

**City of Coral Gables City Commission Meeting
Agenda Item F-1
February 24, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

City Manager, Cathy Swanson-Rivenbark

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Development Services Director, Jane Tompkins

Planning and Zoning Director, Ramon Trias

Public Speaker(s)

Agenda Item F-1 [12:29:30 p.m.]

Discussion regarding the differences between a Form Based Code and PAD/PUD
Commissioner Pat Keon

Mayor Cason: Next Item is F-1. This is a discussion regarding the differences between a Form Based Code and PAD/PUD. Madam City Manager.

City Manager Swanson-Rivenbark: I'm going to ask Jane Tompkins, the Director of Development Services to come forward for the presentation.

Commissioner Keon: Mr. Mayor, I had asked the Manager to have it placed on the agenda, because after attending both of the Planning and Zoning Board meetings on the Mediterranean Village, there was a great deal of discussion about the Formed Based Code, and I was always surprised that, in particularly from the public, that they didn't understand what the value is, why

we would use it, and really the difference between that and the Code that we currently use, so I hope that it will help educate all of us and help to educate the public as well.

Mayor Cason: Before we start that presentation, I had forgotten that we had included C-5 in the Consent Agenda, so if I could have a motion on that.

Commissioner Lago: I'll make the motion.

Mayor Cason: Commissioner Lago makes the motion.

Commissioner Quesada: Second.

Mayor Cason: Commissioner Quesada seconds. City Clerk.

City Manager Swanson-Rivenbark: And just for clarification Mayor, this is adding a Board appointment, it was already in your package, you had already reviewed it, we asked to have it removed until the potential Board member could confirm. That confirmation has happened and that's why it's coming now.

Mayor Cason: OK. City Clerk

Vice Mayor Kerdyk: Yes

Commissioner Lago: Yes

Commissioner Quesada: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mayor Cason: Go ahead.

Ms, Tompkins: Good afternoon. Thank you for your time today. I'm Jane Tompkins, the Development Services Director. I put together a brief PowerPoint presentation to try and aid in the discussion today, if I could have that pulled up. Thank you. I also distributed a copy to each of you for your assistance and review. I apologize, if we didn't get it out in the packets. I'd like to focus my remarks on the concept of Form Base Code more broadly or generally, then we can get into some of the specifics about the proposal that will be coming before you later this year, later this spring. So first of all, I'd like to give you a little bit of a history lesson, I guess, and talk about zoning in general. The Zoning Code originally started out with a focus on separating uses; separating industrial uses from residential uses and for office uses and retail uses, and the idea

was that wanted to have these separations, so that the negative impacts of one particular use wouldn't spill over on the other. We call this "Euclidian Zoning". The gist of the Euclidian Zoning Codes is really about the separation of uses, that's where we get into the use districts. We have the commercial districts, residential districts, and we try and control the form of that development with some performance standards or development standards – things like setback – how far from the building should be from the lot lines?- Floor Area Ratio or FAR, that's one we talk about a lot here in Coral Gables; lot coverage – percentage of the lot that can be covered by the building and accessory structures. Kind of an extreme end then is True Form Base Code and there the goal is more about how are we creating the public spaces?- those areas in between buildings; how are we creating an environment that's walkable, that's pedestrian-friendly? Are we creating a mix of uses that make sense, so we don't always have to get into our car and drive from our house to our office, or to go shopping?- and the tools that you see in these Form Based Codes are regulating plans, building form standards, architectural standards, and street design, and we'll talk more about those in a few minutes. Coral Gables Zoning Code starts out, is at it's heart, an Euclidian Zoning Code. We have our zoning districts, we look at what uses are permitted in each district, we have our performance standards, development standards, setbacks, Floor Area Ratios, and those sorts of things, but at the same time we incorporate some tighter guidelines or controls, if you will, on how that built environment is going to look. We have Mediterranean bonus where we try and encourage buildings to be based on the Mediterranean architecture. We have a mixed-use overlay, we have the Planned Area Development, which is intended to give more flexibility in exchange for public benefit – and we'll talk more about that in a minute. So at the same time, as I said, we have performance standards, we have setbacks, requirements of that sort. With this slide you'll see the difference between these different schools of thought or philosophy on zoning, is how much influence the City wants to have over the built environment. Again, with the Euclidian Zoning, we are looking at uses; is it an office use?- is it a residential use? We don't pay as much attention to how does one building relate to the building across the street, or the building next door. How does this block relate to the block next to it? The Form Based Code is intended to give the City more influence. The idea is that a vision is created for what a particular area would look like, and then based on that vision we develop standards to control the built environment, to control how the buildings interface with the streets. In this diagram is an example of the Euclidian Zoning. Again, the focus is on type of use, setbacks, building height, Floor Area Ratios. We generally don't have much – a project comes in and it meets those requirements, and is a permitted use, there is very little opportunity for the City to influence how that property is developed. This other graphic here kind of depicts the Coral Gables approach. We've got the building, we know what the use will be, but we added some architectural guidelines. We ask for variations in roof height or roof lines; we ask that they not be just a large blank brick wall, we look for some articulation. And then there is the Form Base concept, where again, we are trying to build vision. We understand how we want an area to be developed, not just a particular piece of property, but a whole area. So we look at what the

