

City of Coral Gables City Commission Meeting
Agenda Item D-3 & F-3
March 8, 2022
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Planning and Zoning Director, Ramon Trias

Public Speaker(s)

Marisa Chisena

Tom O'Malley

Sheryl Gold

Maria Cruz

Agenda Items D-3 and F-3

D-3: Discussion regarding issue with language in the City's Zoning Code that was brought up during the February 15, 2022, Sunshine Meeting.

F-3: An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Section 2-100, "Residential Districts," Section 2-104, "Multi-Family 3 (MF3) District," and Section 2-105, "Multi-Family 4 (MF4) District," and Article 5, "Architecture," Section 5-200, "Mediterranean Standards;" to remove the Mediterranean Bonus of height, density, and floor area ratio (FAR) for Multi-Family 4 (MF4) properties south of Biltmore Way; providing for severability, repealer, codification, and for an effective date. (Sponsored by Commissioner Anderson)

City Commission Meeting

March 8, 2022

Agenda Items D-3 and F-3 – Discussion regarding issue with language of city's Zoning code; and F-3 is an ordinance providing for text amendment...MF4

[Date]

1

Mayor Lago: Moving onto D-3, discussion regarding issue with language in the City's Zoning Code that was brought up during the February 15, 2022, Sunshine Meeting. Mr. Zoning Director, Mr. Public Works Director you are joining us. Before we do that, don't move, I'll like to have the Manager, give the Manager a moment of personal privilege. I should have done this before, before we started, and I apologize. He has an introduction for a position that we have been looking for, for a long time, and I'd like for you to take this moment and introduce this gentleman as a new member of our team. Sorry about that and I apologize.

City Manager Iglesias: Thank you very much Mayor, thank you. Thank you, Commissioners. Please welcome Alberto Parjus, as a new Assistant City Manager. He joined us on Monday, February 28th and will oversee Community Recreation, Economic Development, Historic and Cultural Resources, Parking and Public Works. While working closely with me on innovation and technology, special projects and assignments. He comes from Miami-Dade County where he most recently served as a Deputy Director for the Department of Transportation and Public Works. Graduated Florida International University. He is an accomplished and results oriented leader with more than 37 years of experience working in complex and diverse government settings. Additionally, his experience in legislative affairs at both the federal and state levels. Please join me in giving Alberto a warm Coral Gables welcome. Thank you.

Mr. Parjus: Thank you Mr. Mayor and honorable Commissioners, Madam Attorney, Mr. Clerk, Mr. City Manager. It is a real privilege and an honor to be here today to serve this community that I hold in my heart for many years. My first residence in the Miami area was here in Coral Gables and I have no other words to describe the city as a fantastic place to work and a fantastic place to apply my skills for the benefit of the citizens and the benefit of this great administration.

Mayor Lago: Thank you sir. And we are blessed to have you here and we look forward to your service to the community. Thank you, sir. Moving back onto D-3. Mr. Director, I just want to be very brief, and I ask you to put this on the record so we can really start ironing out certain things that we are hearing in the community that in my opinion need to be ironed out very clearly, because you have two different narratives. So, I want to make sure that we get to the bottom of this.

Planning and Zoning Director Trias: Thank you Mayor. I'm very lucky to have a great team that helps me here and talking to the City Attorney, I was reminded that when I say 2007 code, I'll just say 2007 as amended, and that was one of the issues of confusion, I believe. One of the language – the language that was presented by one of our citizens was actually adopted in 2011. 2007 was the first adoption of the zoning rewrite at that time. In 2011, there was a very substantial memo with many, many, many amendments that were seen mostly as corrections from the point of view of staff. Now in 2011, keep in mind, I don't think anybody was working here, certainly I wasn't working here, this was something that was done some time ago. So, if you look at the 2007 code as amended, you will see that there are 141 amendments prior to the update that happened in 2021. So, I think that's some of the confusion. Clearly, it can be researched in great detail down to the last word. We have it all documented, its available, and if anybody has any questions specifically

City Commission Meeting

about any of those amendments, some of them are pretty significant, some of them are just minor corrections, I think that would be very helpful to understand this issue, I think more accurately. So, thank you for the opportunity to explain this.

Mayor Lago: Thank you sir. Moving onto D-4.

City Clerk Urquia: Mr. Mayor we did have members of the public wanting to speak on this item.

Mayor Lago: Perfect.

City Clerk Urquia: First speaker is Ms. Maris Chisena.

