

**City of Coral Gables City Commission Meeting**  
**Agenda Item F-3**  
**Commission Chambers**  
**November 10, 2020**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

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

**City Staff**

**City Manager, Peter Iglesias**  
**City Attorney, Miriam Ramos**  
**City Clerk, Billy Urquia**  
**Deputy City Attorney, Cristina Suarez**  
**Planning and Zoning Director, Ramon Trias**

**Public Speaker(s)**

**Rip Holmes**  
**Elizabeth Plater-Zybert, Consultant for the City**

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Agenda Item F-3 [10:20 a.m.]

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

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

Mayor Valdes-Fauli: F-3.

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

Mayor Valdes-Fauli: Do I hear a motion?

Commissioner Mena: So last meeting I made a motion to bifurcate Miracle Mile and Craft, right.

Planning and Zoning Director Trias: Yes sir.

Commissioner Mena: And you've confirmed that that is not part of what's left.

Planning and Zoning Director Trias: That is not part of this. And in fact, the issues related to Miracle Mile are in an ordinance that is just for information, is about 20 or so issues, it's a significant ordinance. That is for you to take action later on.

Commissioner Mena: We will be discussing that on the November 30<sup>th</sup> Sunshine meeting.

City Manager Iglesias: [Inaudible]...at 1:30 (p.m.) and this will come up to the Commission meeting of December 8<sup>th</sup>, these two items.  
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Commissioner Mena: Thank you.

Vice Mayor Lago: If I may add, through Commissioner Mena, we are having a Sunshine meeting at 1:30 and I wrote a memo that I sent to my colleagues on the Commission, and I want to make sure we memorialize this. We are going to have that day on November 30<sup>th</sup>, some sort of virtual public workshop, correct? That will happen after hours after 5 o'clock.

Planning and Zoning Director Trias: A public workshop afterwards, yes.

Vice Mayor Lago: Just want to make sure.

City Manager Iglesias: Vice Mayor, if the Commission wishes, we could have that meeting, the Sunshine meeting is at 1:30, and certainly you ask for the meeting to be at 5 o'clock. So, if the Commission wishes, we could certainly have that.

Commissioner Mena: Why is it separate?

Vice Mayor Lago: Because one is for the public only and one is for us.

Mayor Valdes-Fauli: I think we should have the public in all the meetings.

Commissioner Mena: But it's a Sunshine meeting, right.

Vice Mayor Lago: I can do whatever you want. I just wanted to have it after hours.

Commissioner Mena: I'm fine with doing it after hours, but I'm just not sure I understand why there is a 1:30 and then a separate.

City Manager Iglesias: The issue is we could not schedule a Sunshine meeting after hours. It had to be at 1:30, because of conflicts, and the Vice Mayor asked for it to be after hours, and that's the issue.

Vice Mayor Lago: I'm available after hours, so there is no conflict with me.

Mayor Valdes-Fauli: Let's have it after hours.

Commissioner Keon: We can't do it at 5 o'clock, the whole thing?

City Manager Iglesias: We cannot. There are conflicts with 5 o'clock. There are conflicts with 5 o'clock.

Commissioner Keon: Among your staff or who?

City Manager Iglesias: The Commission.  
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Commissioner Keon: Among us?

City Manager Iglesias: Yes. Correct.

Commissioner Keon: I thought everyone agreed that we could do it at 5 o'clock.

City Manager Iglesias: No. That's why we tried for 5 o'clock, but there are conflicts at 5. So that's why we scheduled the Sunshine meeting at 1:30.

Commissioner Mena: I'm available.

Vice Mayor Lago: So am I.

Commissioner Keon: So am I.

Commissioner Fors: I'm fine too.

Vice Mayor Lago: Listen, if staff wants to do it altogether, after 5 o'clock, I'm more than willing.

Commissioner Mena: Mayor do you have a conflict, and if so, what time?

Mayor Valdes-Fauli: I don't remember.

Commissioner Mena: Oh, okay.

Vice Mayor Lago: I just want to make sure that we don't leave here today without ensuring that we've put together a virtual public workshop for the residents and for the business owners.

Mayor Valdes-Fauli: Yes, I did have a conflict, but I can change it.

Commissioner Keon: Okay. Then we can do it at 5 o'clock.

Vice Mayor Lago: That way we can kill two birds with one stone.

Commissioner Mena: You are able to change it?

Planning and Zoning Director Trias: The City Manager's office is organizing the timing and so on, so whatever you decide, we'll be there.

City Manager Iglesias: We have no issue to do both together at 5, its not a conflict for the Commission.

Mayor Valdes-Fauli: I'll clear the conflict.