streets are?-what are the – how much traffic do they carry?- what’s the character that we want to see developed?- and we design regulations to try and achieve that vision. So again, Euclidian you have less influence; Coral Gables Zoning Code gives us little more influence through the jewels like the Mediterranean design bonus, but the Form Base regulations really give us the opportunity to have the most influence. I’d like to go back to the concept of Floor Area Ratio, just for a minute. Floor Area Ratio as you know, is how much development is allowed on a particular lot, based on the size of the lot. For each of the zoning districts we have a specified maximum, so for a commercial property it’s 3.0, or 3.5 with the Mediterranean bonus. But what are the weaknesses though of this measurement, is a tool for influencing design, is that we don’t really know how that FAR is going to be actually built out, and with this graphic you’ll see on the left we have an FAR – all of these examples are an FAR of one (1), 1.0. On the left you’ll see that it’s just a one-story building that covers the entire lot. The middle slide shows a two-story building over half the lot, still an FAR of one though; and then on the third picture shows a four-story building that covers a fourth of the lot. So again, all of these meet the Code, but if we are trying to achieve a specific character for an area, this doesn’t give us an opportunity to influence that character. The placement of the building on the lot has great influence or effect on the built environment. If your building is set back away from the front lot line, that’s a very different environment for pedestrian, than if the building is right up to the lot line. As I mentioned, the Zoning Code does provide for Planned Area Developments. The concept here is that we are trying to encourage quality development through flexible guidelines, allow a variety of land uses and densities on one development. So we are trying to get a higher quality, a more coordinated development in exchange for additional public benefit. What you all see in more rural areas is an attempt to use this technique to preserve natural features. For instance, we had a property on the edge of the community, edge of the City, and you had a wetland area that you wanted to preserve, that area would be set aside and the density that would be otherwise be allowed on that property could be concentrated in one area. They could get some flexibility with the size of the lot requirement, maybe with the setbacks, but exchange the public gets the benefit of preserving the wetland. The standards that Planned Area Development call for don’t differ greatly from the underlying zoning districts. Permitted uses still have to follow what’s allowed in the specific commercial district for that property. So you have a piece of property that’s zoned commercial, we would look to see what uses are permitted in that zoning district, and that’s what you’ll be allowed to build under the PAD. There is some relief for the FAR and density, applying it to each specific lot. It could be applied throughout the property and transferred. And there is some relief on performance standards – setbacks, lot coverage, things of that sort. At the same time we do have some requirements for architectural guidelines or standards. We require architectural relief on all facades. Again, if you think back to that earlier graphic where we had one box and then another that had windows and different articulations, that’s what we are talking about. We require screening for the parking garages, might require a paseo. These are all architectural guidelines, but not very prescribed, not very detailed, and there is still quite a bit of room for a

developer to apply their own interpretation of these. And where's the off-street parking requirements still apply?- so if you have an office using your PAD, you are still required to provide the standard parking for that use. The process for a PAD is pretty straightforward, I think you've seen it a number of times. Staff works with the applicant to go through the request, they go through the Development Review Committee, that's our staff level committee, highlight any issues we see, any changes that need to be made. There is a Board of Architects review, Planning and Zoning Board reviews the request and makes a recommendation, and then it comes to you, the City Commission for approval by ordinance. Now a PAD could still change over time though and we do call out the regulations of process for amending a PAD. Minor amendments something that doesn't substantially change the concept or cause great deviations from what was approved can be approved by staff. They don't have to go back for Planning and Zoning and to the City Commission. Right now any requirement that is a deviation of less than 20 percent can be handled this way, just by staff approval.

Mayor Cason: Is that a change of less than 20 percent of each element?

Development Services Director Tompkins: So for instance, let's say they wanted to change a setback. If the new setback was different by less than 20 percent, staff could approve that.