Ms. Chisena: Mayor, Commissioners, thank you for addressing Ukraine, even though I'm not from the country, but I am a foreigner and I appreciate being welcomed citizen in the United States as a foreigner. So, I'm going to address a few items that I know are on the agenda today as public comments. The city created a new zoning district, the MF4, the highest height and density residential district in Coral Gables, without any public awareness or engagement from the residents. The justification was to create a unified district. My question is, if that was the intention to create a unified district, why a property south of Biltmore Way addressed in a different way in the zoning code, in a different way than the property north of Biltmore Way. Why is the city applying regulations to half of the district and not treating this district as a whole? This neighborhood has historically been a transitional area, a buffer between commercial downtown and the single-family homes west, south and north of us. Like many of the residents, I chose to live on Biltmore Way because I did not want to live in an urban neighborhood like Brickell, Downtown, surrounded by cement, looking into other people's apartments. I do not wish to see our small neighborhood turn into the highest height and density residential district in Coral Gables. We have repeatedly been told that nothing has changed on the north side of Biltmore Way in the new zoning code. However, the purpose was changed. The original purpose and I quote, was to ensure that there is a transition to single-family and neighborhoods which protects the integrity of those neighborhoods. The new purpose of the MF4 District, and I quote, is to provide a high-density residential district that accommodates various forms of multi-family housing of high height and density. If the purpose of a district is supposed to create a visual image what the district looks like, I'm assuming, I'm asking, because I'm not sure, but if so, why the change from a transitional to urban, unless the intention was to create a high density neighborhood with taller buildings than the current ones. If on the other hand, the purpose doesn't really matter, then why change it. So, I ask the city to consider reverting to the original purpose of the MFSA, MFS-2 District, a transitional neighborhood. I know I'm taking up a few more minutes, but I'm addressing a few items on the agenda, if you allow me to. I'd like to point out that I support the text amendment, the removal of Med-bonus provisions, height, density and FAR for properties south of Biltmore Way. But I also ask the city to take a hard look at the properties on the north side of Biltmore Way and Coral Way. This was also suggested by the Planning and Zoning Board in November. Those are the words, a hard look at the properties on the north side of Biltmore Way and Coral Way, with some members supporting to reduce the height to 150 feet. The city has been saying that nothing can be changed on the north side because of the height, FAR, and density bonuses were available

City Commission Meeting

March 8, 2022

Agenda Items D-3 and F-3 – Discussion regarding issue with language of city's Zoning code; and F-3 is an ordinance providing for text amendment...MF4

[Date]

3

prior to 2021, which is true. However, if the city is now willing to consider the removal of the density on the south side, which also existed back then, why isn't the city now willing to consider any change to the north side. In conclusion, I ask the city not to allow developers to have priority over the residents, over the right of the residents, to consider protecting the north side of Biltmore Way and Coral Way from future buildings of 190 feet, the tallest buildings in a residential neighborhood and from increased density and FAR, and to consider holistically for this historic Biltmore section, taking into account the transitional purpose of this neighborhood infrastructure and the potential ramification of exposing to potential risk the existing buildings in an area that experiences frequent flooding in garages. And now, I quickly will like to address the 719 Biltmore Way. Neighbors have asked for clarification on what can be built on 719 Biltmore Way. I have sent to the Mayor, and I believe to the Commission, a few exchanges of e-mails with city staff. We have received different opinions from Mrs. Cabrera and Mr. Trias and the City Attorney, specifically on the height.

Mayor Lago: If I may, if you wait two minutes you will have on the record a response in regard to what can be built on 719 Coral Way from staff on the record, that's why I put that item on the agenda, so that there is no more misinformation or telephone conversations that basically the conversation and the data gets changed. So, you'll have an answer in two minutes.

Ms. Chisena: I appreciate that. But I just want to ask one question. Can we...

Mayor Lago: Would you like to, you've been talking for eight minutes, would you like to wait when we pick up, and I can answer your other questions when we come back to 719?

Ms. Chisena: Okay. Thank you.

Mayor Lago: That's pretty fair. Thank you. Really quickly before we move on to 719, I want to address certain comments that were made.

City Clerk Urquia: Mr. Mayor.

Mayor Lago: Yes.

City Clerk Urquia: We do have other members of the public.

Mayor Lago: I know, but we are going to answer these questions. By the way, the time certain 10 o'clock, I'm going to move the time certain, so it's not going to be heard right now. Madam City Attorney, so we are on the record, as always, I've always been a big proponent of being very careful. You are hearing a lot of, why can't we do this, or why can't we do that, if we are reverting back on the south side, why don't we just do it on the north side. If we remove the Mediterranean Bonus which currently exist in the zoning code for the north side of Biltmore Way, what are the potential implications for the city? This is on the record, on the record.

City Attorney Ramos: Mr. Mayor, the Commission's intent was to return the code to what it was; returning the code to what it was is limiting it only to one side of Biltmore Way, because that's what was affected.

Mayor Lago: Okay. And I want to be very, very clear, and very thoughtful. I want you to repeat that.

City Attorney Ramos: The Commission's intent was to return the regulations to what they were, and they were only affecting, what changed only affects one side of Biltmore Way. The regulations that changed were in place maybe four or five months and now we are reverting back. The other side of Biltmore Way has remained the same for decades.

Mayor Lago: Can we stop there one second. I want to be very clear, because we keep having these e-mails coming in and we have a handful of individuals that are pushing this. The zoning where you live have been in place for decades on the north side of Biltmore Way. We made an error. I've admitted it. I've taken responsibility for it. I didn't catch it in the zoning code. It is not staff's fault; it is my fault. I've taken all of that blame on the south side, and I have taken it amongst my shoulders, and I accept it, and we are here now in a few moments, after we are done with Mayor's Comments, the first item I'm taking is Biltmore Way, and we are going to revert back to the original zoning code. But in regard to the north, your zoning, which allows for Mediterranean Bonus has been in place for not a year, not five years, not ten years, not twenty years, for decades.

City Attorney Ramos: I don't know how many decades, but decades.

