

**City of Coral Gables City Commission Meeting**  
**Agenda Item F-9**  
**July 25, 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 Clerk, Billy Urquia**

**City Attorney, Miriam Ramos**

**Public Speaker(s)**

**Maria Cruz**

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Agenda Item F-9 [12:00 p.m.]

An Ordinance of the City Commission providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 14, “Process,” Section 14-205.3, “Declaration of Restrictive Covenant in Lieu of a Unity of Title” to encourage the creation of city parks by allowing non-contiguous building sites with dedicated park spaces; providing for severability clause, repealer provision, codification, and providing for an effective date. (Sponsored by Mayor Lago)

Mayor Lago: Going back to F-9. Thank you, Deena, thank you Naomi.

City Attorney Ramos: Yes, sorry Mayor. An Ordinance of the City Commission providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 14, “Process,” Section 14-205.3, “Declaration of Restrictive Covenant in Lieu of a Unity of Title” to encourage the creation of city parks by allowing non-contiguous building sites with dedicated park spaces; providing for severability clause, repealer provision, codification, and providing for an effective date. This is a public hearing item, Mr. Ceballos.

*City Commission Meeting*

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July 25, 2022

Agenda Item F-9 – Ordinance providing for a text amendment to the Official Zoning Code  
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[Date]

1

Assistant City Attorney Ceballos: Good morning again Mr. Mayor, Vice Mayor and Commissioners. So, the item before you, let me take a quick step back. So, we've always been stressing as a city the importance and need for public parks and open spaces, and we are always looking for a way to promote or incentivize the creation of said public parks; and recent developments in the past few years we've kind of noticed a trend, the only time we get a public park is typically when they are directly abutting or contiguous to a parcel. Why? The code requires that for a unity of title or a covenant in lieu that they be contiguous and abutting. So, without getting into the debate with the City Manager about how through quantum physics everything can be somehow tied long distance. We had to come up with some creative solutions. So, one of the current existing solutions in our code, through the TDR process, allows for the transferring or dedication of a public park and allows you to transfer the FAR through the normal TDR process up to point eight seven five (.875) I believe, which will leave you with around 4.375. The limitation with that is that it does not allow you to transfer density. So, once again, this was an idea that came up to try to curb that issue and see if we can come up with a creative solution that will allow for a developer to propose a park in the general vicinity that would work to benefit the product that's being created and once again, encourage the creation of an additional public park. So, the proposal will create a carve-out in the covenant language in our code that basically will allow a parcel to be tied in as a single building site, a single development site for the purposes of density and FAR capped at 4.375, so you'd never be able to exceed that, but it would encourage the creation of the park by limiting, as long as you meet the requirements of the code section. So, some of the proposals are, first it would go through a conditional use process. So, it's not something staff would be able to approve, it would come back to you. You would be the deciding board, you would make the determination whether you think it's an appropriate park location, you think it's appropriate for the development site, you take all those factors and consider. We'd also like to limit the sending site, the park site to minimum of 5,000 square feet, if you think it should be bigger than that, we can always make that change. Additional requirement is the distance. Currently the proposal is 1,000 feet. We can make it longer, we can make it shorter, we can make it with 500 feet, we can make it 1500 feet. Anyone of those options, I think is a reasonable proposal. The dedicated park parcel will also be limited that it cannot have a higher density or intensity than the receiving site. So, we don't want a scenario where somehow, you're getting a site that has more density and intensity than what you are currently allowed on your building site, on your proposed development site, and you are transferring more than what you've ever been allowed. That's not allowed. As I said before, the proposed development site will be capped at 4.375, so you'd get no more than you already could get through the TDR process that exist. The only additional benefit is you'd be able to transfer density that you normally wouldn't be allowed to. So, the best way I could describe that is for somebody who doesn't understand these terms, the building envelope would stay the same. So, your TDRs allow you to create the intensity, but your envelope stays the same, so the building, the size, the height, all of that would be limited, you are not getting any additional benefit because you are dedicating this public park. So, they'll also be analysis, they have to demonstrate a public benefit. We need to also review the impacts that this potential increase in density would have on your proposed development site. We would require an additional covenant be placed on the park site independent of the tying covenant, just as a furtherance of anybody in the future has an idea to redevelop the site, you can't. That park is going to be a park forever. Unless you demolish the other site and then...

*City Commission Meeting*

[Date]

2

July 25, 2022

Agenda Item F-9 – Ordinance providing for a text amendment to the Official Zoning Code  
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Mayor Lago: That park will be owned by the city.