Vice Mayor Kerdyk: So in other words, variances that used to go with the old Code, or the current Code, that now are part of the Code, Form Based Code guidelines, they can just go ahead and do it without ever going through a variance process, I mean it can be approved just in one fell swoop, so to speak, correct?- as far as the Form Based Code.

Development Services Director Tompkins: I'm still talking about the existing regulations on your PAD...

Vice Mayor Kerdyk: But I want to get to that point because a PAD is treated differently – because a PAD, you have to identify those areas that are variance oriented, whereas in the Form Based Code, I don't think you have to identify that, it's just included in the overall vote.

Development Services Director Tompkins: Under the Form Based amendment the standards are called out in a different regulating plan, the building standards, and so forth. Now with the PAD and with the proposal that's coming before you later this spring, any changes that are greater than 20 percent, still come back to the Commission for approval.

Vice Mayor Kerdyk: OK.

Mayor Cason: So each of the elements that go into the PAD could vary – as long as it's less than 20 percent they can be done, not just like one of them, across the Board you can change all of them at once, 20 percent.

Commissioner Keon: Well if changing each element in the development, even 20 percent overall changes it significantly...

Development Services Director Tompkins: I think staff would still feel more comfortable bringing it back through the process to the Commission.

Commissioner Keon: Right. So it's not – 20 percent of each building would be significant, so it's not per building, it's per development.

Mayor Cason: That's why I was trying to get where there could be less than 20 percent of FAR, density, lot coverage, height, setback, open space, building location, and parking, you could still do it administratively. OK.

Development Services Director Tompkins: We'll just move ahead. This Coral Gables Zoning Code has some architectural guidelines for the language, such as change in roof line, industrial design features, but they are not very specific. So again, it's less City influence than you might find with the Form Based approach. The concept behind a Form Based regulation is that the regulations are designed to foster more predictable results, once the project is built out. We get this by using the physical form of the building and placement on the property, rather than a separation of uses. This is the organizing principle. So we are looking at what the building is going to look like, how the property is going to be developed, instead of what's going on inside of it, that's the focus. We adjust the relationship between building facades and the public realm – the form and the mass of the building in relation to one another, and the scale and type of streets and how the buildings relate to the street that's facing on. And other key differences to the Form Based regulation is that they are presented in more of a graphic format, typically zoning codes and the Coral Gables Zoning Code really are more of text based document. That can sometimes lead to problems with interpretation of the rules and confusion, so the graphics tend to be easier for people to understand and apply.

Mayor Cason: You envision projects coming forward under the Form Based to be 3-D models?- you can actually see, visualize them other than the drawings, that would be a good way to get the...

Development Services Director Tompkins: That would be very helpful. I can't think of a project that we had here in Coral Gables that's presented the plan that way, but I think that's certainly an interesting approach, something we could explore.

Commissioner Keon: But I think now the ability to create three dimensional modeling on computers is now a reality where previously it really wasn't. It meant that they had to spend a great deal of money to build a model and doing those models now is not expensive and most big firms have that ability, so going forward you will be able to see that.

Development Services Director Tompkins: Some of the main elements of the Form Based regulation are these different regulating components that I mentioned earlier – the regulating plan that designates the locations in the property where different building form standards apply. By building form standards that where we are talking about the features, the shape, how the building relates to the public realm, and finally the architectural standards, which control the materials and the quality of the project. I pulled out a few pages from the proposal that will be coming before you later this spring, so you can start to get a feel for what the document would look like. This first light is from the regulating plan, it shows – it's based on the street-types, and it sets up a system of categories that are based on the form and character for the buildings and how they interface with the street and each other. This component also adds additional design requirements that are more place specific. For instance, on this slide you'll see a red square along the western boundary of the property, that indicates that, that's an area where we want to terminate vista – you are driving up the street, see this grand component, grand façade and we thought that that would be an important feature in how the character of the area is developed. And this is a slide from the building standard section. Here again we are setting out rules related to the building placement. For example, the build to line, instead of a setback line, which is a minimum distance, a building must be set back or a property line. Here we are talking about built to. We want to know where the building is going to be in relation to the lot line, so if it's a commercial street, we might want to see the retail stores right at the lot line, but the glass store fronts, displays, so pedestrians walking past they have that more urban environment. A residential property, town homes might be set back a ways to create that full sense of privacy for the resident in that townhouse. And all of these building standards are based on the type of street that the property would be facing on to. And finally, the Form Based tool typically includes some architectural standards and these are more specific than our current Code prescribes. We get into properties such as the massing of the building, and the vertical hierarchy of the building; and more specific details into what types of materials would be allowed – windows and doors, what kinds of designs you want to see in those areas. And finally, a Form Based approach also has some additional regulations or standards, for instance, the project that will be coming before you in the spring has requirements for LEED and DEED certifications. It has requirements for transit improvement component, so there is a higher level of commitment through the Form Based

approach than we would see through a traditional PAD. Commitment by the – on the developers part, if they want to take advantage of the relaxation in development standards, they have to commit to doing more in a way of public benefit, than we would typically see.