Mayor Lago: Decades – decades. So, I don't know what to do in regard to your request, except correct what we made a mistake on the south side of Biltmore Way, and that's what we are here to do. But to down zone an area where homeowners have property rights, Madam City Attorney, what legal ramifications could we expect if we were even to consider that?

City Attorney Ramos: It could subject the city to Bert Harris litigation, because people who have owned property for a long time there had this vest right in being able to develop in a particular way, and it could potentially be perceived as an inordinate burden.

Mayor Lago: And what I'm asking for, before we move onto the next person is, I'm asking for the community as-a-whole to let's be very thoughtful about the information that we are putting out there, because staff spends a lot of time answering these e-mails and we want to respond to everyone because that's what our jobs are, but I want to make sure that people understand that's why I put it on the record that your zoning has been in place for decades and what we are doing here is correcting a mistake that we made, that we didn't catch it, and we are more than willing to correct that. But in regard to the north side, we are not talking about that today. We are talking about the MF4 area, which we are addressing. Mr. Clerk, moving on.

City Clerk Urquia: Next speaker is Mr. Tom O'Malley.

Mayor Lago: Mr. O'Malley the floor is yours. Thank you for being here.

Mr. O'Malley: Mr. Mayor.

Mayor Lago: Mr. O'Malley, will you fix...so I can hear you. We want to put it on the record. Thank you very much.

Mr. O'Malley: I have a presentation.

Mayor Lago: I look forward to it.

Mr. O'Malley: Billy, where's my presentation helper. There it just came up. Sorry, this was supposed to go immediately to the page, and I guess it expired. And while I do this...I may need a minute here.

City Clerk Urquia: We can go to the next speaker while you...So the next speaker is Ms. Sheryl Gold.

Mayor Lago: Ms. Gold the floor is yours.

Ms. Gold: Sorry, it takes a little while for them to be able to let me unmute and start my video. I want to respond to a couple of things that I just heard. The first thing is, it seems to me that there is a deflection and obfuscation going on here. While you talk about the Med Bonus and the zoning always existing in the north of Biltmore Way properties for decades, that's true, and I don't think anybody is contesting that. What was raised is, why do you think now that you can remove the density part of the Med Bonus that has existed for decades in the south of Biltmore properties without a Bert Harris and still keep justifying that you can't make any changes in the north, because these things always existed, but yet the density of the Med Bonus to go from 60 units to 75 units always existed south of Biltmore Way. So how are you removing that now without having the same kind of supposed legal challenges that portend would happen on the north. So that has not been answered and I'd like that to be answered before I complete, I'll complete the rest of my comments, but I think it needs to be addressed by the City Attorney. You are not just crawling back something that you five or six months ago, it's not that, it's a year ago now, the height and the FAR. You are crawling back now, rolling back the density.

Mayor Lago: May we respond, may we respond to your question.

Ms. Gold: Thank you.

Mayor Lago: Madam City Attorney.

City Attorney Ramos: Again, the Commission's direction was to return the ordinance to read exactly like it read before the 2021 zoning code was updated. That is what is being done as far as I understand it.

City Commission Meeting

Mayor Lago: Let me respond to that very clearly. We need to be very, very careful what we say in the public record. People see this, and then they wonder, wait, hold on a minute, are they actually clawing back the density, are they not clawing. What we are doing in regard to the south of Biltmore Way is returning it back, as a matter of fact, let's do this, let's do this. Let's freeze Mayor's Comments. Mr. Clerk let's bring up Biltmore Way, F-3, we are going to talk about it right now.

Ms. Gold: Excuse me, I had some comments about the site specifics that Ramon said, so I think they would be more appropriate addressed right now.

Mayor Lago: Ms. Gold, what you said on the record is not accurate.

Ms. Gold: Excuse me Mayor, let me speak and then you can tell me that what I'm saying isn't true, okay.

Mayor Lago: I never said – I said it wasn't accurate. It wasn't accurate. You said that we are taking, we are reducing the density further than prior to the change. That's not the case in the south of Biltmore Way. And please, staff correct me if I'm wrong, if I misspeak. We are returning south Biltmore Way to its original zoning designation prior to the zoning rewrite where the error occurred. We are not stripping any further density away from the Biltmore Way, is that correct Madam City Attorney?

City Attorney Ramos: That's my understanding, but staff should confirm that that's in fact how it's drafted.

Mayor Lago: Mr. Zoning Director.

City Attorney Ramos: The Commission's intent and the Commission's direction was simply to take it back to what it was.

Planning and Zoning Director Trias: That is the way I understand it, yes. That is what we've done. In fact, several team members have participated in this, so it's not my opinion or the City Manager's opinion.

Commissioner Fors: I want to add something too. Directly speaking to Ms. Gold's comments, because I think what she's saying is that we have found a self-identified or a self-conceded mistake in changes that were made to the south side. The Commission has been very clear that we want to, and today we will, reverse the zoning to how it was before that mistake was made on the south side to add a Mediterranean Bonus. Now, it's had Mediterranean Bonus for about a year. Tomorrow or this afternoon it will no longer have Mediterranean Bonus and will return to how it was before. Ms. Gold is asking, if we are willing to remove the Mediterranean Bonus on the south side today and we are not afraid of Bert Harris with regards to the south side, why won't we do it to the north side? I think it's important to understand that we are probably not without any exposure

City Commission Meeting

as to Bert Harris on the south side, but you are talking about two different things. In the case of the south side, you are taking away a Med Bonus that has only been there for a year, the reliance on it is less than the north side, or it's been there for decade(s), we are not sure if it's been there for two decades or certainly over a decade, the reliance is more. And apart from calculated risks that the Commission may be willing to take regarding Bert Harris on the south side, it's not just about litigation, it's also about the fact that it's just, it's not right to let somebody enjoy rights for over a decade then take it away. It's not so bad when those folks have only enjoyed, not talking about the south side folks, for a year, many of whom may not have even realized that they had Med Bonus for twelve months, if it was. So, it's not just about the litigation, it's also about not gutting property rights that have been in place for much, much longer on one side than on the other side.