Assistant City Attorney Ceballos: It can be. I think one of the suggestions was that they maintain it in perpetuity and then that becomes a requirement.

Mayor Lago: But we can still own it. I want it to be owned.

Assistant City Attorney Ceballos: We can definitely consider that, yes.

Mayor Lago: So, let me tell you why I'm bringing this forward and why I'm sponsoring this, and Gus and I have been working on this for some time. My legacy, our legacy in this city is going to be one where we are going to transform our downtown, not only talking about transform our downtown in regard to mobility, the restaurants, the atmosphere, the quality of life, culture, entertainment, never forgetting who the City of Coral Gables is. But we will develop projects that require more green space; we've changed the code; we've required more open space on the first floor. We started off and we kicked off the idea of development really focusing on real open space with projects like Agave, even though I voted against the height. I still was in favor of a two-acre parcel; Villa Valencia having a 10,000 square foot park next to that; and we've moved onto and done multiple different projects that are going to fall in the same line as Villa Valencia. The Codina Project is a perfect example. I worked on that with the Manager, and we negotiated that park for almost six months until we were able to get that adjacent park. I was approached by a developer who would like to do a project in the downtown and they have a beautiful piece of property that they were going to redevelop adjacent to it, probably about a block away; and I asked them, what is your plan for this piece of property? Well, I'm going to develop it in the near future, do something with it. I said, what if we made that into a park. How can we tie these two projects together and in perpetuity, instead of being a concrete jungle, my goal and what I think our legacy should be is, over the next four or five years, when we are done serving, ten years, whoever depends on whoever stays, is that we leave our downtown with 10 or 12 parks that are tied to different developments where we can really change the landscape and it can be truly a...city. It can be something that people talk about, and people always reflect back on how Europe is, and the plazas. Well, I want our city to be that, and we are in the process of doing that already, with multiple different projects that have come before us that we've improved, and now these small little parks are going to be forthcoming. We are working on, the Manager and I are working on probably two or three more projects that are coming, that are going to be in the same vein, that are going to have large open spaces, green spaces for people to truly enjoy and they are going to be transformational projects in the downtown. So, this is something that I think is a game-changer for our city and would open the window. This legislation always puts, number one, our control. If we're not happy we don't have to do anything, but it also opens the window for us to be able to tell a developer or landowner, hey, you have a piece of property in X location, I would love to get that piece of property and tie it into an existing park, or develop it into a single park, into an open space. So, this is the reasoning behind this piece of legislation, and I hope to be able to use it, at a minimum in the next year on one project, if not two.

Vice Mayor Mena: The minimum amount of the size of the park you said is, was there a minimum amount?

Mayor Lago: 5,000.

Vice Mayor Mena: 5,000, right; and then the minimum distance is 1,000.

Mayor Lago: Maximum.

Vice Mayor Mena: Excuse me, the maximum, okay. Listen, I think that's very important. I'm glad you have that in there, because I think...

Mayor Lago: We can change it, we can make it 500, we can make it 7500, we can make it 10,000. Whatever it is you like, whatever you feel comfortable with. We left it that way so that the Commission could add.

Vice Mayor Mena: I think that's great, because to me, the principal is if you are going to lock in that parkland and not have any development there and you are transferring it, some of it over basically to the other lot, because usually when you give additional rights on a building, one of the chief complaints you are going to get is, the impact of traffic and things like that. But if you're then taking it away from this neighboring site it's kind of a net zero, right. So, if that enabled you to do X amount of units here, but you are not going to build any here now, the traffic impact is basically a net zero there. So, I think that part's important and I think it's a great idea. And I agree with the last thing you said which is, the fact that its conditional use, obviously is important, because then, you know, not every case is the same. There may be situations where we think it's appropriate, there may be situations where we don't, but it will enable us to keep control of that.

Assistant City Attorney Ceballos: And one of the important things to note is that because you are capped in your FAR, going to what your analysis was, in theory you can have two parcels that are split by a small 50-foot lot, you can never join them to, but they could both have a high-rise.

Vice Mayor Mena: Right.

Assistant City Attorney Ceballos: For now, you are transferring over the density, but the envelope is basically staying the same, because you could do the same FAR on both sites. You are never going to be able to transfer more than you could through the existing TDR process.