Commissioner Lago: Can I ask you a quick question in regards?–you just mentioned something that I just want to clarify. You mentioned relaxation of development standards, can you give me a little bit more what falls into the actual relaxation of development standards?- you are talking about like setbacks?- Mediterranean style relaxation?- height?- FAR versus density?

Development Services Director Tompkins: Again, the project that’s coming up...

Commissioner Lago: I don’t know if we want to get into great detail about the project that’s coming up now.

Commissioner Keon: Just in general why....

Commissioner Lago: As we put this out there, we are talking about a Form Based Code, which potentially other developers or entities will entertain, so we are going to see this as something brand new that’s maybe used instead of just by one entity, which is forthcoming in the next month or so, to maybe having this come before the Commission several times a year.

Mayor Cason: Is this something that staff would control as the project comes and you would say, I think this is better with a Form Based?- or will the developer get to choose?- how does it work?- which of these three?

Development Services Director Tompkins: Well the proposal that’s coming to you is designed and actually codified in such a way that it only applies to a specific area of the City, a specific property.

Mayor Cason: But later on – a couple of things I want to know. How standard is this around Florida and the United States?- are we one of the few that don’t have it?- or are we one of the few that’s going to have it, if approved?

Development Services Director Tompkins: We had some information about that in the workshop last winter. It is becoming more common throughout the country; I’d say in the last ten to fifteen years, you are seeing more communities use this approach, instead of the strict Euclidian Zoning. There are cities around South Florida certainly that have used it; Miami adopted Miami 21 a number of years ago, and that applies to the entire City. There are other communities that apply it just to specific neighborhoods, or districts and then this approach, it’s an option.

Mayor Cason: So this is another option, another tool kit for development...

Development Services Director Tompkins: Right.

Mayor Cason:....It's not necessarily all projects have to use this?

Development Services Director Tompkins: No. As I said, the way the language is drafted right now, it only applies in one area of the City. If another developer had a piece of property that met the criteria, or they wanted to apply it to another area, they would have to come to you and ask for an amendment.

Commissioner Lago: When you say meets the criteria, do we have in the City currently right now a criteria set forth when we meet with a developer and says your property needs "X" amount of acreage, it's located in the correct area of the City, have it be the CBD (Central Business District), what is the actual criteria that these individuals need to make to contemplate using Form Based Code?

Development Services Director Tompkins: Well right now a PAD could be applied generally anywhere in the City. The requirements for application are pretty minimal, I believe it's a minimum of one acre in size.

Commissioner Lago: Which by the way is pretty substantial. I don't think – maybe the Vice Mayor can give us a little bit more insight in regards to that. Jane has just mentioned that one of the requirements for the usage of Form Based Code would be that you'll have to have a minimum of one acre in regards to your lot size. I don't think we've seen anything over the past year.

Vice Mayor Kerdyk: You've seen Codina probably has two acres.

Commissioner Lago: OK, that's one. OK.

Vice Mayor Kerdyk: You can easily, not easily, but you certainly can get an acre fairly...

Commissioner Lago: I had forgotten about the Codina project, but everything else is...

Vice Mayor Kerdyk: But Mercedes Benz is way over an acre. I can go through – Publix. I can sit here and just go through....there are because this is a very interesting point, because listen the one thing that I have a stomach about, and we've talked about this before, is the City of Coral

Gables is always known for its Planning and Zoning Code, that's one of the foremost concepts that the City of Coral Gables is known, and this is taking it into a different direction, and I'm not here to talk about the project that's proposed, because they've gone down the path of this. I don't know if you can change the concept as it goes through, but I do think that we need to talk about as we move forward here, and the fact is when you are talking about extension of height and density of a project, I think I quoted the gentleman that was here before, if it looks good or feels good that we'll go ahead, it possibly fits into the landscape and we'll go ahead and move forward in a project that is proposed. So I think that we need to be guarded and concerned as we move this forward. I really do believe in that. I love the City of Miami, they are doing a great job. They turned that City around tremendously, but I don't know if I want the City of Coral Gables being compared to Brickell and the developments that are going in Brickell corridor. I mean it's a whole different feel, there are some good things, we wrote the Zoning Code five years ago, the City of Coral Gables with the help of Charlie Siemon, you probably remember that. Anyway that's just my initial blush of the situation, so I do have...

