the proposed vacation:

1. Location of power poles.
2. Location of telephone poles.
3. Location of underground telephone, power lines.
4. Location and size of water lines.
5. Location and size of gas lines.
6. Location of sanitary sewer lines.
7. Location and size of stormwater lines.
8. Location and size of soakage pits.
9. Location of all manholes.

D. WAIVER OF OBJECTION: Attach letter from the following utility companies stating whether or not they have objections to the vacation of the street and/or alley.

1. Miami-Dade Water & Sewer Department (Ms. Odalys C. Bello, 786-268-5268)
2. Florida Power & Light Company (Mr. Victor Muñoz 305-552-4056)
3. AT&T (Mr. Bernabe Macias 305-222-8745)
4. City Gas Company of Florida (Mr. Dexter Pinkney 305-835-3632)
5. Comcast (Mr. Leonard Maxwell 954-447-8405)
7. XO Communication and all other Telecommunication Companies.
8. City of Coral Gables Utilities Div.(Mr. Joe Novo 305-460-5172)

Contact 305-460-5026 for contact persons and mailing addresses.

PLEASE NOTE:

1. No hearing will be scheduled or heard on an incomplete or inaccurate application.

2. Application forms are available at the City of Coral Gables, Engineering Division, 2800 S.W 72 Avenue , Miami, Florida (Telephone # 305-460-5026).

3. Checks for application fee shall be payable to the CITY OF CORAL GABLES.

4. It is advisable to discuss your application with the staff of the Engineering Division in order to avoid a completely futile or incomplete application.

THIS APPLICATION, WTIH ALL REQUIRED SUPPLEMLENTAL DATA AND INFORMATION, MUST BE COMPLETED IN CONFORMITY WITH THE ATTACHED INSTRUCTIONS AND THEN RETURNED OT THE SECRETARY OF THE STREET AND ALLEY VACATION COMMITTEE WITH THE APPROPRIATE APPLICATION FEE.

I HAVE READ AND UNDERSTAND THE FOREGOING INSTRUCTIONS.

11/3/2014 — DATE

Agusto Pou LLC — APPLICANT(S) (PRINT OR TYPE)

APPLICANT(S) SIGNATURE

~~Rev. 5/3/94~~
~~Rev. 12/11/97~~
Rev. 1/26/99
Rev. 6/17/05
Rev. 8/5/10

GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

Our File Number: 38702.00001
Writer's Direct Dial Number: 305-376-6061
Writer's E-Mail Address: mgarcia-serra@gunster.com

November 25, 2014

RECEIVED
NOV 25 2014
PUBLIC WORKS DEPT.

VIA HAND DELIVERY

Mr. Glenn Kephart
Public Works Director
City of Coral Gables
2800 SW 72nd Avenue
Coral Gables, FL 33155

Re: Mediterranean Village / 2801, 2901 and 3001 Ponce de Leon Blvd. / Request to Vacate Alley / Public Works Application

Dear Mr. Kephart:

On behalf of Agave Ponce LLC (the "Applicant"), we respectfully submit this application for vacation of an alley in connection with its proposed construction of a mixed use development named "Old Spanish Village," (the "Development"), consisting of residential, office, retail, public recreational and hotel uses, which will be located immediately east and south of Ponce Circle Park between Sevilla and Malaga Avenues on a 6.72 acre site (the "Property").

Pursuant to Section 62-257 *et seq.* of the Coral Gables Code of Ordinances, we respectfully request that the City vacate, abandon, and close a portion of the alley that presently runs through the Property, from Galiano Street on the east to a private property located approximately 88 feet to the west (the "Alley"). The Alley, which is further described in the enclosed materials, is approximately 20 feet in width and 88 feet in length. The vacation of this Alley is necessary to consolidate the building site. Our request to vacate the Alley is accompanied by a dedication of a public access easement over an internal driveway running from Palermo Avenue to Coconut Grove Drive ("Public Access Easement") so as to ensure access to the portion of alleyway which will remain abutting the neighboring property.

The Alley has little benefit to the public as it is only 88 feet in length and does not connect two thoroughfares; instead it dead ends up against a single private property on the west side and the only other properties it has serviced will be consolidated into the Development. The dedication of the Public Access Easement spanning from Palermo Avenue to Coconut Grove Drive would meet the same needs that the Alley meets, while providing additional means for traffic circulation. Specifically, the Public Access Easement provides access to the neighboring property and access to the public streets to the north and the south—a benefit not provided by the existing Alley. This access provided by the Public Access Easement would facilitate the

Brickell World Plaza 600 Brickell Avenue, Suite 3500 Miami, FL 33131 p 305-376-6000 f 305-376-6010 GUNSTER.COM
Fort Lauderdale | Jacksonville | Miami | Orlando | Palm Beach | Stuart | Tallahassee | Tampa | The Florida Keys | Vero Beach | West Palm Beach

provision of municipal services including emergency and waste removal services as it provides two means of egress and ingress rather than just the one provided by the Alley.

Additionally, the Alley would present a grave safety issue once the Development is completed because it would block the line of sight of pedestrians and vehicles traveling east on the Alley. Neither pedestrians nor vehicles would be able to see traffic traveling on Galiano Street without encroaching into the intersection. This alone is a compelling reason to vacate the Alley.

Vacating this underutilized Alley would be consistent with the City's Comprehensive Plan, as it permits consolidation of the Property making way for the Development which furthers the City's goals. The Applicant will bare all costs associated with the relocation of utilities, pavements, sidewalks, curbing and removal of same. If you have any questions regarding this matter, please contact me at 305-376-6061 or mgarcia-serra@gunster.com. Thank you for your attention to this matter.

Sincerely,

Mario Garcia-Serra

Mario Garcia-Serra

MIA_ACTIVE 4248542.1

Agave Ponce, LLC
2601 S Bayshore Drive, Suite 1215
Miami, Florida 33133
305-858-1890

CITIBANK, N.A.
201 S Biscayne Boulevard
Miami, Florida 33131
63-8655/2660

1122

11/03/14

PAY TO THE ORDER OF CITY OF CORAL GABLES $ 1,500.00

ONE THOUSAND FIVE HUNDRED and 00 Cents DOLLARS

CITY OF CORAL GABLES
CITY OF CORAL GABLES
Coral Gables 33134

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Details on Back

Intuit® CheckLock™ Secure Check

Mediterranean Village Staff Report Attachment M

M.11

ARTICLE VIII. VACATION, ABANDONMENT AND CLOSURE OF STREETS, EASEMENTS AND ALLEYS BY PRIVATE OWNERS AND THE CITY; APPLICATION PROCESS

Sec. 62-257. Purpose and methods.

Sec. 62-258. Definitions.

Sec. 62-259. Application form.

Sec. 62-260. City right-of-way or easement.

Sec. 62-261. Application fee and costs.

Sec. 62-262. Departments and agencies to receive and review applications.

Sec. 62-263. Procedures relating to applications.

Sec. 62-264. Action by city commission.

Sec. 62-265. Adoption of ordinance.

Sec. 62-257. Purpose and methods.

The purpose of this article is to set forth a uniform procedure for applications for vacation, abandonment and closure of streets, easements, alleys and other nonfee interests of the city, to provide a method for the city to vacate, abandon and close its fee interest on the public right-of-way, to designate the appropriate departments and boards of the city that shall be responsible for processing such applications, and to provide the methods, procedures and standards that shall govern such processing.

(Ord. No. O-2004-34, § 1(22-229), 9-14-2004)

Sec. 62-258. Definitions.

The following words, terms and phrases defined in this section shall have the meaning set forth below whenever they appear in this article, except where the context in which they are used clearly requires a different meaning; or where a different definition is prescribed for a particular section or provision. Words not defined shall be given the meaning provided under their common and ordinary meaning unless the context suggests otherwise.

Abandon or *vacate* means to renounce or disclaim all interest of the city and of the public in and to any land dedicated for transportation or travel by the public.

Easement means any easement granted for the use of nonspecified utilities or to the public in general. Any reference to easement in this article shall refer to a public easement unless otherwise specified.

Right-of-way means any public street, road, alley, place, highway, or other nonfee interest or portion thereof.

(Ord. No. O-2004-34, § 1(22-230), 9-14-2004)

ARTICLE VIII. VACATION, ABANDONMENT AND CLOSURE OF STREETS, EASEMENTS AND ALLEYS BY PRIVATE OWNERS AND THE CITY; APPLICATION PROCESS

Sec. 62-259. Application form.

(a) Applications may be filed by the owner of record of property abutting or bounding the right-of-way or easement sought to be vacated or by the city. All requests for vacation, abandonment, and closure of rights-of-way, easements, or city property shall be made in writing upon an application form furnished by the public works department, which shall require the following information:

(1) The name and address of the applicant.

(2) A general description of the right-of-way or easement which applicant seeks to have abandoned and the location of same. A legal description and recent survey, prepared and certified by a registered surveyor or engineer, shall be provided, which description shall be accompanied by a plat, map or drawing that also shows the general area involved and the location of the specific property interest sought to be vacated, abandoned, and closed.

(3) The reason for the requested abandonment, vacation and closure.

(4) The names and addresses of the owners of record of real property bounding and abutting the right-of-way or easement or city property the applicant seeks to have abandoned, and all owners of record of property located within 1,000 feet in all directions from any point of the right-of-way or easement proposed to be abandoned. The property owners of record shall be deemed to be those shown on the then current tax assessment roll of the city.

(5) Letters of consent from affected utilities, including but not limited to Florida Power and Lights, BellSouth Telephone Company, Florida Public Utility, NUI Gas, Comcast and other telecommunications companies, the county water and sewer department and the city water and sewer division, as may be applicable.

(6) Existing utilities or improvements, if any, in the area involved. If utilities and improvements need to be relocated, all details regarding such relocation shall be identified, including dedication of new easements including legal descriptions.

(7) At least 45 days prior to the consideration of the application by the development review committee 20 completed copies of the application shall be submitted to the public works department by the applicant.

(8) Applicant's proposed mitigation plan designed to offset any potential impacts which may be caused by the requested vacation.

(9) Such other relevant information as the city may require.

The application shall be signed by the applicant, who shall verify under oath that the information contained therein is true and correct.

(b) The city, through the city manager, may file an application with the public works director to initiate a review of proposed abandonment, vacation and closure of city right-of-way or easement. The city shall not file an application fee. The city application shall otherwise be reviewed and processed in accordance with the provisions of this article.

(Ord. No. O-2004-34, § 1(22-231), 9-14-2004)

Sec. 62-260. City right-of-way or easement.

(a) The public works department shall prepare and distribute the application packages to city departments, public agencies and public utility companies as set forth in section 62-259, within ten

days of receipt of a completed application for abandonment, vacation and closure of a right-of-way or easement.

(b) The public works department shall review the application in accordance with the criteria set forth in the application and in section 62-262, and shall otherwise follow the procedures outlined in this article in reviewing and handling the application, except, however, that the city shall not pay an application fee.