Mayor Lago: Again, it goes back to what we talked about a few years ago. You can either follow the code to a T and be setback to setback, or we can find ways to think a little bit outside the box and define our future in regard to real open spaces, real areas where people can congregate, where someone can enjoy a moment. And for example, Commissioner Anderson was there with me, a developer that we all know, everybody in this community knows, had an open house, I think it was like two months in the Merrick Park area. They are going to redevelop a piece of land that everybody thinks is a park and its not a park. It's a green space that is privately owned and we are

*City Commission Meeting*

going to have to make a decision. We, as a Commission, if I may, I don't want to take the thunder away from the developer, but it was very interesting. They did a public gathering, and they invited all the residents that live in the area to get their feedback, and they showed them two renderings on the lot. You can either build a building as of right, they are willing to build it as of right. They don't want any special considerations, or you can build this building with an additional, I think it was two floors in height, was it Commissioner?

Commissioner Anderson: They were transferring, basically, the FAR that they would have used on the ground floor to the top of the building in a slender tower.

Mayor Lago: So, they were making a more slender tower; they were not increasing the FAR; they were not increasing the density or the intensity. It's the same building. They were just sliding the building over, allowing for a large green space adjacent to the property. Every single resident that was there, and correct me if I'm wrong, would prefer a taller tower by two stories with green space on the first floor versus a property that meets the height requirement, as per the code, but is setback to setback. I always believed it and we've been working on that for years, but that really enlightened me in regard to people want that first floor green. They want that activation; they want to enjoy something.

Commissioner Anderson: Yes.

Mayor Lago: That's coming before us soon. So, it's an example of something very similar in this legislation.

Commissioner Anderson: That was also the motivating force behind incentivizing reduction in density that we did to give 14 ½ more feet. Not one resident spoke up against that.

Mayor Lago: And what did we get? We got a 12,000 square foot park with two oaks in the back on a corner of a main street that, I don't think the city could afford to buy that piece of property right now. Who knows how many millions and millions of dollars that piece of property is, and that's going to be in perpetuity in the middle of our downtown, a beautiful park?

Commissioner Anderson: And when we met with the residents in the Merrick Park area saying, a conclusion was reached. I'm very much in favor of this. We need some more space for the public to be able to enjoy themselves, and I think that's what's going to make our downtown extra special in the long run.

Commissioner Menendez: I think it's a wonderful idea and it also further sets the vision and the course for the city and let's everyone know what the city is all about, and our downtown area in particular, if it could benefit from additional green space after so many years. Quite honestly, I think a lot of downtowns in South Florida and very few have green space. So, if we are able to achieve that through your legislation Mayor, I think we are doing our residents a great service, and quite honestly, now is the perfect time. We are going through a phase of command of the pandemic,

there is a lot of activity, so now is the time to get, like you said, establish that precedent and really beautify our city.

Mayor Lago: Thank you.

City Attorney Ramos: I will note, staff is in the process of evaluating whether other changes to the zoning code are required to make this work, and it will go to the Planning and Zoning Board. So, you probably won't see it back till September.

Mayor Lago: No worries. Perfect. I'll entertain a motion.

Commissioner Menendez: I'll move it.

Commissioner Anderson: Second.

City Clerk Urquia: Mr. Mayor before you move on, we do have a member of the public requesting to speak on this item.

Mayor Lago: Who's that?

City Clerk Urquia: Its Ms. Maria Cruz.

Mayor Lago: Ms. Cruz, the floor is yours.

Ms. Cruz: Alright. Here we go again. Okay, first of all, I like the idea, Maria Cruz, 1447 Miller Road. I think its important that the city own the park so they cannot change their minds later. I think its important that this is downtown and that this is not going to be next to residential areas. Those are my comments.

Mayor Lago: Thank you.

Ms. Cruz: You're welcome.

Mayor Lago: We are happy to have you. For a second there, you know who Cal Ripken is? Cal Ripken holds the longest streak for never missing a major league baseball game. I played baseball in high school. I almost for a second there thought that you were going to break your streak, but you know what, put it in the books Mr. Clerk.

Ms. Cruz: Some people were praying.

Mayor Lago: She's here, she's on the roster, she's on the roster.

Commissioner Menendez: You broke Lou Gerick's record, it didn't go well for Lou, but at least Cal got through.

*City Commission Meeting*

Mayor Lago: Cal got the record. We got a motion and a second.

City Clerk Urquia: Yes.

Commissioner Anderson: Yes

Commissioner Fors: Yes

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Mayor Lago: Yes

(Vote: 5-0)