Commissioner Lago: Vice Mayor just so you know, I feel very similar in regards to – when we mentioned one issue and that's why I brought it up. When the statement was made on relaxation of development standards, that's my biggest concern, that's my biggest concern. I want to make sure we have that outline very clearly, if we are going to be trading certain items in the Code for, let's say reduction in setback because we are going to be offering a park or we are going to be protecting, like Ms. Tompkins had stated, a wetland, there are not many wetlands in the City, but whatever it may be...Commissioner Keon know what we were talking about from yesterday? We attended an interesting presentation in regards to sea level rise, but I just want to make sure that – again, just for my own edification, because when we talk relaxation of development standards, it's all-encompassing, so I want to make sure that we have something – and I know that we have a great staff, they are here today, Mr. Trias is here and he has always been very helpful. I just want to make sure that, at least you can educate me when we throw out the words relaxation of development standards, it gets me a little nervous.

Mayor Cason: I just want to ask. This is not something – I mean this is always going to have – the Commission is going to be able to look at an acre and what somebody wants to do there and decide whether or not that we are going to allow Form Base.

Development Services Director Tompkins: Absolutely.

Mayor Cason: It's not forced on us and...

Vice Mayor Kerdyk: Right now it's not even in our Code, it's just a specific area. Could I just talk a little bit about that. What's concerting is that you have Form Based in this location here,

and then you have the older Zoning Code in the other portions of the City of Coral Gables. What concerns me is the precedent that will be set by the development in this Form Based location that may spill over into the other Zoning Code location. For instance, if you build a 25-story building in this Form Based Zoning Code, there is an issue that may set a precedent in other locations, we look to the City Attorney about that. Mr. City Attorney do you want to opine on that?

Mayor Cason: May I ask one question related to that is, if somebody wanted to build a 70-story building, that wouldn't be allowed under any of these, is that correct?- we have height limitations. Ramon what's the – under any of these – nobody wants skyscrapers in Coral Gables, so.

Mr. Trias: Mayor, the height is regulated by the Comprehensive Plan, and so it cannot be done.

Vice Mayor Kerdyk: Say that again.

Mr. Trias: The Comprehensive Plan regulates the height, so that's a separate document that keeps everything – the depth maximum is 190 feet 6 inches...

Vice Mayor Kerdyk: That's until somebody wants to change the Comprehensive Plan.

Commissioner Keon: But that has to come before us...that comes before the Commission.

Vice Mayor Kerdyk: But the argument is going to be easier, you are 100 percent right, but it's going to make the argument easier, when you say by the way, you just let down the street do 25 stories and....

City Attorney Leen: Vice Mayor whenever you are looking at zoning issues and you allow a building of a certain height that might not have been allowed before, two things you have to prevent against are spot zoning or reverse spot zoning, and you also have to act in a way that's not arbitrary or capricious. So, if someone came before you with an application that was similar and they had a similar amount of land and they asked to do the same thing, you'll be hard-pressed to say no to them, I have to be honest with you. Now what's been presented though is that this is the last area of land of this size in the City that's vacant, that doesn't mean that someone couldn't assemble land and come to you later, but this is the last vacant area of land. Now in terms of legal precedent, because you allow this PAD, do you have to allow another one?- the answer is no. You can still deny it, but you have to have a reason and it can't simply be – like right now it could be well we've never done this before, it's outside of our Code, so that would be a valid reason, that reason will not exist anymore. So you will have to differentiate whatever you are doing there from what you've allowed here, so in that sense there is a

precedent, but it doesn't compel you to act, it's just something you have to consider in acting, and it's something that you are going to have to differentiate that someone could conceivably challenge that. As long as you had a reason that wasn't arbitrary, which this Commission would have a reason that wasn't arbitrary, or if we do it, then you'll be fine in a case. One other thing, is I do think it's important and we talked about this individually, I talked about it with the individual Commissioners and I'll say it more generally. I know that there's been a lot of talk that this is a Form Based Code within a Euclidian Code, but really it's a PAD, it's a Form Based PAD, it's a type of PAD. You could do this exact same project as a PAD, in fact there are two provisions that you could use, 3-502(b)(2), and 3-503(b), and those provisions allow the City Commission to make a finding that whatever you are doing in a PAD can deviate for regulations in the Zoning Code, as long as you make a finding that serves the public interest and the public purpose is involved with the PAD provisions. So as long as you are serving that you can do that, you could do this proposal. So I think the one important precedent or lack of precedent here, is important to emphasize is if you do end up allowing a Form Based PAD. I think it's important that the language used is that this is a Form Based PAD. This is not a decision to put a Form Based Code within a Euclidian Code, which would pose a lot of issues, it's still tied to the PAD provisions, and I do think in terms of limiting the precedent, it's important to emphasize that.