(Ord. No. O-2004-34, § 1(22-232), 9-14-2004)

Sec. 62-261. Application fee and costs.

All applications for abandonment, vacation and closure filed by private property owners pursuant to this article shall be accompanied by an application fee in the amount established by the city commission, unless such fee is waived or reduced by the city commission upon a showing of good cause. All costs of public notice and advertisement shall be borne by the applicant unless waived by the city commission.

(Ord. No. O-2004-34, § 1(22-233), 9-14-2004)

Sec. 62-262. Departments and agencies to receive and review applications.

(a) Applications for vacation, abandonment and closure pursuant to this article, together with the required filing fee, shall be made and directed to the public works department for processing. The public works department shall provide a copy of the complete application to the following departments and agencies for review and comment:

(1) City manager;

(2) Planning department;

(3) Building and zoning department;

(4) Fire-rescue department;

(5) Police department;

(6) Public service department;

(7) Parking department;

(8) Development department;

(9) City clerk;

(10) City attorney;

(11) Public utilities and governmental agencies listed in section 62-259

(12) Such other agencies as determined by the director of public works.

(b) The governmental agency, public utility company and departmental review and evaluation of the application shall include, but not be limited to:

(1) A determination of whether the subject right-of-way is useful as part of the city street system.

(2) A determination of whether the proposed action is consistent with the city's comprehensive land use plan.

(3) A study of geographic areas within 2,500 feet that may be impacted by the proposed action and the manner of impact.

(4) Suggested alternative actions to the proposed action, if any, which would alleviate the identified problems.

(5) A determination of whether the proposed action may be accomplished in conformance with the standards, rules and regulations of the local, state and federal governing authorities.

(6) A determination of what additional property, interests, easements, utility relocations, agreements and other actions are necessary to accommodate the proposed action. The applicant may also be required to provide an alternative right-of-way or easement.

(7) Identification and evaluation of any impact that the proposed action would have on the delivery and provision of service by public services vehicles.

(8) Identification and evaluation of any impact that the proposed action would have on the surrounding city street system.

(9) The results of any applicable traffic study.

(10) An estimated immediate and future cost to the city, if any, of completing the proposed action.

(11) A study of the reason identified for the proposed action.

(12) A review of the applicant's proposed mitigation plan to offset potential impacts that may be caused by the requested vacation.

(Ord. No. O-2004-34, § 1(22-234), 9-14-2004)

Sec. 62-263. Procedures relating to applications.

Upon receipt of the application and fee pursuant to this article, the public works department shall:

(1) Review same for completeness and for compliance with the requirements of this article. The public works department may reject the application if a similar application has been considered at any time within one year of the date the application is submitted. Upon the application being properly submitted, it shall be accepted for filing with the public works department, which shall give a receipt to the applicant for the fee paid. Once the review procedures outlined above are complete, the public works department shall set a date for review by the development review committee.

(2) Forward the application together with all comments and recommendations received from city departments, agency and utility company input, to the development review committee which shall review the application pursuant to the criteria set forth in section 62-262, and provide a recommendation to the city manager, who shall advise the city commission of any objections to the proposed vacation or abandonment, and to the planning and zoning board which shall consider the request as part of the site plan review and approval process, and whose recommendations shall be forwarded to the city commission.

(3) Transmit the entire record to the city manager and planning and zoning board. The planning and zoning board, at the conclusion of a duly advertised public hearing, shall review the entire record, in accordance with the procedures set forth in the zoning code and in sections 62-262 and 62-264 and provide a recommendation to the city commission.

(4) Provide courtesy notice by mail to the owners of real property bounding and abutting the right-of-way or easement or city property proposed to be abandoned and, in addition, if a street or

alley is to be abandoned, all the owners within 1,000 feet in all directions from any point of the street or alley to be abandoned. The owner of property shall be deemed to be the person shown on the then current tax assessment roll, and such notice shall be sent to the address given on such assessment roll for that purpose. Notice shall be mailed at least two weeks prior to the date of the meeting before the development review committee and the planning and zoning board at which the application shall be considered. The notice provided shall also advise property owners that they may provide comments in writing and/or verbally at the board meeting at which same is to be considered.

(5) Notify the general public by causing to be published a notice in a newspaper of general circulation in the city of the public hearing to be held on the application.

(6) Forward the planning and zoning board's recommendations for public hearing at the appropriate city commission meeting.

(7) Notify by certified mail the owners and occupants of real property, as identified above, of the public hearing to be held before the city commission.

(8) Notify the general public by causing to be published a notice in a newspaper of general circulation in the city of the public hearing to be held by the city commission on the application.

(Ord. No. O-2004-34, § 1(22-235), 9-14-2004)

Sec. 62-264. Action by city commission.

(a) The city commission shall consider the entire record of the application for abandonment, vacation and closure, which record shall consist of the report and recommendations of the departments, agencies and public utility companies, the recommendations of the development review committee and planning and zoning board and the record of the public hearing held before the planning and zoning board.

(b) In reaching its decision, the city commission shall adopt findings of fact and shall also consider the following criteria at a duly advertised public hearing in determining whether the general public welfare would be best served by the proposed action:

(1) Whether the public benefits from the use of the subject right-of-way as part of the city street system;

(2) Whether the proposed action is consistent with the city's comprehensive plan;

(3) The availability of alternative action to alleviate the identified problems;

(4) The effect of the proposed action upon traffic circulation;

(5) The effect of the proposed action upon the safety of pedestrians and vehicular traffic;

(6) The effect of the proposed action upon the provision of municipal services, including, but not limited to, emergency services and waste removal; and

(7) The mitigation plan proposed by the applicant to offset any potential impacts.

(c) At the conclusion of the hearing, the city commission shall accept, modify, or deny the application in accordance with the standards set forth in this section and in the best interests of the public welfare.

(Ord. No. O-2004-34, § 1(22-236), 9-14-2004)

ARTICLE VIII. VACATION, ABANDONMENT AND CLOSURE OF STREETS, EASEMENTS AND ALLEYS BY PRIVATE OWNERS AND THE CITY; APPLICATION PROCESS

Sec. 62-265. Adoption of ordinance.

If the city commission adopts an ordinance granting the application, notice thereof shall be published one time, within 30 days following the date of adoption of said ordinance, in a newspaper of general circulation published in the city. The proof of publication of the notice of hearing and a proof of publication of the notice of the adoption of the ordinance and a copy of the ordinance shall be recorded in the public records of the county. Upon adoption of an ordinance approving an application, a certified copy of same shall be filed in the public records of the county. The costs of all notices required pursuant to the provisions of this article shall be borne by the applicant.

(Ord. No. O-2004-34, § 1(22-237), 9-14-2004)

Mediterranean Village Staff Report
Attachment N: Comprehensive Plan Consistency

This section provides a detailed analysis of the CP providing a basis of consistency, and finds the following CP Goals, Objectives and Policies are consistent:

Ref. No.	CP Goal, Objective and Policy	Staff Review
1.	**Goal FLU-1.** Protect, strengthen, and enhance the City as a vibrant community ensuring that its neighborhoods, business opportunities, shopping, employment centers, cultural activities, historic value, desirable housing, open spaces, and natural resources make the City a very desirable place to work, live and play.	Complies
2.	**Objective FLU-1.1.** Preserve Coral Gables as a "placemaker" where the balance of existing and future uses is maintained to achieve a high quality living environment by encouraging compatible land uses, restoring and protecting the natural environment, and providing facilities and services which meet or exceed the minimum Level of Service (LOS) standards and meet the social and economic needs of the community through the Comprehensive Plan and Future Land Use Classifications and Map (see FLU-1: Future Land Use Map).	Complies
3.	**Objective FLU-1.2.** Efforts shall continue to be made to control blighting influences, and redevelopment shall continue to be encouraged in areas experiencing deterioration.	Complies
4.	**Policy FLU-1.4.3.** Historic sites shall be identified and protected, and performance standards for development and sensitive reuse of historic resources shall be established.	Complies
5.	**Policy FLU-1.6.1.** Coordinate with State, regional, county and local agencies to ensure mutual cooperation in the development of all appropriate resources planning and management plans prepared pursuant to Chapter 380, F.S. as amended. The City will continue to monitor all other local governments' activities when notice is provided. The City will continue to provide notice as required to other local governments and agencies on upcoming large development projects. The City will continue to work closely with the South Florida Regional Planning Council, Miami-Dade County School Board and the State Department of Community Affairs on regional issues. The City will continue to maintain mutual aid agreements with other local governments with reference to fire service, police and disaster preparedness.	Complies
6.	**Objective FLU-1.7.** When amendments to the Zoning Code are processed, discourage the proliferation of urban sprawl by including a regulatory framework for encouraging future infill and redevelopment	Complies

Ref. No.	CP Goal, Objective and Policy	Staff Review
	within existing developed areas. In drafting the infill/redevelopment program, the City shall coordinate public and private resources necessary to initiate needed improvements and/or redevelopment within these areas.	
7.	**Objective FLU-1.9.** Encourage sound innovation in the development standards of the City's Zoning Code which provides a continuing process to respond to community needs.	Complies
8.	**Policy FLU-1.9.1.** Encourage balanced mixed use development in the central business district and adjoining commercial areas to promote pedestrian activity and provide for specific commitments to design excellence and long term economic and cultural vitality.	Complies
9.	**Policy FLU-1.11.1.** Maintain and enforce effective development and maintenance regulations through site plan review, code enforcement, and design review boards and committees.	Complies
10.	**Goal FLU-3.** The City as a part of its development review process shall engage public/community participation and collaboration to provide for a transparent development review process.	Complies
11.	**Policy FLU-3.2.1.** Entities requesting changes in land use and zoning for property that adjoins a single-family residential district or neighborhood shall provide ample opportunities for input into the land use process which may include one or more of the following: additional public notice via regular mail, electronic mail, establishment of website, etc; completion of neighborhood meetings; establishment of point of contact.	Complies
12.	**Policy FLU-3.2.2.** The Planning Department, when receiving a development proposal for property that adjoins a single-family residential district, shall facilitate the contact and discussion between applicant and known organized neighborhood groups and neighborhood associations to provide the opportunity to resolve potential neighborhood issues prior to City review at public hearings. The necessity to complete further collaboration and consensus decision making to mitigate or resolve identified issues may be conducted by the City's Planning Department or outside mediation services such as the South Florida Regional Planning Council, Institute for Community Collaboration.	Complies
13.	**Goal DES-1.** Maintain the City as a livable city, attractive in its setting and dynamic in its urban character.	Complies
14.	**Objective DES-1.1.** Preserve and promote high quality, creative design and site planning that is compatible with the City's architectural heritage, surrounding development, public spaces and open spaces.	Complies
15.	**Policy DES-1.1.2.** Provide for rigorous design guidelines, standards, and	Complies