Commissioner Anderson: And I'll add a couple more comments to that.

Ms. Gold: Excuse me, can I just.

Commissioner Anderson: I'll just add a couple of more comments to it. Just a moment Sheryl, Ms. Gold.

Ms. Gold: [Inaudible]

Commissioner Anderson: The folks on the south side of Biltmore Way have been aware of the discussions that have been going on regarding the south side of Coral Way, since shortly after the last election. Iterations have been proposed for returning it back to the status that it was before the last zoning change. Properties on the north side of Coral Way have been built under the prior zoning regulations, they have been sold under the prior zoning regulations, and there is a full expectation that they'll be able to take advantage of those building rights. It's a much different situation when the zoning regulation has been in place for decades. So, with that said, Mayor.

Mayor Lago: Thank you Commissioner Fors. Can we go back to Ms. Gold so that she can articulate her points.

City Clerk Urquia: Yes sir.

Mayor Lago: Thank you very much.

Ms. Gold: Thank you Mr. Mayor. This is like gaslight to me. I am saying one thing and maybe I'm not communicating it clearly enough. On the south side, the Mediterranean Bonus has existed for decades, but it only was applicable for density, not height and not FAR. So, your supposed mistake was that you added height and FAR, but it always had the ability or the availability to increase the density from 60 units to 75 units. You didn't just do this in the last update, the zoning code, that existed for decades just as the Med Bonus existed on the north, but on the north, it was for height, FAR and density. So, you are bringing this back to what it was before the zoning code, but when I read the text in this amendment, text amendment, that's been proffered here, it says that you are

City Commission Meeting

rolling back the density to 60 units an acre, and that means that you are removing the total Mediterranean Bonus part of which existed for decades on the south.

Mayor Lago: Ms. Gold, may we respond to you? May we respond to you on the record?

Ms. Gold: Yes.

Mayor Lago: Ms. Cabrera, good morning.

Development Services Director Cabrera: Good morning, Suramy Cabrera, Development Services Director. So, the south side of Biltmore Way under MSFA was limited to 60 units per acre, which is what we're doing now. It was very specific in the code that if the Med Bonus allowed more, it would stay at 60.

Commissioner Fors: And was that because, and this is a nuance, Ms. Gold, and I just want to make sure we are talking about the same thing, is that because on the south side there was Mediterranean architecture involved. It was a requirement of Mediterranean architecture?

Development Services Director Cabrera: Correct.

Commissioner Fors: So therefore, because Mediterranean architecture was required on the southside, you didn't get a bonus for doing Mediterranean architecture.

Development Services Director Cabrera: So, the way it reads is, that its required, and then in the Med Bonus it used to say that those properties, the MFSA properties could not get the additional FAR and height. However, when you go back to the MFSA section of the code, it said that the density was limited to 60 period.

Mayor Lago: Period. Please, this is on the record, this is on the record. Please. This is bible, the truth. So, hold on Ms. Gold. Give me one second please. Not many elected officials allow this back-and-forth banter to continue. We have to move forward. I want to return Biltmore Way and close this chapter in our life. Staff needs to move forward; we need to move forward. Mr. Clerk, I need to move to Item F-3. Close the Mayor's Comments and I will allow everybody to speak again, but please, you've heard from staff what we are doing. We are returning the south portion of Biltmore Way to its original zoning and the north stays the same, okay. Good. We are moving onto F-3, which is the Biltmore Way discussion. I would like for our Zoning Director, if he has anything else to add, that he'd like to briefly say, and then I will open it up to public comment once again and I would like to move on and bring this to a close, please. Okay.

Planning and Zoning Director Trias: I have nothing to add, except thank all the team members that have helped draft this very clear code, it is very clear on what you intended.

Mayor Lago: Is there any public comment that has not been heard?

City Commission Meeting

March 8, 2022

Agenda Items D-3 and F-3 – Discussion regarding issue with language of city's Zoning code; and F-3 is an ordinance providing for text amendment...MF4

[Date]

9

City Clerk Urquia: Yes sir, Mr. Tom O'Malley.

Mayor Lago: Mr. O'Malley, you're ready for your presentation, sir?

Mr. O'Malley: Thank you.

Mayor Lago: No, thank you. We are here to serve. And then we'll go back to Ms. Gold to make sure she has her last comments on the record.

Mr. O'Malley: I'd like to first of all say thank you for your resolution about Ukraine. I had the pleasure of visiting Ukraine three years ago. I was in Kyiv, I was in Odesa, had a chance to meet a lot of people, talk to them. It breaks my heart what's going on in Ukraine. So, thank you for that Mayor and Commissioners. So, I want to start off about the comprehensive plan text amendment. I just want to go through this quickly. The City of Coral Gables values open and transparent decision-making and you are doing that, and I appreciate it. Thank you very much. But my question is this, if there is a conflict between the zoning code and site-specific regulations, which prevails, and I would like the official response for that.