Mayor Cason: But the Comprehensive Plan overrides any rate on question of height, for example.

Development Services Director Tompkins: Correct. And I'd like to just add to something that Attorney Leen said, the language that's been drafted for the Form Based Regulations is all coming out of the chapter of the Zoning Code on PAD's. We took a chapter, Article 3-5, which is the PAD chapter and just expanded that to incorporate these concepts of Form Based Regulations. As I said, the process for improving this would still involve the same route as a typical PAD or a traditional PAD – Planning and Zoning Board, City Commission. Right now the way it's set up any amendments would follow the same path. Minor amendments can be approved by staff, major amendments would come back to the Commission.

Vice Mayor Kerdyk: And from the PAD, did they have thresholds that they have to meet, for instance, do they have to build within a 3.5 percent threshold?

Development Services Director Tompkins: Yes.

Vice Mayor Kerdyk: OK. So there is a difference right there because the FAR in it's Form Base is higher than 3.5. Is there a height limitation in a PAD?

Development Services Director Tompkins: No.

Vice Mayor Kerdyk: No?- it's not...

Development Services Director Tompkins: It's an underlying comp of planned controls.

Vice Mayor Kerdyk: Say that again, I'm sorry.

Development Services Director Tompkins: The underlying Comprehensive Plan Designation controls.

Vice Mayor Kerdyk: Which there is a height limitation in the Comprehensive Plan, so the answer is yes.

Mayor Cason: So that trumps.

Vice Mayor Kerdyk: It takes precedent, but again, getting back to the Form Based, both those are exceeded in the project that you talk about. Again, I don't want to be specific.

Commissioner Keon: I don't want to be specific to the process. I think what I've asked it to have this presented is, in looking at it I also – it seems to be rather than an entirely separate Code, it certainly could be an expansion of the PAD, which exists in our Code now, because I think what I'm hearing throughout the community when people are eager in support of it, or speaking against it, it's the solution of introducing a different Code into the current Code, and I'm not sure how well everyone actually understands what it really is, and I was surprised at the Planning and Zoning Board meeting, even some members of the Planning and Zoning Board were having a great deal of difficulty with it, which I would think it was coming before them, they would have a much clearer understanding of what it is and what the differences are. So I don't know if we are, as long as it is a work in progress, it hasn't come to us yet, whether it's better that we look at it in terms of a PAD, or a type of PAD, as opposed to an entirely different Code. I see a lot of value in it, because it really gives us a look at what the built out project will be. So, I think that is a real advantage. I think one of the big disadvantages of the code that we currently use is because it designates FAR and setbacks and whatever, the tendency is in general, is the ability to build a box; they build a box and then you put some ornamentation on it, and there you go. I don't think that, that really promotes, necessarily promotes great design, where the Form Based Code, it even fits down under a PAD, really it allows for better design, it gives you more design options, does it not?

Mayor Cason: More flexibility.

Development Services Director Tompkins: More predictability is the phrase I like.

Commissioner Keon: Pardon me?

Development Services Director Tompkins: More predictability is the phrase I like.

Commissioner Keon: OK. But there is a difference – predictability is knowing what you are going to see, but it also allows a design firm knowing that they are designing under that Code. I would think it would allow them also more opportunity for design, other than a box to be able to maximize what they can get on the lot, is that true or not? I may be wrong, so tell me if I'm wrong.

Development Services Director Tompkins: I don't see it quite that way, to tell you the truth. I think that when we look at the building form standards for a given street, for instance, it's going to tell us where the building needs to be situated on the lot line. It's going to tell us if it's a commercial street, what sort of pedestrian amenities need to be on those lower levels. Maybe it's a question of debate whether it's more flexibility or not.