Ref. No.	CP Goal, Objective and Policy	Staff Review
	review processes via the City's Zoning Code that ensure high quality design of buildings and spaces.	
16.	**Policy DES-1.1.3.** Ensure that the design of buildings and spaces in historic areas of the City complements, is compatible with, does not attempt to imitate and does not undermine the City's historic character.	Complies
17.	**Policy DES-1.1.5.** Promote the development of property that achieves unified civic design and proper relationship between the uses of land both within zoning districts and surrounding districts, by regulating, limiting and determining the location, height, density, bulk and massing, access to light and air, area of yards, open space, vegetation and use of buildings, signs and other structures.	Complies
18.	**Policy DES-1.1.6.** Maintain the character of the residential and nonresidential districts, and their peculiar suitability for particular uses.	Complies
19.	**Policy DES-1.2.1.** Continue the award of development bonuses and/or other incentives to promote Coral Gables Mediterranean design character providing for but not limited to the following: creative use of architecture to promote public realm improvements and pedestrian amenities; provide a visual linkage between contemporary architecture and the existing and new architectural fabric; encourage landmark opportunities; and creation of public open spaces.	Complies
20.	**Policy DES-1.2.2.** Require that private development and public projects are designed consistent with the City's unique and historical Mediterranean appearance in balance with contemporary architecture.	Complies
21.	**Policy DES-1.2.3.** Provide for design guidelines, standards, incentives, development bonuses, and review processes via the City's Zoning Code that promote the design of buildings and spaces consistent with the City's historic Mediterranean appearance.	Complies
22.	**Objective HOU-1.5.** Support the infill of housing in association with mixed use development.	Complies
23.	**Policy HOU-1.5.2.** Encourage residential mixed use as a means of increasing housing supply within the Downtown/Central Business District/Mixed Use Development Overlay Area, thereby promoting increase in commercial and retail activity, increased use of transit, reduction of auto dependency, in association with minimizing visual and physical impacts of nearby lower density areas.	Complies
24.	**Objective MOB-1.1.** Provide solutions to mitigate and reduce the impacts of vehicular traffic on the environment, and residential streets in particular with emphasis on alternatives to the automobile including walking, bicycling, public transit and vehicle pooling.	Complies
25.	**Policy MOB-1.1.1.** Promote mixed use development to provide housing and commercial services near employment centers, thereby reducing the	Complies

Ref. No.	CP Goal, Objective and Policy	Staff Review
	need to drive.	
26.	**Policy MOB-1.1.2.** Encourage land use decisions that encourage infill, redevelopment and reuse of vacant or underutilized parcels that support walking, bicycling and public transit use.	Complies
27.	**Policy MOB-1.1.3.** Locate higher density development along transit corridors and near multimodal stations.	Complies
28.	**Policy MOB-1.1.5.** Improve amenities within public spaces, streets, alleys and parks to include the following improvements: seating; art; architectural elements (at street level); lighting; bicycle parking; street trees; improved pedestrian crossing with bulb-outs, small curb radii, on-street parking along sidewalks, pedestrian paths and bicycle paths to encourage walking and cycling with the intent of enhancing the feeling of safety.	Complies
29.	**Policy MOB-1.1.8.** Protect residential areas from parking impacts of nearby nonresidential uses and businesses and discourage parking facilities that intrude, impact and increase traffic into adjacent residential areas.	Complies
30.	**Policy MOB-2.7.1.** The City shall, via the review of development projects and city transportation improvement projects, conserve and protect the character and livability of all residential neighborhoods by preventing the intrusion of through vehicles on local and collector streets. The City shall discourage through traffic in neighborhoods and may incorporate traffic management and calming measures including, but not limited to, signage, landscape design, traffic calming devices and roadway design.	Complies
31.	**Policy MOB-2.8.1.** The City shall continue implementation and further strengthen the City's existing land development regulations requiring the placement of landscaping within rights-of-way to complete the following: • Promote expansion of the City's existing tree canopy. • Provide screening of potentially objectionable uses. • Serve as visual and sound buffers. • Provide a comfortable environment for pedestrian walking (walkability)/activities. Improve the visual attractiveness of the urban and residential areas.	Complies
32.	**Policy MOB-2.8.2.** The City in its development of the downtown and and/or central business district shall promote the installation of landscaping within the rights-of-way and private properties since the urban fabric will be transformed into a significant urban center as build-out continues pursuant to the established Comprehensive Plan.	Complies
33.	**Policy MOB-3.1.1.** The City shall research various parking strategies and policies for consideration and possible adoption that may include one or more of the following… Continue research on the use of shared parking	Complies

Ref. No.	CP Goal, Objective and Policy	Staff Review
	for destinations for public facilities or the overall parking system.	
34.	**Policy GRN-1.3.3.** By 2011, the City will research and develop provisions within Zoning Code that will encourage development of LEED (or similar) certified buildings including but not limited to the examination of the following: • Heat Island reduction via the following: o Reduction in building heat gain through the use of green roofs that will encourage planting trees and plants on roof top gardens. o White roofs (white reflective roofing). o Increased open space. • Use of local materials, certified sustainable wood products and/or highly recycled content products. • Energy efficient equipment/fixtures. • Water saving fixtures. • Solar and wind energy provisions. • Waste management and recycling. • Rainwater harvesting. • Pervious paver alternatives. • Building orientation overhangs. • "Dark skies" lighting strategies.	Complies
35.	**Policy GRN-1.3.6.** Continue promotion of mixed use, research creation of transit oriented development design standards.	Complies
36.	**Policy GRN-1.3.8.** The City will strive to reduce greenhouse gas emissions by continuing to implement efficient, compact, pedestrian-friendly land use planning and zoning initiatives with the goal of lowering automobile vehicle miles traveled and vehicle hours traveled while increasing energy efficiency. Vehicle hours traveled is recognized as a means of reducing driver delay while also reducing excess fuel consumption in congested traffic.	Complies
37.	**Policy GRN-1.4.3.** The City as a part of its development review process shall promote increasing the tree canopy and if necessary, reexamine the City's land development regulations to require additional measures to contribute to increasing the collective tree canopy of the City.	Complies
38.	**Policy GRN-1.9.1.** As a long term plan, the City will seek to adopt Leadership in Energy and Environmental Design (LEED) Neighborhood Development standards and create funding for educating the public about green development principles.	Complies

Mediterranean Village Staff Report
Attachment O: Review Timeline

The proposal has undergone the following City and neighborhood reviews with public involvement:

	Type of Review	Date	Public Notice	Result of Review
1	**City Commission**: Informational Presentation on Old Spanish Village site and Form-Based Codes	01/14/14	• Posting at City Hall • Agenda posted on website	• Comments provided
2	**Development Review Committee**: Mediterranean Village Planned Area Development	04/11/14	• Posting at City Hall • Agenda, Application Package, and Powerpoint posted on website	• Comments provided • Project revised
3	**City Commission**: Informational Presentation on Mediterranean Village Planned Area Development and Mediterranean Village Form-Based Code	06/13/14	• Posting at City Hall • Agenda, Minutes, Transcript, and Powerpoint posted on website	• Comments provided • Proposed code revised
4	**Board of Architects**: Informational Presentation on Mediterranean Village Planned Area Development	07/23/14	• Posting at City Hall • Posting of property • Agenda posted on website	• Comments provided • Project revised
5	**Planning and Zoning Board**: Informational Presentation on Mediterranean Village Form-Based Code	08/13/14	• Posting at City Hall • Public notice letter: 1,000 ft • Posting of property • Newspaper ad • Agenda, Minutes, Memo, and Powerpoint posted on website • Televised	• Comments provided • Proposed code revised
6	**Neighborhood Informational Meeting**: (Hosted by Agave Ponce, required by Code) Informational presentation on Mediterranean Village Planned Area Development	09/17/14	• Public notice letter: 1,000 ft	• Comments provided • Neighborhood improvements plan revised
7	**Expert Panel Review**: Mediterranean Village Planned Area Development project	09/19/14	• Posting at City Hall • Email invitation to stakeholders	• Comments provided • Project revised

	Type of Review	Date	Public Notice	Result of Review
8	**Board of Architects**: Preliminary Review of Overall Project Concept	11/05/14	• Posting at City Hall • Posting of property • Agenda posted on website	• Approval with Condition that Applicant study an arcade along Ponce de Leon Boulevard
9	**Expert Panel Review**: Mediterranean Village Form-Based Code	11/21/14	• Posting at City Hall • Email invitation to stakeholders	• Comments provided • Proposed code revised
10	**Planning and Zoning Board**: Comprehensive Plan Text and Map Amendments, Zoning Code Text Amendment (Mediterranean Village Form-Based Code)	12/10/14	• Posting at City Hall • Public notice letter: 1,000 ft • Posting of property • Newspaper ad • Agenda, Minutes, Staff Report, Application Package, and Powerpoint posted on website • Televised	• Continued with comments
11	**Historic Preservation Board**: Informational Presentation on Arts Center Building at 2901 Ponce de Leon Boulevard	12/11/14	• Posting at City Hall • Newspaper ad • Agenda and Minutes on website • Televised	• Comments provided
12	**Traffic Advisory Board:** Traffic Impact Analysis	1/20/15	• Posted at City Hall • Posted on Website	• Comments provided
13	**Development Review Committee**: Alley Vacation, Development Agreement	1/30/15	• Newspaper ad • Public notice letter: 1,000 ft • Posting of property • Posting at City Hall • Agenda, Application Package, and Powerpoint posted on website	• Comments provided

	Type of Review	Date	Public Notice	Result of Review
14	**Planning and Zoning Board**: Comprehensive Plan Text and Map Amendments, Zoning Code Text Amendment (Mediterranean Village Form-Based Code), Planned Area Development Site Plan, Alley Vacation, Development Agreement	2/11/15	• Posting at City Hall • Public notice letter: 1,000 ft • Posting of property • Newspaper ad • Agenda, Minutes, Staff Report, Application Package, and Powerpoint posted on website • Televised	• Approved with Conditions
15	**Historic Preservation Board**: Informational Presentation on Arts Center Building at 2901 Ponce de Leon Boulevard	2/19/15	• Posting at City Hall • Newspaper ad • Agenda and Minutes on website • Televised	• Comments provided
16	**City Commission: 1st Reading:** Comprehensive Plan Text and Map Amendments, Zoning Code Text Amendment (Mediterranean Village Form-Based Code), PAD Site Plan, Alley Vacation, Development Agreement, Revocation of Existing Old Spanish Village PAD	3/25/15	• Posting at City Hall • Public notice letter: 1,000 ft • Posting of property • Newspaper ad • Agenda, Minutes, Staff Report, Application Package, and Powerpoint posted on website • Televised	TBD
17	**City Commission: 2nd Reading** Comprehensive Plan Text and Map Amendments, Zoning Code Text Amendment (Mediterranean Village Form-Based Code), PAD Site Plan, Alley Vacation	TBD	TBD	TBD