Mayor Lago: Mr. Director, he has a question for you, please. If a conflict exists between zoning and site-specific regulations.

Planning and Zoning Director Trias: Mayor, I do not deal with theory, I only deal with specific issues. That's my answer.

Mayor Lago: Specifics. Thank you very much.

Mr. O'Malley: Okay. Thank you, Mr. Trias. Here is the zoning code in 2007, 19 and 21; the language in all three zoning codes is exactly the same. And it says, the following performance standard shall govern the general development of structures in the district where there are specific standards for property, is there, specifically set forth in the site-specific zoning regulations, the regulations in the site-specific zoning regulations shall apply. So again, please correct me if I'm wrong, but this would answer the question of, which prevails, the zoning code or site specific; site specific would prevail. It seems to say that. At the Sunshine meeting...

Mayor Lago: Mr. Zoning Director, would you like to say something?

Planning and Zoning Director Trias: Sir, I hate to have these kinds of discussions about theory, but there was an amendment that was actually mentioned by Ms. Gold last time, done in 2011. I didn't do it. It was something that was done some time ago, and it said that the site specific, the Mediterranean Bonus shall be in addition to the site specifics, that's something that is also in the code.

Mayor Lago: Will you do me a favor, will you provide this gentleman with that documentation, because by the way, that's years before any of us were on this Commission. I can review that document.

Mr. O'Malley: I have sir.

Mayor Lago: Let him finish.

Mr. O'Malley: And I believe it was inserted in the 2019 zone and was not in the zoning code prior to 2019.

Planning and Zoning Director Trias: Its 2011.

Mayor Lago: So that's the point. We have to be very careful and very thoughtful what we say up here, because then somebody else believes that and they run with it. This was since 2011, not 2019.

Planning and Zoning Director Trias: And the memo from 2011 included many, many amendments, including that one.

Mayor Lago: And what we are doing today, we are returning back to what we were before the zoning rewrite, that's what we're doing. I keep saying that over and over again. We are not deviating from what currently existed a year. We are moving back to where we were.

Planning and Zoning Director Trias: The other issue I would like to say is that it was an update to the zoning code; the rewrite according to the ordinance was in 2007. What we did in 2021 was an update.

Mayor Lago: Yes sir, go ahead.

Mr. O'Malley: Thank you Ramon. So, at the Sunshine meeting, Ms. Cabrera presented a geography of the Biltmore Section, and she had the north Biltmore consist of Blocks 1 and 2, in the south Biltmore section consist of 8 and 10. Going back to the site-specific regulations, it identifies that no apartment building or structure shall be erected or altered on the following described property to exceed 13 stories, etc. All tracts, all lots and tracts in Blocks 2, Lots 4 through 13, Block 1, Lots 13 through 32, Block 1. I don't know why it's written that way, but that came off the code that way. So, the north Biltmore consists of Blocks 1 and 2. I'm not here to talk about south Biltmore, Mayor, I'm way done with that, you've done the right thing.

Mayor Lago: Wait, hold on a minute. But let's stop for a second. You don't want to talk about south Biltmore, I want you to admit it on the record that we are going back to the previous zoning code that we basically made an error on, and we are correcting this, is that correct sir, yes, or no?

Mr. O'Malley: That's my understanding.

City Commission Meeting

Mayor Lago: Okay. Perfect. I don't want to talk about north right now, because it's just more and more confusing. What we are doing today is, we are returning the south back to the way it originally was and turning the page on that. I understand that you want to remove zoning opportunities, density, Med Bonus, a litany of different things in the north side, but that's not up for vote today. So, I don't want people who look at these meetings and get even further confused. You understand. Does that make sense?

Mr. O'Malley: No.

Mayor Lago: It makes sense to me, because I get a lot of e-mails from residents who are very confused about why we can't do something for the north that we are doing for the south, and I'm explaining.

Mr. O'Malley: I'm done with the south, Mayor.

Mayor Lago: Yes, but you want to go to the north, and you want to tell me that we should not rezone the north, we should down-zone the north. That's a conversation that if you would like to have, we can have on open door Fridays, we can have it at the Town Hall meeting which is forthcoming, we could even have a Sunshine meeting, I'm more than willing, but I want to focus in just on the south, because there are a lot of people. The Manager will tell you; my colleagues will tell you, there are a lot of people that are confused, they are misinformed as a result of all the information that's being stated out there. So, I just ask for a little bit of understanding. You are not willing to give me that understanding. Okay. Then go ahead, talk about the north. That's what you want to do then go ahead. The floor is yours.

Mr. O'Malley: You've done the right job for the south, sir, there doesn't seem to be confusion about the south.

Mayor Lago: This is not the time and place to talk about the north, but you want to have it, so go ahead. The floor is yours, go ahead, talk as long as you like.