Commissioner Lago: I understand what you are saying, Commissioner Keon, in regards to the fact that it's very inflexible and what you have is that box produced, which they are trying to maximize every piece of square footage they can, and they throw some ornamentation on the walls, which end up having a building which attains the Mediterranean bonus, but it's not the most beautiful building, which represents the City to the best light. Let me ask you a quick question, Ms. Tompkins, if you could do me a favor for me, I think it would benefit the Commission. Before any project, and I know what project we are talking about, before any project comes to us with a Form Based Code before it's approved to the Commission, I would like to see what are the square footages, FAR, density, height, provided by a Form Based Code versus the existing Code, because let me tell you why I'm asking for that – that allows me the ability when a resident or business owner comes to me and says, well this business, or this entity, or this development forthcoming is asking for an additional 500,000 square feet of FAR, and the truth may be that it's only getting 100,000 square feet of FAR, and that was done through a Mediterranean bonus, or a TDR transfer or a negotiation where, like you said a wetland was preserved, which was in the best interest of the City. I want to make sure that we know the real numbers, because at the end of the day currently, I don't know if I could speak for the Commission, but they don't really know what the real numbers are for any project that's forthcoming. So I just want to be really clear and transparent in regards to what are the actual numbers in regards to a project when, it has Form Based Code versus the alternate Code, which is the standard City Code.

Commissioner Quesada: Well we do know the numbers, this is first time...but what I'm saying is this is the first time a project like this comes before us under the Form Based Code, so obviously there is no benchmark to have, obviously this is the first time around, because what you are saying is when the Agave presentation does come before us, let us know what the FAR equivalent would be at that time.

Commissioner Lago: If you – like Commissioner Keon was saying, if you do standard boxes, you throw your decoration on the façade, what is your Mediterranean bonus?- and what are your TDR's.

Mayor Cason: And ask them if they could do a 3-D model, because those can be done by these new computers in a couple of hours, you put the stuff in and it builds it – can build space crafts.

Commissioner Keon: We have a project, a very big project that's coming through the process under a code that we haven't approved yet, right?

Development Services Director Tompkins: Correct.

Commissioner Keon: I would think that, that is a terrible burden on any developer or an architectural firm, to tell them this is how we want you to go, but we haven't approved this yet, so...

Mayor Cason: Ramon do you have anything else you want to add?

Commissioner Quesada: I just want to jump in on this real quick. Coming with a Form Based Code and I agree with the Vice Mayor, we've discussed it several times, we don't want to be City of Miami, we don't want to be Brickell, that's never the intent and we just had that conversation many, many times – we want to continue being Coral Gables and seeing the developments that we like. If I could just refer to your slides, if we can have them put the slides back up on the screen.

Commissioner Keon: If we could reproduce this in a little bit larger so that – you can't read it.

Commissioner Lago: Maybe one slide per page.

Commissioner Keon: If it could really be legible it would be great if it could be distributed.

Commissioner Quesada: There are two things, and I don't know if it's maybe just moving forward, it's really taking the aspects of it that we like of this Code and incorporating it into our

Code, well obviously it's a longer conversation. Slide 6, third page, second slide for the rest of the Commission – I like this – More City influence. I think this is a great example, and Jane if you don't mind...go there.

Commissioner Keon: I like it. There are elements of it I really like, and I don't want it to get destroyed because it's not understood.

Commissioner Quesada: The reason I want to emphasize this slide – yes that slide – right now under our Code, and I think the Vice Mayor brought this up and Commissioner Lago brought this up, a lot of times we don't know what kind of project we are going to get until a developer decides. In our community this Commission, everyone likes to know exactly what's coming. Well the first Form Based Code, at least the way you are portraying it here, is we are going to know exactly what's coming to every neighborhood, so the residents have a long lead time knowing exactly what's coming in the future, and I like the fact that in the actual Code it has those designs, because when you read the Code now, I guess we've all read the Code, it's very complex when you read through it. So if you are not in land use, if you are not a City Commissioner sometimes it takes a long time for you to figure out. So I really like that aspect of Form Based Code; and also slide 14, one of the titles, Form Based Codes as a Zoning Tool – and Jane you mentioned this, is the predictability, is the emphasis something that I really like as well that you know exactly – there you go, that first build, regulations are designed to foster predictable build results, and I think that's something that we can all agree with, and Vice Mayor I want to say four against it, but I think we are all for predictability, and we are all for keeping what we have and knowing what's coming next. So, I like the fact that we would have that kind of control moving forward, but again, I still have the same concerns, we never want to have the tall buildings, we never want to have those kind of aspects; and then also one thing I also like as well, is also that slide, that second bullet. You know addressing the relationship between building facades and the public realm, I really like the fact that buildings are outward looking and then are actually – we talk about this all the time, our trolley does spectacular. We gave an award this morning, we gave a proclamation to the “Bike Walk Coral Gables.” You know, we want to make our City more walkable, more pedestrian-friendly, at least from what I understand of this when you present it to us, is that it does make it more pedestrian-friendly, it does make it more walkable, more community oriented, am I incorrect in my understanding?

Mayor Cason: OK. Do we have any...