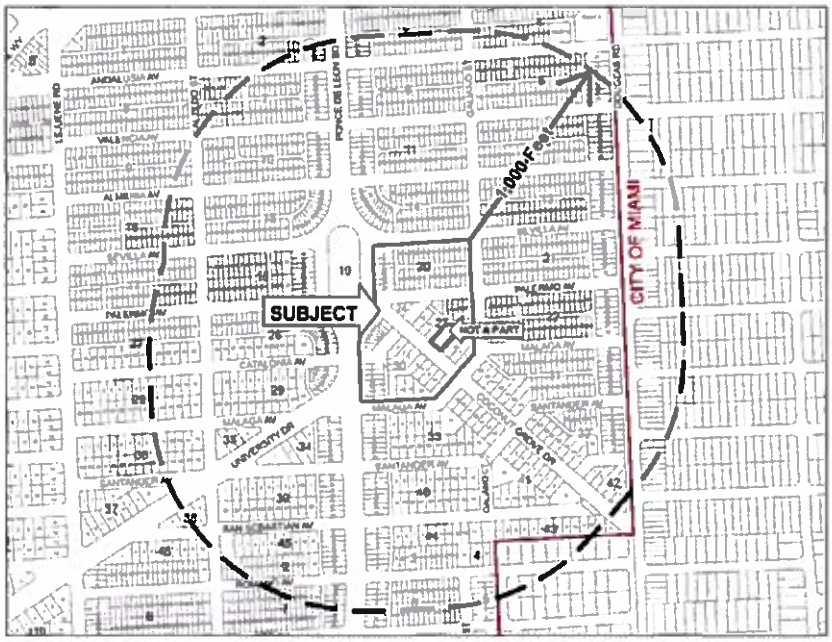
Mediterranean Village Staff Report
Attachment P: Public Notification and Comments for PZB Meeting

Public Notice for February 11, 2015 Planning and Zoning Board Meeting

The Applicant completed the mandatory neighborhood meeting on 09.17.14 with notification to all property owners within 1,000 feet of the property boundary. The Zoning Code requires courtesy notification be provided to all property owners within 1,000 feet of the boundary of the proposed Comprehensive Plan map amendments (see following map). The notice identifies the application filed, proposed public hearing dates/times, opportunity to submit comments and location where the application file can be reviewed. A total of 657 notices were mailed. Public comments received shall be provided to the Board at the public hearing. A copy of the legal advertisement and courtesy notice are provided on the following pages.

1. 01.30.15 Legal notice published.
2. 01.30.15 Courtesy notice mailed to all property owners within 1,000 feet of the project boundary.
3. 01.30.15 Posting at City Hall.

Courtesy Notification Radius Map



The following has been completed to solicit input and provide notice of the application:

Public Notice

Type	Date
Applicant neighborhood meeting	9/17/14
Courtesy notification - 1,000 feet of the property	01/30/15
Posting of property	01/30/15
Legal advertisement	01/30/15
Posted agenda and Application Package on City web page/City Hall	02/03/15
Posted Staff report on City web page	02/03/15

CHRISTY'S

Miami's Premier Steakhouse and Piano Bar

3101 Ponce De Leon Blvd
Coral Gables, FL 33134
Tel 305-446-1400
Fax 305-446-3257
www.christysrestaurant.com

February 9, 2015

Mr. Ramon Trias
Planning and Zoning Director
City of Coral Gables
427 Biltmore Way, 2nd Floor
Coral Gables, FL 33134

Re: **Letter in Support of Mediterranean Village**

Dear Mr. Trias:

As a resident and Coral Gables business owner, I am writing to express support for the proposed Mediterranean Village project.

I am one of the original owners of Christy's Restaurant which has continuously operated at the same location, the corner of Ponce de Leon Boulevard and Malaga, since 1978. Christy's is immediately adjacent to the proposed project and a property that will be significantly impacted by the development and construction of Mediterranean Village. It is literally at "ground zero". From a purely parochial perspective, we wish to avoid any construction that would interfere with or inconvenience our customers, employees, and suppliers. That said, we recognize that we operate in an urban environment and that change can be healthy, if not essential, to sustain economic activity and enhance and rejuvenate the City. After serving the community and operating at the same location for over 35 years, it is our hope that our customers will remain loyal and help us financially bridge the period of construction. In that regard, it is our hope, too, that reasonable measures can be taken during the planning process to condition the predictable impact on our operations.

As a Coral Gables resident and homeowner, however, I have a somewhat different perspective; namely, the mixed use character of Mediterranean Village will revitalize the neighborhood and make the downtown Coral Gables area even more attractive and important as a living, shopping, eating and entertainment destination.

My view in this regard is informed by my work several years ago with the Pennsylvania Avenue Development Corporation ("PADC") in Washington, DC, which I had the privilege of serving as chairman. The PADC was charged with and was responsible for the revitalization of the north side of Pennsylvania Avenue between the Capitol and the White House. By all accounts, the efforts of the PADC were hugely successful in restoring life to

Pennsylvania Avenue and stimulating approximately $1.3 billion of private development of commercial, residential, arts, and retail uses in the downtown. Mediterranean Village has the potential, in my view, for a similar stimulative effect for the prominent north-south axis of Ponce de Leon Boulevard. Mediterranean Village will create an economic anchor on the south that will promote activity and responsible, quality growth along Ponce de Leon. The Project's mix of uses and quality architecture will enliven this area, which has been neglected far too long.

In closing, I support the Mediterranean Village project and respectfully urge Planning & Zoning and the City Commission to approve it. This is a great opportunity for the City. .

Sincerely yours,

Richard A. Hauser

Richard A. Hauser

cc: The Honorable Mayor and Commissioners of the City of Coral Gables

My name is Orlando Capote. Lucia Capote and I are property owners of and have resided at 2915 Coconut Grove Drive since 1989. The following are our comments to the changes proposed by the applicant to the City's Comprehensive Plan and Zoning Code. It is our understanding that the proposed changes will be considered by the City's Planning and Zoning Board on February 11, 2015. As such we respectfully request that our comments be incorporated as part of the formal record for the February 11, 2015 Public Hearing.

We object to any Comprehensive Plan, Zoning Code language changes and proffered development agreements that will allow any of the following:

1) **Structures higher than 36 feet, and/or non-residential structures of any size, to surround and be across our property.** Such structures will block sunlight, impede air flow and create uninhabitable conditions. Our property is zoned single family residential. The current Code does not allow any structures higher than 36 feet and non-residential use to surround and be across properties zoned single family residential. This requirement ensures a single family residential quality of life with open, unrestricted air space around our property for air flow and sunlight to reach all parts of our home and property. In our humid and hot climate, sunlight and airflow are required to maintain healthy living conditions.
2) **A change to the current use of, and access to, our property. We object to any language change that allows the development to remove the direct alley connection from the back of our property on Block 23 to Galiano Street.** This open direct alley to the back of our property is the only open source of direct fresh ground level air flow to the back of our property. This alley gives us, emergency and police vehicles a short, direct linear and safe access from the back of our property to Galiano Street.
3) **Remove public streets and alleys, which serve a public purpose, and turn them over to a private development for private use.** The alleys in Block 20, 21, 22, 23 and 30 were set in place by the original City design. These alleys are aligned with corresponding alleys on the surrounding blocks. The alleys are used regularly by service and maintenance vehicles. The alleys also provide alternate access routes during emergencies and street closures.
4) **Allow increased densities above those allowed by the original Zoning Code.** The requested increase in the density of the proposed development will increase vehicular traffic into the tens of thousands of vehicle trips per day. This will impact city traffic for miles around the development.
5) **Change the traffic flow on any block along Coconut Grove Drive, which is the most direct route from the Coral Gables Hospital to the Fire and Police Station.** We rely on this two way street to access the front of our property. Police, Fire Trucks and Fire Rescue vehicles frequently travel both directions along this two way street. Check the number of Fire Rescue trips to the Coral Gables Hospital. On average, at least once per day a Fire Rescue vehicle uses Coconut Grove Drive to take patients to the Hospital or return from the Hospital to the Fire Station. Any change in this traffic flow will result in longer travel routes for police and emergency vehicles leading to longer response times thereby creating a public safety issue.

We object to the Form Based Code proposed by the applicant and any proffered development agreement that attempts to increase the Floor to Area Ratios. Form Based Codes are less restrictive than the City's conventional Zoning Code. When projects are not allowed under local zoning laws, new urbanists seek other approval techniques, such as Form Based Codes, which result in a more dense development. These alternate approval techniques may not ensure compatibility with the surrounding single family residential community. If the City Beautiful truly intends to stay Beautiful, then the City must make certain that the City maintains the current Conventional Zoning Code.

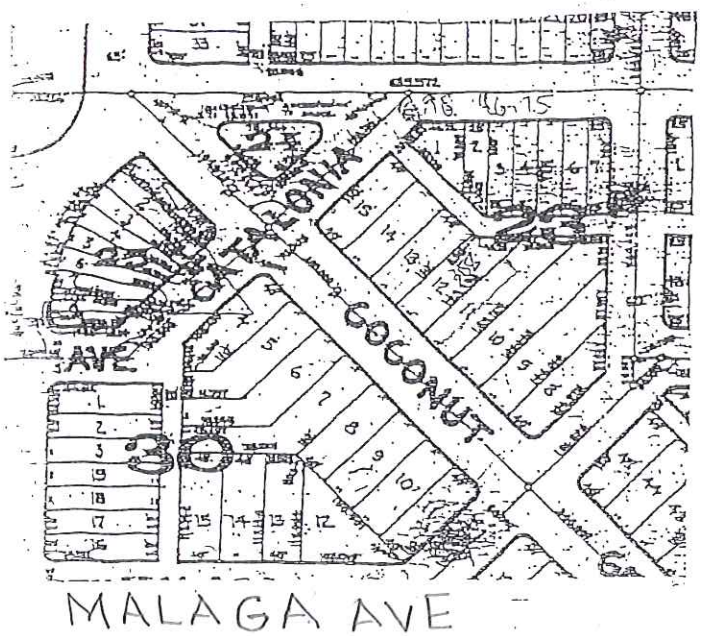
Respectfully submitted,

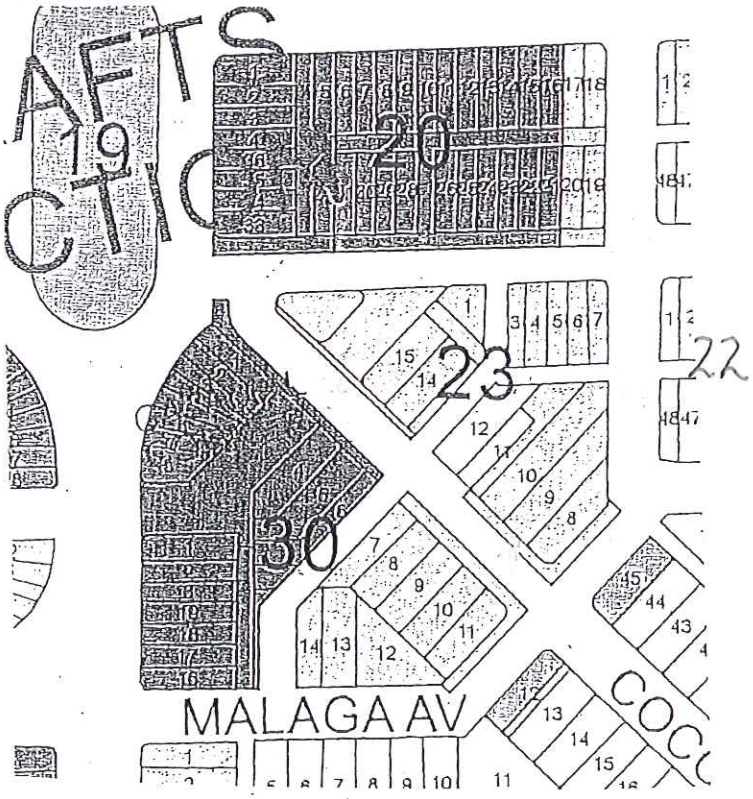
Orlando Capote,

February 9, 2015

We are Lucia Capote and Orlando Capote, long term residents and property owners at 2915 Coconut Grove Drive. The back of our property is adjacent to the original City owned alley to Galiano Street. This alley gives us, emergency vehicles and the police a short, linear, direct and safe access from the back of our property to and from Galiano Street. Vacating the alley would result in an unreasonable access route to the back of our property. We ask that the request made by Application No. PW-15-01-0142 to vacate the alley be denied.