Mr. O'Malley: Ms. Cabrera presented a chart that showed the north Biltmore section was previously designated as MF2, a transitional designation showing 16 stories, but which allowed a Med Bonus which allowed 16 stories, to 190 feet, 75 units. The revised MF4, with urban designation was the same, and she said the MF4 was the same as the MF2. If site specific regulations prevail over zoning, then the Med Bonus is not really allowed for the north section, and so buildings are not permitted to go over 150 feet. So, when Ms. Cabrera discussed the box 1 and 2, and she discussed zoning, there was not a discussion about site specific regulations. So, if site specific regulations trump the zoning code, then you cannot go over the number of floors, height, density, etc., that existed prior to February of last year.

Mayor Lago: You're done.

Mr. O'Malley: Yes sir.

City Commission Meeting

Mayor Lago: Mr. Clerk, excuse me, Mr. Zoning Director, you address his comments in regard to site specifics and how site specifics trump zoning and how in this area you cannot go above 150 in the north side of Biltmore Way.

Planning and Zoning Director Trias: I want to thank our neighbors for making me an expert on conventional zoning, because frankly its astonishing. Amendment number 8, in the 2011 amendment to the 2007 rewrite, amendment number 8, I mean there were several, this is number 8, says that site specific regulations are made Mediterranean Bonus Coral Gables Mediterranean style design standards, specifically on that. And it says, may be awarded as supplemental and then in parenthesis, additional – intensity, density, in the – and that’s what it says. I don’t know what else to say to that. That was something that was incorporated in 2011. Now, there may be some contradictions within the code, some internal consistency issues that may be true, and that’s one of the things that may be had lead to this confusion.

Mayor Lago: But the key word is, it may be granted additionally.

Planning and Zoning Director Trias: Yes. And that’s what’s applied to the area north of Biltmore Way, which was MF2. Now, the issue with MF2.

Mayor Lago: And a quick question.

Planning and Zoning Director Trias: Yes sir.

Mayor Lago: Has a Mediterranean Bonus been granted in the north area of the Biltmore Way before.

Planning and Zoning Director Trias: Well, I believe so, because there is one building that is 190 feet, at least one.

Mayor Lago: It says it in the code that it can be granted additionally, its already been constructed and this is why I want to be very careful about what we spoke about on the record, because now I’ll receive an onslaught of e-mails now saying, get rid of the Mediterranean Bonus because we can, because we just peeled back or clawed back, as Ms. Gold said, the south zoning that was achieved in error. So, I want to be very careful. Again, if you want to talk about the north side, we can talk about the zoning side today, talk about the south side. Is it okay if I move on and have anybody else who would like to speak, or do you have anything else you’d like to say on the record?

Mr. O’Malley: At this point, I have nothing more to add, but I think maybe there should be a conversation in the future about this, because I don’t think it’s being appropriately discussed. Thank you, Mr. Mayor.

Mayor Lago: Thank you. Mr. Clerk is there anyone left? Ms. Gold would like to speak?

City Commission Meeting

City Clerk Urquia: Yes sir.

Mayor Lago: Perfect. Thank you.

Ms. Gold: Can you hear me?

Mayor Lago: Yes ma'am, the floor is yours.

Ms. Gold: Okay. Thank you. You know a lot of this – I'm going off my script here for just a moment. A lot of this confusion, obfuscation, talk about errors, mistakes, all of this could have been avoided had the city had a neighborhood meeting with the affected residents in the Biltmore Section in the four years that they were working on this update, or certainly in the year since they approved it. So, I would suggest that rather than a Sunshine meeting with the whole city involved, that a lot of these issues should be addressed directly with the people that are most affected that live in the four blocks, 1, 2, 8 and 10. Now, I'll go back to my script. Thank you, Mr. Mayor, for allowing me to speak again. I live at 721 Biltmore Way. For over four years, the city worked on a zoning code update without any notice or engagement with the affected residents of the Biltmore Section. It is now over a year since the update was approved and four different text amendments had been proposed in eight different notices, again, with no neighborhood meeting with the residents. There's been a total lack of transparency and democratic process. Commissioner Anderson talks about meeting with the residents. She's been meeting with one resident for a year now, even though I had organized the site visit and after that nobody reached out and had a neighborhood meeting. The city deliberately, intentionally, not mistakenly created MF4 to provide a high height density residential district with high height and density to serve an urban community. The most dense residential zoning district in the city. This new district consisting of Blocks 1, 2, 8 and 10 was intended to be consistent in purpose and regulations. Now you are proposing to bifurcate the...District, with different zoning on opposite sides of the street. It made little sense when it was two districts, but now it is one district, it makes absolutely no sense. Let me be clear, I support the latest text amendment to remove the bad bonus height, FAR and density for MF4 properties south of Biltmore Way. Residents do not want to live in a high height, high density neighborhood, nor do we wish to see the commercialization of our small residential neighborhood. We have been hearing for months that no changes will be made for the properties north of Biltmore Way, because that area always had the Med Bonus available. While the Med Bonus was available it was always available for density on the south, and I'm asking Mr. Trias and Ms. Cabrera, I have seen in writing where the Med Bonus was available on the south, but not for height and not for FAR, but always available for density. So, I want to see something else in writing other than what they've sent me before and what's on the website, because the density was always available up to 75 units per acre with Med Bonus.

Mayor Lago: Ms. Gold, let me just stop you one second there, please. Mr. Director, would you like to respond?

Planning and Zoning Director Trias: Mayor, Ms. Cabrera very accurately explained, there was one sentence in the code that said, the maximum density is 60, so that is what the code said.