Vice Mayor Kerdyk: Can I say one other comment. I do like the predictability, but I like the predictability to know height limitations is so much, because there is one coming along on U.S.-1 too, that there is a building that was built in 1970, that was a high-rise building and at least there you know it's predictable, the height is so much, but what I really wanted to get at is that I was

going to bring that up and the end of my discussion items, but since we are talking on zoning I'd just like to digress for just a moment and talk a little bit of making sure that the "dog wags the tail" here, because what is going to end up happening, something is going to happen in that area, it needs to happen on that old Spanish site, but the fact is that – let me just back track, that old Spanish site was assembled, a lot of houses were put together as part of the project, and actually the developer closed on the houses not even knowing if he had the zoning in place. It was like really, sort of a risky move, but anyway, I just want to make sure is that the City goes ahead and plans for the future and in that area in particular, maybe we decide to extend the Central Business District, or some other type of district to University Drive, or as we've talked about before, in the North Gables area. Let us be the ones that plan it, let's not wait for somebody to come to us and say, Oh by the way, I just assembled three acres here and thirty houses and we want another – so that's what we need to do is we need to be the one, we need to instruct our staff to come up and maybe have a workshop, a Zoning Code workshop and identify areas that you think are hot spots or something that we need to look at, so that we set the agenda, not the developer set the agenda where we want future growth to go to. I think that's a holistic perspective.

Commissioner Quesada: I agree with you a thousand percent, and the reason I was focusing on slides 6 and 14 is because I believe that that is the legal vehicle for us to achieve that goal.

City Attorney Leen: Mr. Mayor can I add one there here. Just based on the discussion, I want to put something on the record also. When the matter comes before the Commission, you will have the Comp Plan change, this is hypothetical, but we are talking about the Mediterranean Village, and it's important you not take any positions on that, but there is one thing I need to clarify. You have the Comp Plan change, you have the legislative change, you have the site plan, and even though they are all coming to you together, they are not linked directly. Each one requires an independent assessment. For example, you could pass, you legally could pass the legislative change and still deny the site plan with additional conditions. Likewise, I've already given an opinion that you could deny the legislative change and approve the site plan under the current PAD provisions, as long as you make the required finding as to each of the changes from the Zoning Code to what is being proposed. So I did want to make it clear that I don't believe that they are tied together, nor can they be legally, they each have to be considered separately. At the same time, but you have to do separate votes and – there are different legal standards that apply to both of them. Lastly, I would like to reserve on the issue of the Comp Plan change. I do believe that you could approve this PAD without changing the Comp Plan, because mixed-use developments in our Comp Plan, it says in a mixed-use development has to comply with the underlying Zoning Code, which in this case is the PAD provisions, which if you made the appropriate findings this would comply with, nevertheless, the tradition in the City of Coral Gables is that we have fairly strict requirements in our Comprehensive Plan. So, I would still likely recommend a Comp Plan change, if you were to do this, but that's something I'm still

thinking about, I want to talk to the City Manager about, but I want to make sure that it was all clear on the record, at this point.

Mayor Cason: Thank you very much.

Commissioner Keon: I agree with both Vice Mayor Kerdyk and Commissioner Quesada that we should be the ones that give vision to our land – how our City develops and not necessarily just those that will profit from developing it. I know that there is a lot of conversation about the redevelopment of the North Gables and how they'd like to change densities and whatever else because there is a real call for what now is on the market, now apparently is very marketable our small residents for rental which are generally to either students or young individuals that may be coming into our City, and I think it's important that we talk about how we would like to see our City develop. We tend to have neighborhoods of families now that live in single family homes and in a lot of the world families live in multi-story buildings, and so if we only move to reduce densities and we can have that type of living, it may be appropriate in some areas, but there may be areas in the North Gables, that as they redevelop we really would like to see them be made as kind of neighborhoods and neighborhoods for families where a lot of people that move here. Particularly, from Latin America, from Europe, they are used to living in multi-story buildings, they don't all have single family residents, so I think we need to be careful when we look at densities and we look at what the market is today, because that may be the market today, but is that how we want it developed? We want to preserve parts of our City, so that we maintain different types of residential neighborhoods and different things. So, I think it's important. I really think this issue of this Form Based Code is important because I think it's not well understood, and a lot of either support or criticism comes forth based on not all of the information that people need in order to make some of the statements and things that they make about it, so I would really like one that we really understand, so that we can respond to it.

Mayor Cason: Thanks for bringing it up. It is a complex procedure.

Commissioner Keon: Thank you. You will produce this and get it to us. Thank you.

Vice Mayor Kerdyk: Thank you.

[End: 1:23:25 p.m.]