Below on the left is the original City layout design for Blocks 30 and 23. Please note the original City design intended to have the alleys to be located at mid-block and aligned with the alleys on the adjacent blocks. On the right is the Future Land Use Map dated July 2013, as posted on the City's web site, depicting the alley layout as it should have been built by the Old Spanish Village project. The original alleys were to be vacated, but new replacement alleys were to be built in close proximity. An alley section was added NW of our property on Block 23, which provided new direct alley connection from Coconut Grove Drive to Galiano Street. This new alley was part of an alley swap for the vacated alley on Block 20. The alley adjacent at the back of our property, which gives us direct access to Galiano Street and is aligned with the alley on Block 22, was to remain as per the original City design.





The Old Spanish Village project took out Catalonia Court on Block 23, vacated the alley to Palermo Avenue on Block 23 and vacated the alley to Malaga Avenue in Block 30. Yet none of the replacement alleys for the vacated alleys on Block 30 and Block 23 were ever built. The alley section NW of our property on Block 23 was partially built but was not completed and never opened to the public. This alley section was taken out when the townhomes were demolished in October 2014. This demonstrates why the City must require private developers to have performance bonds when working on projects that impact public right of ways. The bond can be used to complete any work that is left unfinished by the developer.

The importance of keeping the original City Street and Alley design was demonstrated by the accident that took place on April 2, 2014, at the intersection of Malaga Avenue and Ponce de Leon Boulevard. Refer to the pictures below. The police isolated the accident area by closing Malaga and re-directing traffic. Westbound vehicles on Malaga Avenue used the alley north to the privately owned parking lot on Bock 30, then out to Ponce de Leon Boulevard. If the replacement alley on Block 30 had been built, there would have been an alternate alley route from Malaga Avenue to Coconut Grove Drive.





We ask that the request to vacate the alley adjacent at the back of our property to Galiano Street be denied. The alley must remain open and under the ownership and jurisdiction of the City of Coral Gables. Then any alley work required to maintain access to the back of our property can be quickly done by the City. Property owners need to have access to the back of their properties as they have always had since the community was originally platted. Property owners rely on this access as part of the ownership of their property. The City also needs to keep this alley open so that someday the alley connection between Malaga Avenue, Coconut Grove Drive and Galiano Street can be completed. This will provide an alternate route for police and rescue vehicles to reach the residents east of the Ponce Circle in the event of emergencies and street closures.

We respectfully request that this correspondence be made part of the public record for the February 11, 2015 public hearing on Application No. PW-15-01-0142.

Attachment Q

Planning and Zoning Board

Mediterranean Village
(2801, 2901 and 3001 Ponce de Leon Boulevard)

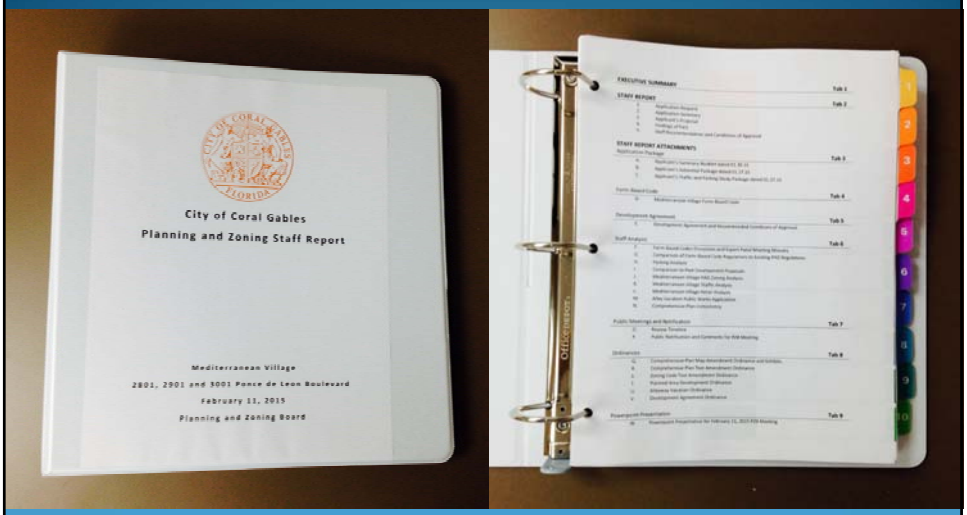
Comprehensive Plan Text and Map Amendment, Zoning Code Text Amendment, PAD Site Plan, Alley Vacation, and Development Agreement

February 11, 2015

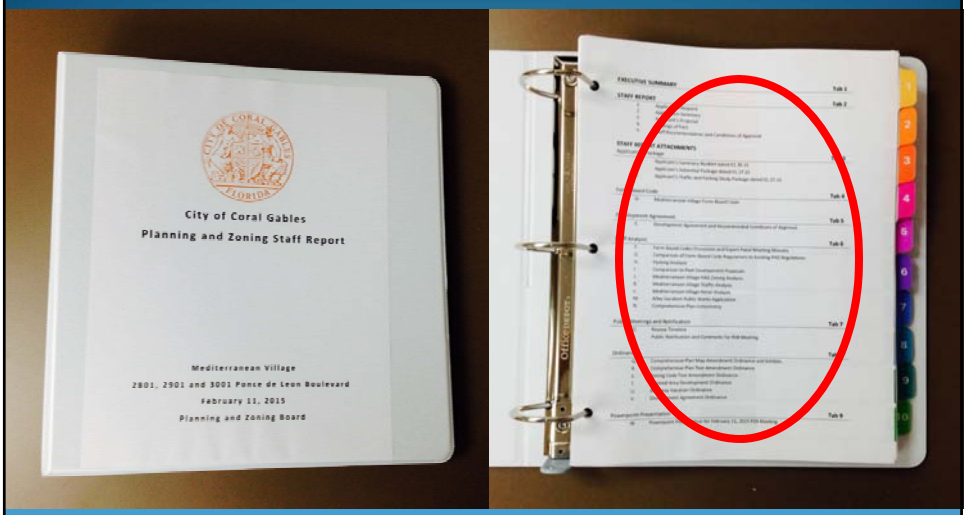
Application Materials



Staff Report



Staff Report



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  - TAB 3: Application Package
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  - TAB 5: Development Agreement
  - TAB 6: Staff Analysis
  - TAB 7: Public Meetings and Notification
  - TAB 8: Ordinances
  - TAB 9: Powerpoint Presentation

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Staff Report: Staff Analysis

- **TAB 6: Staff Analysis**

F. Form-Based Regulations Discussion / Panel Minutes
G. Comparison of Proposed and Existing Regulations
H. Parking Analysis
I. Comparison of Proposed and Previously Approved Site Plan
J. Mediterranean Village PAD Zoning Analysis
K. David Plummer and Associates Traffic Analysis
L. Lambert Advisory Retail Analysis
M. Alley Vacation Application
N. Comprehensive Plan Consistency

Staff Report: Staff Analysis

Expert Consultants involved in Project Review

Land Use Law:
- Susan Trevarthen, Weiss Serota Helfman

Form-Based Zoning Regulations:
- Victor Dover, Dover, Kohl & Partners
- Elizabeth Plater-Zyberk, Duany, Plater-Zyberk & Co.
- Ana Gelabert-Sanchez, Harvard University
- Dr. Charles Bohl, University of Miami

Staff Report: Staff Analysis

Expert Consultants involved in Project Review

Architecture:
- Elizabeth Plater-Zyberk, Duany, Plater-Zyberk & Co.
- Marianne Cusato, Notre Dame University
- Joanna Lombard, University of Miami

Retail:
- Robert Gibbs, Gibbs Planning Group
- Paul Lambert, Lambert Advisory

Traffic and Parking:
- Tim Plummer, David Plummer and Associates

Landscape:
- Robert Parsley, ASLA, Geomantic Designs, Inc.

Application Location




Application Location
PONCE DE LEON
LEJEUNE
MIRACLE MILE
DOUGLAS
SUBJECT
NOT A PART


Application Location
GALIANO
NOT A PART
PALERMO
SEVILLA
COCONUT GROVE
ARTS CENTER BUILDING
MALAGA
PONCE DE LEON

Review Timeline

1. **City Commission: 01/14/14**
   Old Spanish Village site and Form-Based Regulations Workshop
2. **Development Review Committee: 04/11/14**
   Mediterranean Village Planned Area Development
3. **City Commission: 06/13/14**
   Mediterranean Village Form-Based Planned Area Development Workshop
4. **Board of Architects: 07/23/14**
   Mediterranean Village Planned Area Development Workshop
5. **Planning and Zoning Board: 08/13/14**
   Mediterranean Village Form-Based Planned Area Development Workshop

Review Timeline

6. **Neighborhood Meeting: 09/17/14**
   Mediterranean Village Planned Area Development
7. **Expert Panel Review: 09/19/14**
   Mediterranean Village Planned Area Development project
8. **Board of Architects: 11/05/14**
   Preliminary Review of Overall Project Concept
9. **Expert Panel Review: 11/21/14**
   Mediterranean Village Form-Based Planned Area Development
10. **Planning and Zoning Board: 12/10/14**
    Comp. Plan Text and Map Amendments, Zoning Code Amendment

Review Timeline

11 **Historic Preservation Board: 12/11/14**
Informational Presentation on Arts Center Building

12 **Traffic Advisory Board: 1/20/15**
Traffic Impact Analysis

13 **Development Review Committee: 01/30/15**
Alley Vacation and Development Agreement

14 **Planning and Zoning Board: 02/11/15**
Complete Mediterranean Village Application

15 **Historic Preservation Board: 02/19/15**
Follow-up Presentation on Arts Center Building