Mayor Lago: Okay. Thank you very much. Ms. Gold...

Ms. Gold: How about what's in the Med Bonus area, okay. So, I want to see it in writing...I'll even submit to you what I've seen that says, the Med Bonus was available not for height, not for FAR, but for density, okay. So, I'll submit that for your consideration for another meeting and hopefully it will be a neighborhood meeting. I'd like to continue. I am asking yet again that the planning and zoning for our neighborhood be holistic, consistent, equitable and compatible. Just yesterday, the Herald detailed the issues of rising seas, flooding of underground garages and the destabilizing effects. You even recognize flooding week earlier and I appreciate that. You are incentivizing the demolition of smaller buildings and much larger and higher construction in an area of Coral Gables that already experiences frequent flooding events. I urge you to protect residents' lives, properties and quality of life, not the interest of the developers.

Mayor Lago: Okay.

Ms. Gold: Planning and zoning for the Biltmore section ensures the sustainable and resilient transitional neighborhood, not another Brickell. On February 15th, I submitted for your consideration constructive recommendations for how to remedy the intentional up-zoning of our small neighborhood. Change the purpose from urban back to transitional; eliminate the paragraph that now we're told was put in, in 2011; 2011 isn't on the website, you see 2007 and it jumps to 2019 zoning code, but it really doesn't matter. What matters is, and Mr. Trias just said it, it's a conflict, it's a contradiction. That language ought to be taken out of the zoning code, because it undermines the site specifics, and in fact, that they are supposed to trump everything else. So, nobody's dealing with – You know not one single Commissioner wanted to engage on the recommendations, the constructive recommendations that I made, okay. So, this is the only forum we have to discuss this, okay.

Mayor Lago: Ms. Gold, Ms. Gold, Ms. Gold.

Ms. Gold: Two more sentences and I'll be finished, okay. Two more sentences. Change the purpose back to what it was; eliminate this paragraph that conflicts with the site specifics; and reclassify the district, because it can't stay MF4 now, because you've got one rule set of regulations on one side of Biltmore and another whole set on another. We are not an MF4, we're not one district, okay, and districts and the purpose is about vision, its not legal intent, its about what do you want to see this neighborhood to be. That's what the purpose of...

Mayor Lago: Ms. Gold, Ms. Gold, I need you to please wrap it up, so that Commissioner Anderson can respond to you, and we can move onto the vote to return the south side back to its original intent before the...please.

Ms. Gold: I would just ask you, Mr. Mayor, how do you propose to address the issues that had been raised in a very positive way, not to confuse everybody, but to raise concerns to promote solutions, constructive solutions? When do you plan to engage with the residents of this neighborhood, not the city, but this neighborhood whose lives and properties are going to be at risk, number one, but certainly their quality of life is going to be diminished? So, when is this conversation going to happen? This is not the right forum for this, okay. You all wanted to push through something because you said it was a mistake, well, was it a mistake that you created an MF4 district, the highest density district in the whole city for residents? – was that a mistake?

Mayor Lago: Ms. Gold, I'm asking you, please, with all due respect, to let us respond and if you'll please wrap up your comments.

Ms. Gold: They're wrapped up. I would like some evidence of this – and I will also send the evidence that the Med Bonus for density always existed on the south. But that's a minor part of this. You somehow do not want to look at these four blocks, this very small neighborhood in a holistic way, or a sustainable or resilient way. You just want to do what you want to do and force your vision on the residents rather than heeding and working with the residents to assure that they're vision is what's going to happen. And the other last thing I'll say is, maybe some of you started out your careers in an apartment, but none of you sitting on this Commission live in a high-rise building, so you have no idea what its going to be like when another high-rise building is built right in front of you and you lose your entire view, or you lose the green space, or you add to the traffic congestion, or you actually take an existing building...

Mayor Lago: Ms. Gold, I'll ask you again, with all due respect, there are time limits, I'm asking you again to please wrap up your comments so we can respond to you accordingly on the record. Thank you very much.

Ms. Gold: I just want to know when are you going to have a neighborhood meeting? Its five years now, one year since this passed. When are you going to have a neighborhood meeting?

Mayor Lago: Thank you very much. Now, I'm going to respond to you, before I know Commissioner Anderson wants to respond. We are about to vote on when one of my colleagues makes a motion, is to return the south of Biltmore the way it was before we embarked on the zoning rewrite. You will be back to the original form that you were, you will be made whole. The second part of north Biltmore Way, if you'd like to have a discussion, you are more than welcome to have a discussion with my colleagues, you're more than welcome to have a discussion and many opportunities that surface here on a weekly basis to conversations. You can visit myself, Commissioner Anderson, Commissioner Menendez, Commissioner Fors, who has open office hours every Friday. There hasn't been a Commission that I'm aware of that has open door Fridays in Miami-Dade County for the residents and for the business community to visit. I've been doing them for seven years; you can come and visit me. Number two, we're have an incoming Town Hall meeting next month, where all my colleagues will partake in that. Number three, when you say we haven't met with you, we have. I've walked the site with members of that community, along with staff, Commissioner Anderson was there, and we listened to your concerns and that's

City Commission Meeting

March 8, 2022

Agenda Items D-3 and F-3 – Discussion regarding issue with language of city's Zoning code; and F-3 is an ordinance providing for text amendment...MF4

[Date]

16

how we got to where we are today. But if you'd like to have another conversation, I'm more than willing to have a conversation, but what I want to be very clear is what we're doing today is returning the south side of Biltmore Way back to its original zoning designation. Commissioner Anderson.