Public Notice

January 2014 – February 2015

1. Public Meetings: **15**
2. Postings at City Hall: **14**
3. Meeting Materials posted on City website: **12**
4. Meeting Minutes posted on City website: **6**
5. Property Posted: **5**
6. Courtesy Notice Letter, 1,000 ft: **5**
7. Newspaper Advertisement: **6**
8. Televised Meeting: **5**

Applicant's Request







Applicant's Request / Proposed Public Benefits

Applicant's Requests	Proposed Public Benefits
• Additional Height for Public Uses (1 - 2 additional floors in specific locations) • Additional FAR (4.375 – 1,280,974 sf vs. 3.5 – 1,024,779 sf) • Reduced Stepback from Residential (50' – 70' stepback from SFR instead of 100') • Vehicular curb cuts on Ponce de Leon (currently not permitted) • Residential use in Commercial Land Use (currently only permitted in MXD) • Additional Height for Architectural Features (78' vs 25') • Shared Parking and Modal Split Reductions (2,691 vs 3,182 parking spaces)	• Regional mixed-use destination • High-quality architecture and materials • Sustainable LEED-ND Design • Multi-modal transportation contributions, including bike, trolley and pedestrian streetscape improvements • Rooftop public parks, rooftop restaurant • Enhanced Art in Public Places contributions • Underground parking and loading

Items for Consideration by Planning and Zoning Board

Summary of Applicant's Request

1. **Comprehensive Plan Map Amendment**
   a. Re-distribution of permitted height on site

2. **Comprehensive Plan Text Amendment**
   a. Two additional stories for public uses
   b. FAR controlled by project PAD plan
   c. Residential use permitted in Commercial areas

3. **Zoning Code Text Amendment**
   a. Form-Based Planned Area Development
      i. Controls building intensity through location, design, form
      ii. Integrated Mediterranean architectural standards
      iii. Clear design standards for pedestrian open space
      iv. LEED requirements
      v. Enhanced public spaces and off-site improvements
      vi. Transit contributions
      vii. Optimize parking requirements based on context
   b. Removing Site-Specific provisions from previous project

Summary of Applicant's Request

4. **Planned Area Development Site Plan:** 6.72 acres
   a. 4.375 FAR (1,280,974 sq ft)
   b. Height
      i. Low Rise Land Use (77')
         - *Townhouses: 36'*
         - *Gym and Ballroom Podium: 70'*
      ii. Mid Rise Land Use (97')
         - *Residential Amenity Podium: 80'*
         - *Cinema Podium: 116'*
      iii. High Rise Land Use (190'6")
         - *3 Residential Towers and Office Tower: 190'6"*
         - *Hotel Tower: 218'6"*
   c. Program
      i. 229 Residential Units
      ii. 314,000 sf Office
      iii. 324,400 sf Restaurant, Entertainment, and Retail
      iv. 184 Hotel Rooms
   d. Parking Spaces: 2,710

Summary of Applicant's Request

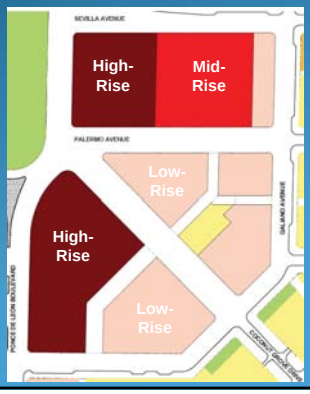
5. **Alley Vacation**
   a. 85' long portion of a 20' wide alley

6. **Development Agreement**
   a. Ensures the high quality design, construction, and maintenance of project
   b. Memorializes public benefits provided as part of the project

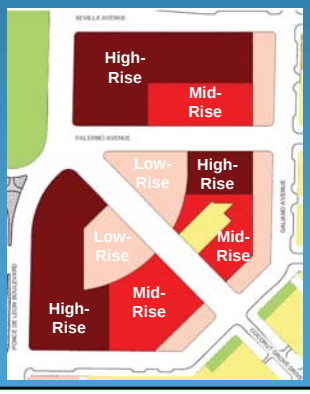
Application Request #1

❖ **Comprehensive Plan Map Amendment**: changing the boundaries between Commercial Low-Rise Intensity, Commercial Mid-Rise Intensity and Commercial High-Rise Intensity Land Use designations

Existing Land Use Map



Proposed Land Use Map



Commercial Low-Rise Intensity (50 Feet; 3.0 F.A.R.)
Commercial Mid-Rise Intensity (70 Feet; 3.0 F.A.R.)
Commercial High-Rise Intensity (150 Feet; 3.0 F.A.R.)

Application Request #2

❖ **Comprehensive Plan Text Amendment**:

- Commercial High-Rise Intensity
- Commercial Mid-Rise Intensity
- Commercial Low-Rise Intensity

1. Residential use permitted
2. Intensity controlled by a Planned Area Development plan instead of by Floor Area Ratio
3. Additional height granted for specified public uses or architectural embellishment.

Application Request #2

❖ **Comprehensive Plan Text Amendment**:
Commercial High-Rise Intensity : Use and Intensity

Maximum F.A.R. of 3.0, or 3.5 with architectural incentives. Up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs).

Residential use shall only be permitted as part of a mixed-use development as provided herein, or a Mediterranean Village.

The intensity of a project located in a Mediterranean Village is not regulated by F.A.R., and instead controlled by an approved Mediterranean Village PAD Plan.

Application Request #2

❖ **Comprehensive Plan Text Amendment**:
Commercial High-Rise Intensity : Height

Up to 150' maximum (no limitation on floors), or 190.5' maximum (with a maximum 3 additional floors) with architectural incentives per the Zoning Code.

The heights of structures located in a project located in a Mediterranean Village may exceed the applicable maximum, to the extent approved by the City, for those areas containing only (a) architectural embellishment or (b) a top floor (one or two level) dining, entertainment, or other similar destination use open to the public, or (c) a top floor containing an activated rooftop.

Application Request #2

❖ **Comprehensive Plan Text Amendment**:
Commercial Mid-Rise Intensity : Use and Intensity

Maximum F.A.R. of 3.0, or 3.5 with architectural incentives. Up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs).

Residential use shall only be permitted as part of a mixed-use development as provided herein, or a Mediterranean Village.

The intensity of a project located in an Mediterranean Village is not regulated by F.A.R., and instead controlled by an approved Mediterranean Village PAD Plan.

Application Request #2

❖ **Comprehensive Plan Text Amendment:**
Commercial Mid-Rise Intensity : Height

Up to 70' maximum (no limitation on floors), or 97' maximum (with a maximum 2 additional floors) with architectural incentives per the Zoning Code.

The heights of structures located in a project located in a Mediterranean Village may exceed the applicable maximum, to the extent approved by the City, for those areas only containing (a) architectural embellishment or (b) a top floor (one or two level) dining, entertainment, or other similar destination use open to the public, or (c) a top floor containing an activated rooftop.

Application Request #2

❖ **Comprehensive Plan Text Amendment:**
Commercial Low-Rise Intensity : Use and Intensity

Maximum F.A.R. of 3.0, or 3.5 with architectural incentives. Up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs).

Residential use shall only be permitted as part of a mixed-use development as provided herein, or a Mediterranean Village.

The intensity of a project located in a Mediterranean Village is not regulated by F.A.R., and instead controlled by an approved Mediterranean Village PAD Plan.

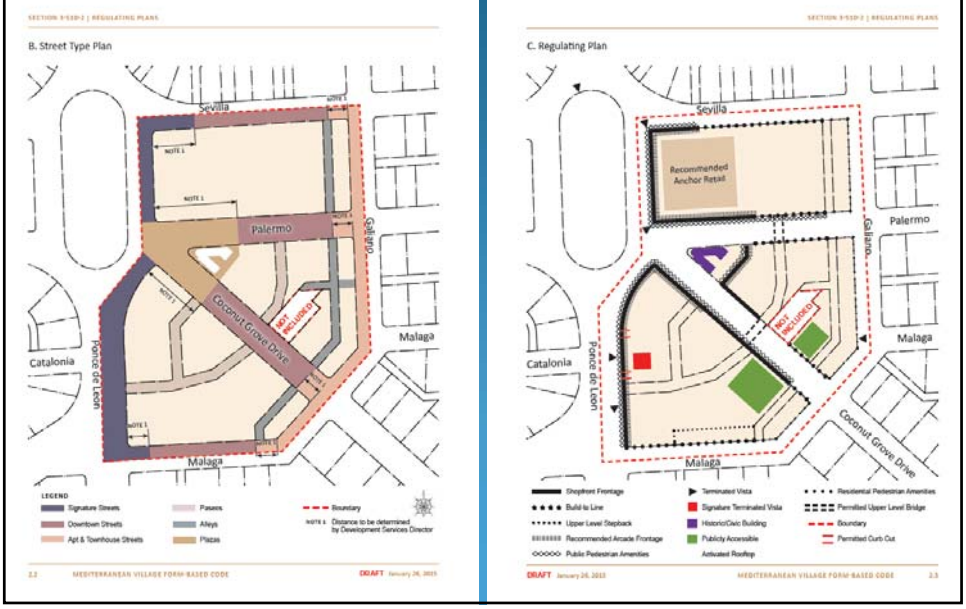
Application Request #3

❖ **Zoning Code Text Amendment**

1. Mediterranean Village Form-Based Planned Area Development:
   - Creating a new type of Planned Area Development that follows a Mediterranean Village Form-Based PAD, with high standards for design and rigorous public benefits requirements. Only applies to subject property.

2. Site Specific Text:
   - Removing Site Specific text for Crafts Section, Block 20, that was created for a previously-approved project and no longer applies.

Application Request #3

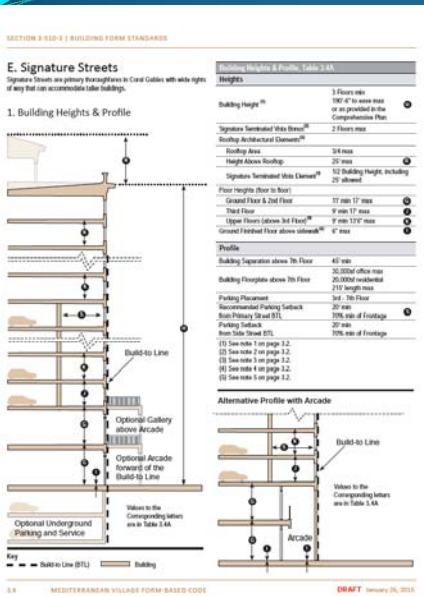


Application Request #3

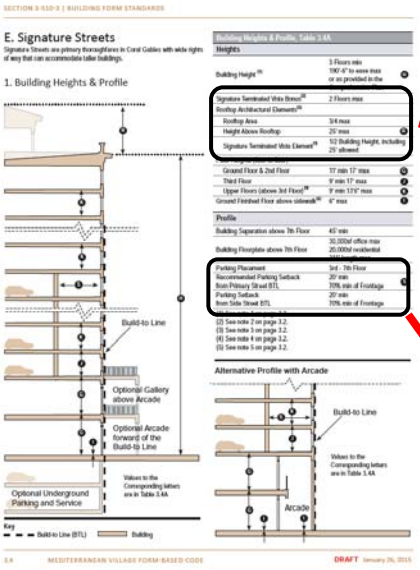




Application Request #3



Application Request #3



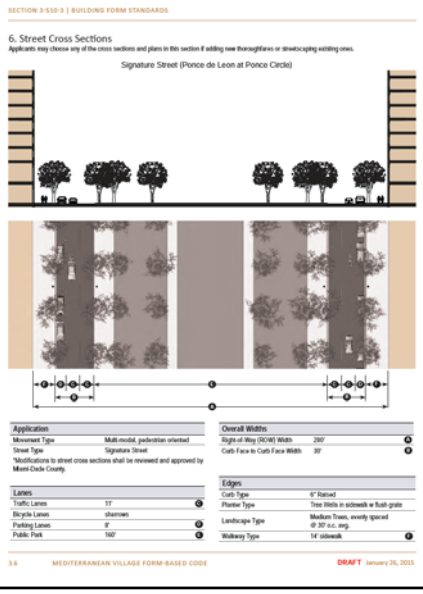
Hotel Rooftop Restaurant:

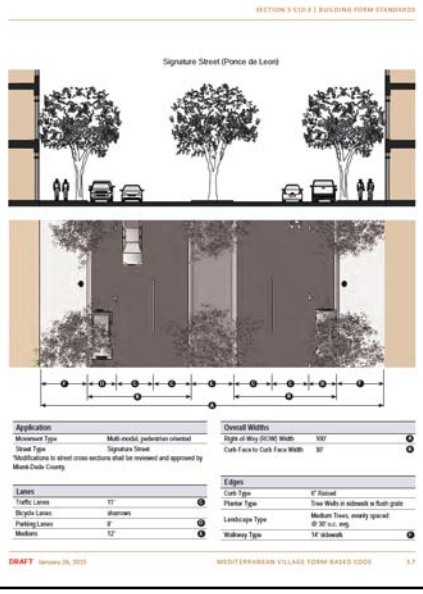
Signature Terminated Vista Bonus[2]	2 Floors max	
Rooftop Architectural Elements[3]		
Rooftop Area	3/4 max	
Height Above Rooftop	25' max	R
Signature Terminated Vista Element[1]	1/2 Building Height, including 25' allowed	

Parking Garage Liner along Ponce:

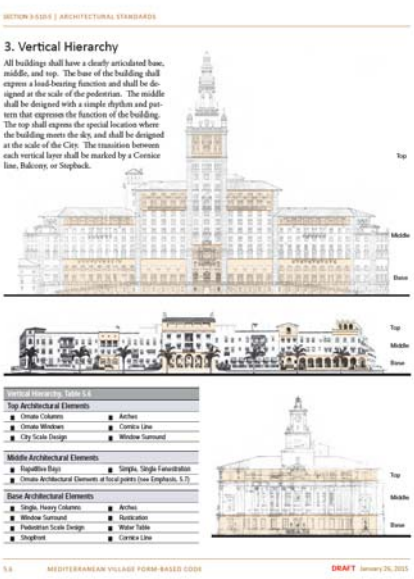
Parking Placement	3rd - 7th Floor	
Recommended Parking Setback from Primary Street BTL	20' min 70% min of Frontage	S
Parking Setback from Side Street BTL	20' min 70% min of Frontage	

Application Request #3





Application Request #3



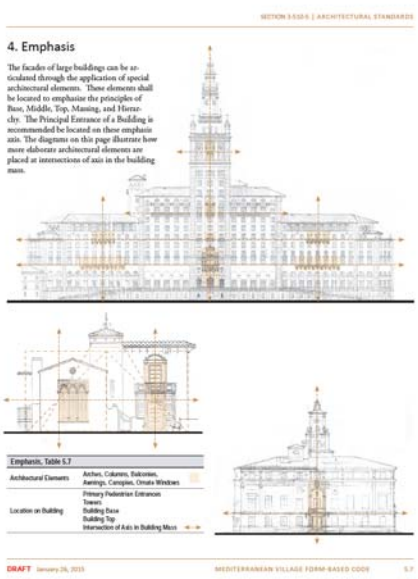
3. Vertical Hierarchy

All buildings shall have a clearly articulated base, middle, and top. The base of the building shall express a load-bearing function and shall be designed at the scale of the pedestrian. The middle shall be designed with a simple rhythm and pattern that expresses the function of the building. The top shall express the special location where the building meets the sky, and shall be designed at the scale of the City. The transition between each vertical layer shall be marked by a Cornice line, Balcony, or Stepback.

Top
Middle
Base

Vertical Hierarchy, Table 5.6

Top Architectural Elements	
Ornate Columns	Arches
Ornate Windows	Cornice Line
City Scale Design	Window Surround
Middle Architectural Elements	
Regulitive Bays	Simple, Single Fenestration
Ornate Architectural Elements at focal points (see Emphasis, 5.7)	
Base Architectural Elements	
Single, Heavy Columns	Arches
Window Surround	Rustication
Pedestrian Scale Design	Water Table
Shopfront	Cornice Line



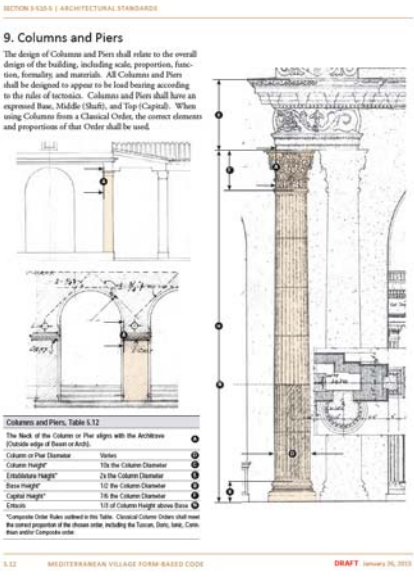
4. Emphasis

The facades of large buildings can be articulated through the application of special architectural elements. These elements shall be located to emphasize the principles of Base, Middle, Top, Massing, and Hierarchy. The Principal Entrance of a Building is recommended be located on these emphasis axis. The diagrams on this page illustrate how more elaborate architectural elements are placed at intersections of axis in the building mass.

Emphasis, Table 5.7

Architectural Elements	Arches, Columns, Balconies, Awnings, Canopies, Ornate Windows
Location on Building	Primary Pedestrian Entrances Towers Building Base Building Top Intersection of Axis in Building Mass

Application Request #3



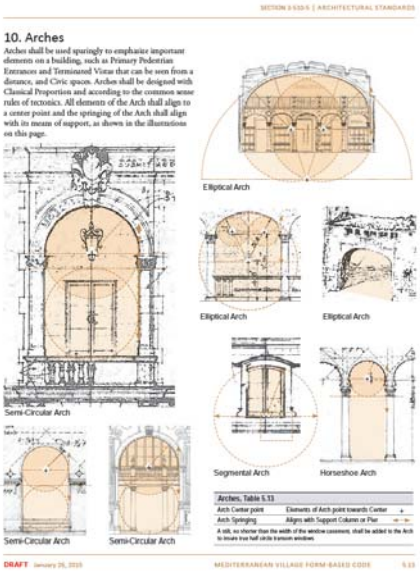
9. Columns and Piers

The design of Columns and Piers shall relate to the overall design of the building, including scale, proportion, function, formality, and materials. All Columns and Piers shall be designed to appear to be load bearing according to the rules of tectonics. Columns and Piers shall have an expressed Base, Middle (Shaft), and Top (Capital). When using Columns from a Classical Order, the correct elements and proportions of that Order shall be used.

Columns and Piers, Table 5.12

The Neck of the Column or Pier aligns with the Architrave (Outside edge of Beam or Arch).	
Column or Pier Diameter	Varies
Column Height*	10x the Column Diameter
Entablature Height*	2x the Column Diameter
Base Height*	1/2 the Column Diameter
Capital Height*	1/6 the Column Diameter
Entasis	1/3 of Column Height above Base

*Composite Order Rules outlined in this Table. Classical Column Orders shall meet the correct proportion of the chosen order, including the Tuscan, Doric, Ionic, Corinthian and/or Composite order.



10. Arches

Arches shall be used sparingly to emphasize important elements on a building, such as Primary Pedestrian Entrances and Terminated Vistas that can be seen from a distance, and Civic spaces. Arches shall be designed with Classical Proportion and according to the common sense rules of tectonics. All elements of the Arch shall align to a center point and the springing of the Arch shall align with its means of support, as shown in the illustrations on this page.

Elliptical Arch
Elliptical Arch
Elliptical Arch
Semi-Circular Arch
Segmental Arch
Horseshoe Arch
Semi-Circular Arch
Semi-Circular Arch

Arches, Table 5.13

Arch Center point	Elements of Arch point towards Center
Arch Springing	Aligns with Support Column or Pier

A sill, no shorter than the width of the window casement, shall be added to the Arch to create true half circle transom windows.

Application Request #3

- Zoning Code Text Amendment
  - Site Specific Text:

Appendix A, Section A-36 - Crafts Section., B. Height of buildings.: ~~5. A multi-story building thirteen (13) stories in height, as per submitted plans for use as an office building may be constructed on Lots 1, 2, 3, 4, 33, 34, 35 and 36, Block 20, according to Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida.~~



Application Request #3

- Zoning Code Text Amendment
  - Site Specific Text:

Appendix A, Section A-36 - Crafts Section., B. Height of buildings.: ~~5. A multi-story building thirteen (13) stories in height, as per submitted plans for use as an office building may be constructed on Lots 1, 2, 3, 4, 33, 34, 35 and 36, Block 20, according to Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida.~~



Application Request #4

❖ Planned Area Development Site Plan



Application Request #4

❖ Planned Area Development Site Plan

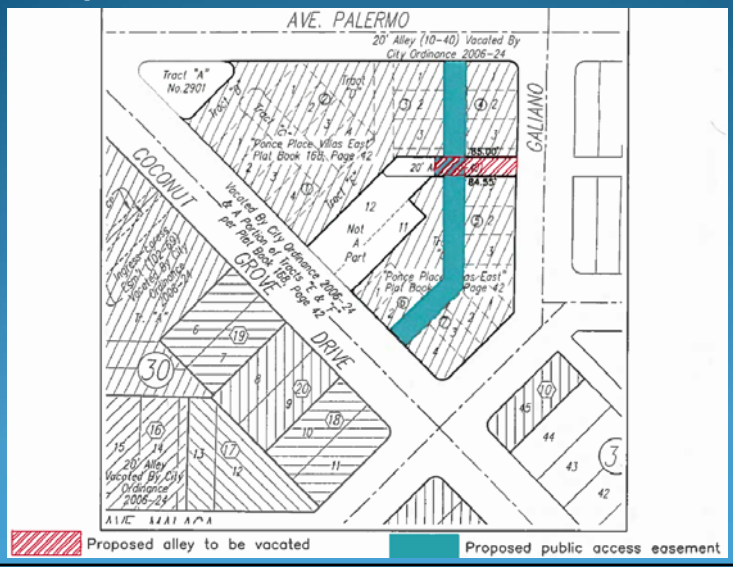


Application Request #4

- Planned Area Development Site Plan
  - Architecture will be further reviewed by the Board of Architects following Commission Approval, with a special Board of Architects review and approval for each individual building on the site. At that time, staff comments on the architecture and specific site plan design comments will be addressed and fully resolved.
  - PZB will further review the Site Plan at the discretion of the City Commission

Application Request #5

- Alley Vacation



Application Request #6

❖ Development Agreement

- Ensures the high quality design, construction, and maintenance of project
- Memorializes public benefits provided as part of the project

Includes:

- Signage guarantees
- Dedication of public open space
- Encroachments Plan
- Development Schedule
- Hotel Standards of Operations
- Movie Theatre Standards of Operation
- Retail Standards of Operation
- Restaurant Standards of Operation
- Office Standards of Operation
- Offsite Improvements
- Parking Standards

Findings of Fact –

1 and 2. Comprehensive Plan Map and Text Amendment

Staff finds the standards in Section 3-1506 are satisfied.