Commissioner Anderson: Ms. Gold, thank you for your comments. I have gone on site, as the Mayor had indicated, and I'll be happy to go on site other times. I'm in the office here on Fridays, I'm available via Zoom, I'm available on e-mail and telephone as well. I'm glad to meet with you, but this is not 2011, you know. If you had been here in 2011, we might be having a different conversation, if it was 2012. I'd like to move forward on this. I appreciate the support from the full Commission to be able to rectify the error that occurred with the zoning on the south side of Biltmore Way, and thankfully, I left this matter on the agenda. I know some of the residents wanted me to delay it and continue to delay it and to have more Sunshine meetings on top of the Sunshine meetings we already had, but its time to move forward and put this to an end with the MF4 revisions that we proposed to turn back time.

Mayor Lago: I'd like to also just take a quick moment, Commissioner Anderson, before I entertain a motion, to recognize that the Vice Mayor is currently listening to us and involved in the Commission. He hasn't spoken, that he had this lastminute business trip, which was an extraordinary circumstance, so I just want my colleagues on the Commission to recognize that he's listening to us. Do we need to take any action?

City Attorney Ramos: If you deem it appropriate that he has an extraordinary circumstance, allowing him to participate fully in the meeting by virtual means, because there is a quorum in the room.

Commissioner Menendez: I'll make the motion.

Commissioner Anderson: I'll second it.

City Clerk Urquia: All in favor.

All: Aye.

City Clerk Urquia: Opposed. Thank you.

Mayor Lago: Moving forward. Does anybody else have any other comments in regard to this, if not, I'll entertain a motion. We do have more?

City Clerk Urquia: Yes.

Mayor Lago: Okay. Who else do we have?

City Attorney Ramos: Actually, if I could just ask where we are, because we kind of went from the Mayor's Comments to...

Mayor Lago: We are at F-3.

City Attorney Ramos: Okay. Let me read it then because we haven't actually read it into the record. F-3 is An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Section 2-100, "Residential Districts," Section 2-104, "Multi-Family 3 (MF3) District," and Section 2-105, "Multi-Family 4 (MF4) District," and Article 5, "Architecture," Section 5-200, "Mediterranean Standards;" to remove the Mediterranean Bonus of height, density, and floor area ratio (FAR) for Multi-Family 4 (MF4) properties south of Biltmore Way.

Mayor Lago: Perfect. Who else do we have, who else, one more? Can we close the public comment after?

City Clerk Urquia: Yes sir.

Mayor Lago: Thank you.

City Clerk Urquia: Its Ms. Maria Cruz.

Mayor Lago: Ms. Cruz the floor is yours.

Ms. Cruz: Okay. I'm here. My comment is going to be very short. I have absolutely no horse in this race, but I have read the document that was attached to this item, and I find it very interesting that it says that the city realized that there was a concern, okay, that there was a change that was inadvertent that created an issue, that there was no intention. Well, I hate to say this, but the city didn't find it, Sheryl Gold fount it. Sheryl Gold was the one that brought it up to the city that there was a problem; and that brings me to my statement. I want to know if somebody from the staff or maybe somebody hired to go through the whole, I guess we can call it rewrite now, the amendments that cleaned up, whatever the name is, has somebody taken the time to go through all the documents so a few years from now some resident does not find that there was another unintended mistake that nobody knew about it. We have people that are professionals in our city. We hire a lot of people sometimes, maybe we need somebody to sit down, that can come back to you all and say, we have read it, we are confident, we're sure, we can guarantee to you Commissioners that there will not be any other findings that something is wrong and that we didn't catch it, okay. That's my comment. I think you owe it to the people to know that there is nothing else that will be found by anybody like Sheryl Gold, because she took the time to look at it and find it when the staff didn't. Thank you.

Mayor Lago: Ms. Cruz, if I may, if you'd indulge me, I'd like to respond now that we've closed the public comment. We are all, I don't know of anybody that's free from error. I make probably an error every hour, and I'm willing to admit it. I'm taking full responsibility for zoning code

City Commission Meeting

rewrite that I was adamantly opposed to in regard to Miracle Mile and a litany of other things that were brought up, but an error occurred in a massive zoning rewrite throughout the city. And it's not staff's fault, it's not the consultant's fault, put it on the Commission, put it on the Mayor, it's perfectly fine, even if it wasn't done on my watch. At the end of the day, I still serve on this Commission. Let's stop blaming people and let's move on to rectifying the problem that we have here. We've accepted the responsibility, if it was Sheryl Gold or if it was any other individual in the community that brought it forward, we appreciate their diligence, we appreciate their effort, and we move forward. I don't want to cast blame on anybody. I just want to get this issue resolved and move forward and address the residents, the concerns of the residents in regard to the south part of Biltmore Way. Did anybody else have any other comments or I'll entertain a motion.

Commissioner Menendez: I'll make it.

Commissioner Anderson: I'll second it.

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Fors: Yes

Mayor Lago: Yes

(Vote: 5-0)