- ❖ Consistent with the Comprehensive Plan
- ❖ Increased mixed-use development utilizing existing urban infrastructure, in keeping with City's Concurrency Management program
- ❖ Increases opportunities for multi-family units within an existing commercial district
- ❖ Not anticipated to have any impact on existing environmental resources

Findings of Fact –
3. Zoning Code Text Amendment

Staff finds the standards in Section 3-1405 are satisfied.

- Promotes efficient use of urban infrastructure, multi-modal activity and preservation of open space, which are all public benefits
- Allows uses that are consistent with the proposed Comprehensive Plan amendments
- Allows densities and intensities that are consistent with the proposed Comprehensive Plan amendments
- Allows densities and intensities that are comparable to existing projects in the downtown
- Does not directly conflict with the Comprehensive Plan

Findings of Fact –
4. Planned Area Development

Staff finds the standards in Section 3-503 are satisfied.

- The proposed plan is consistent with the proposed legislative changes and applicable PAD requirements of the Zoning Code.
- A Zoning Analysis was prepared by Planning Division Staff indicates that the proposed project meets the applicable provisions and requirements within the proposed Mediterranean Village Form-Based Planned Area Development and the Zoning Code.
- The proposed project has been master planned in ways that maximize public space, recreation and visual quality. Adequate provisions have been made for traffic circulation and control, to limit impacts on the vicinity.
- The redevelopment of this property as a mixed-use retail and entertainment destination fulfills the objective of the City to attract mixed use developments to downtown and the creation of a pedestrian oriented urban environment.

Findings of Fact –
5. Alley Vacation

Staff finds the standards in Section 3-1203 are satisfied.

- The alley vacation and proposed public access easement will provide benefit to multiple future townhouse residents, and allows for the development of a mixed-use development in the Downtown, in addition to continuing to serve the needs of the existing single-family property.
- The alley vacation is part of the Mediterranean Village Planned Area Development, which is a mixed-use project in the Downtown. This is a desired development that improves the City's long-term fiscal condition.

Findings of Fact –
6. Development Agreement

Staff finds the standards in Section 3-2006 are satisfied.

- The Development Agreement is a tool that will be used to guarantee and enforce the operations, maintenance, and public amenities of the Mediterranean Village Planned Area Development. Staff finds that the Mediterranean Village project is consistent with the Comprehensive Plan.

Staff Recommendation

- The Planning and Zoning Division based upon the complete Findings of Fact recommends:
  - **Specific items should be resolved prior to Commission consideration.**
  - **Approval with conditions.**

Recommendations Prior to Further Consideration:

1. **Internal Consistency**: The applicant shall ensure the internal consistency of project, including parking counts and total FAR.
2. **Development Agreement**: The applicant shall meet with City Staff and the City Attorney to resolve the items listed in the proffered conditions of approval for the Development Agreement and any other issues with the Development Agreement.
3. **Landscaping**: Update landscape plan, public realm and streetscape improvements in consultation with Public Service Department.
4. **Signage**: A more complete Signage Plan is needed to supplement the information provided by the applicant.
5. **Transit Improvement Plan**: Develop the plan in coordination with City Staff, and address all outstanding issues in the Development Agreement.

Recommendations Prior to Further Consideration:

6. **Art in Public Places**: Determine the percentage contribution that will be made, above and beyond the 1% required by Code.
7. **Arts Center Building**: Determine the program for this building and work with City Staff to determine public benefit and contributions.
8. **Grading**: grade changes that result from the construction of the underground parking garage shall be addressed and fully explained in a pedestrian open space plan.
9. **Parking Garage**: The parking garage layout will be revised to address staff concerns regarding valet operations, parking, and vehicular and pedestrian circulation.
10. **Existing Single-Family Residence**: Demonstrate the feasibility and appropriateness of constructing the proposed project around the existing single-family residence.

Recommendations Prior to Further Consideration:

11. **LEED-ND**: Complete "Stage 1" submission for a Conditionally Approved Plan.
12. **Utilities**: Address the possible need to extend power, water or sewer lines to the site.
13. **Traffic Analysis**: Memorialize the improvements discussed in the Traffic Impact Analysis report in the Development Agreement, and obtain City and County approval for the proposed traffic calming devices.
14. **Parking Analysis**: Update calculations based on City comments.
15. **Valet Operations Analysis**: Verify number of valet stations, attendants, and dimensions of drop-off areas.

Recommendations Prior to Further Consideration:

16. **Parking Garage Design**: Address staff comments regarding turning movements and layout.

17. **Alley Vacation**: address staff comments from the January 2015 DRC meeting.

18. **Additional Comments**: Address additional conditions that may emerge from the Planning and Zoning Board's comments and from Staff, including buildout schedule, agreed standards and procedures for any potential adjustments to approvals.

Conditions of Approval:

1. **Application/supporting documentation.** Construction of the proposed project shall conform with the documentation provided by the applicant in public hearings.

2. **Restrictive covenant.** Within 30 days of approval, the property owner, its successors or assigns shall submit a draft restrictive covenant for City Attorney review/approval outlining all conditions of approval as approved by the City Commission.

3. **Development Agreement.** Within 30 days of approval, the property owner, its successors or assigns shall record the Development Agreement in the Public Records of Miami-Dade County.

4. **Bond.** Within 90 days of approval, the property owner, its successors or assigns shall post a bond to cover the costs of restoring the property to a clean, safe, and attractive condition in the event that the project is not completed in a timely manner.

Conditions of Approval:

5. **Additional Reviews.** Additional review of each individual building shall be conducted by the Board of Architects, at which time staff comments and BOA comments on the function and aesthetics of each building shall be addressed. Final approval of the project by the Board of Architects is required prior to issuance of a building permit. Planning and Zoning Board review may be required at a later date at the discretion of the Commission.

6. **Traffic Study.** Any outstanding Traffic Study issues shall be satisfactorily resolved prior to Building Permit.

7. **Encroachments Plan.** Prior to Building Permit, Commission approval required for encroachments into, onto, under and over the right of way.

Conditions of Approval:

8. **Historic Arts Center Building.**

   a. A structural report shall be conducted focusing on the foundations (if any) of the historic building.
   b. A plan shall be submitted addressing the method of safeguarding the building during underground parking garage construction and other relevant construction activities.
   c. A construction bond shall be posted covering all phases of construction that may affect the property.
   d. As-built drawings to the standard set by the Historical American Building Survey shall be submitted.

Conditions of Approval:

9. **Existing Single-family residence.**

   a. A risk management assessment shall be conducted to determine possible impacts to the property and preventative measures to be taken, and a protection plan shall be submitted.
   b. A construction staging plan shall be submitted indicating how the property owner will access the house throughout construction of the below-grade and above grade portions of the project, and how continuous utility service will be provided throughout construction.
   c. A plan shall be submitted addressing the method of safeguarding the building during underground parking garage construction and other relevant construction activities.
   d. A construction bond shall be posted covering all phases of construction that may affect the property.

Conditions of Approval:

10. **Construction information/contact.** Provide written notice to all properties within five hundred (500) feet of the Mediterranean Village (2801, 2901, and 3001 Ponce de Leon Boulevard) project boundaries providing a specific liaison/contact person for the project.

11. **Private Provider.** Due to the large and complex scope of work, accelerated schedule and high cost of development, the owner should retain a Private Provider to perform plan reviews and inspection services throughout the life of the project.

12. **Written notice.** Provide a minimum of seventy-two (72) hour written notice to all properties within five hundred (500) feet of the Mediterranean Village (2801, 2901, and 3001 Ponce de Leon Boulevard) project boundaries of any proposed partial street/alley closures as a result of the project's construction activity.

Conditions of Approval:

13. **Art in Public Places.** Comply with all City requirements for Art in Public Places, which will include having the proposed artist and concept for public art to be reviewed by the Arts Advisory Panel and Cultural Development Board, and Board of Architects approval before being submitted to the City Commission.

14. **Right-of-way and public realm improvements.** Installation of all right-of-way improvements identified on the Applicant's approved plans, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning.

15. **Undergrounding of overhead utilities.** The Applicant shall submit all necessary plans and documents, and shall complete the undergrounding of all overhead utilities.

16. **On Street Parking.** Comply with Section 74-201 – 74-203 Parking Replacement Assessment, including calculation of total public parking spaces lost.

Conditions of Approval:

17. **Alley vacation and abandonment.** Prior to the issuance of the final Certificate of Occupancy (CO) for the project:

    a. Public easement: the Applicant shall grant to the City by Deed of Dedication absolute right of public ingress and egress on the public easement and all utilities as required and/or requested by the City.
    b. All vehicle turning radii shall be adequate for all vehicles that utilize, and/or are served the properties adjoining the alley.
    c. Provide a minimum vertical clearance of sixteen feet (16') minimum along the full length and width of the public easement.
    d. Applicant shall be responsible for the relocation of existing utilities located in the alley to be vacated in accordance with all applicable City, County, State or outside agency, and or utility company requirements.

Conditions of Approval:

18. **Traffic Calming.** Traffic calming studies for the residential streets east of LeJeune Road (Malaga Avenue and Catalonia Avenue) and east of Galiano Street (Sevilla Avenue, Palermo Avenue, Malaga Avenue) shall be conducted by the applicant six to twelve months after the opening of the project to assure that these streets are protected from cut-through traffic. If traffic calming thresholds are exceeded, the applicant shall mitigate this condition as approved by the Public Works Director.

19. **Exclusive Parking**. Parking spaces may not be sold or rented to those who are not users or residents of the Mediterranean Village.

Planning and Zoning Board

Mediterranean Village
(2801, 2901 and 3001 Ponce de Leon Boulevard)

Comprehensive Plan Text and Map Amendment, Zoning Code Text Amendment, PAD Site Plan, Alley Vacation, and Development Agreement

February 11, 2015