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Vice Mayor Lago: And I'd like to make sure that we have at least one hour of public comment, so that we can record whatever issues or whatever recommendations from the community.

Mayor Valdes-Fauli: We'll have the meeting at 5 o'clock and that's to discuss Miracle Mile and the Craft Section and do I hear a motion on F-3?

Deputy City Attorney Suarez: Mayor, before...

Mayor Valdes-Fauli: Wait a second, I'll recognize you, but wait a second.

Deputy City Attorney Suarez: Mr. Mayor before a motion is made, Mr. Trias, can you please explain the change that's being made to the vesting language?

Planning and Zoning Director Trias: If you don't mind. We added also vesting language that spoke of today, anything vested today will be vested with the prior code. We would like to change that to Friday, so it's a minor change.

Commissioner Mena: Understood.

City Manager Iglesias: We would like to grandfather it on Friday. There is a Board of Architects meeting this Thursday, it allows everyone to go this week, and then Friday would be the last day.

Commissioner Mena: Frankly, we had moved this meeting up to accommodate my schedule. I think that's appropriate.

City Manager Iglesias: That is correct. It gives one more Board of Architects meeting by doing it this Friday and it feels appropriate, if the Commission is okay with it.

Vice Mayor Lago: That's fine. I agree. Mr. Trias, before we make a motion and we move on F-3, like we had discussed and I discussed this with staff, talk to me a little bit about the FAR change and what is being proposed to illuminate FAR.

Planning and Zoning Director Trias: For the Multi-Family.

Vice Mayor Lago: I really want to put this on the record and I want a real thorough explanation, if our consultant can discuss that, because we are moving in a direction, like I mentioned before, of remote parking and now we are going to remove, obviously the qualification of FAR. I want people to understand what the sentiment is of the consultant, of staff, and why we are moving in that direction to illuminate FAR. What are the positives? – are there negatives? – what are the benefits? Why are we moving in that direction, because there is, I don't want to say consensus, but several people have contacted me saying, if we move in the direction of illuminating FAR, I know that we are governed by height and by number of units, and I think we all understand that, but I think its important to reiterate that. But I don't want to see in the future is, a project come here that was governed before with a FAR of 4.375 or 3.5, now coming with 5.0 or 4.8, saying okay, there is no

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FAR, but we took advantage of it. How are we going to ensure best practices, how are we going to ensure quality, design and construction? Why do we remove FAR, I need to understand that?

Mayor Valdes-Fauli: Vice Mayor that's for that next meeting, not today.

Commissioner Keon: No. This actually goes to the heart of the MX and is involved in the MX.

Planning and Zoning Director Trias: Mayor, this is dealt with today and it has to do with the Multi-Family. First of all, FAR is still in the code for all of the mixed-use and commercial just like before, so anything that deals with 4.375, 3.5, all of that is still in the code, in fact, its in the Comp Plan, and so on. So, the only change has to do with Multi-Family, which is the MF2, MF3, MF4; MF2 exist today, the other ones are new. But basically, the theory behind this is that FAR, which is a ratio of development that says that, for example, FAR1 means that you can do exactly the same amount of square footage that you have on your parcel. So, if you have a 10,000 square foot parcel, FAR1 is 10,000 square feet for the building; F2 would be 20,000 square feet. So that's what FAR means. FAR remains for the commercial, because it is a commercial measurement. It is designed for commercial measurement in terms of planning theory. When you deal with Multi-Family generally, in terms of planning theory its addressed through density. Density means the number of units per acre. So those are the two measurements that are used in terms of the Comp Plan, in terms of theory and so on. What happens is that in our code MF2 had a very unusual sliding scale of FAR that was very complex. The taller the building was, the less FAR you could get. It was very strange. I think I saw it in the 1940's version of the code, so it goes back a long, long time, and I know that it was changed several times, so that created a lot of issues with MF2. The actual calculation of MF2 FAR was very complicated, in addition of not being from that point of view of planning theory the best practice. So the conclusion was, based on the recommendation of our consultant, who is here and can expand on all of this, was that it would be better to have setbacks and step-backs and other type of regulations deal with the Multi-Family, because the actual calculation of the FAR was further complicated with the fact that Mediterranean bonus actually added FAR. So, it wasn't only complex by itself. It created more complications upon review for the Mediterranean bonus. All I can say is that, that's about 40- or 50-years' worth of evolution of the code, we thought cleaning up some of the inconsistencies. So, in our view it was better just to break away from that and go with a very clear difference. FAR applies to the Mixed-Use Commercial properties, density and other regulations, which are step-backs and setbacks would regulate the MF2, MF3, and MF4.

Vice Mayor Lago: So, when you say what regulates will now be setbacks and step-backs, but we already have those in the code.

Planning and Zoning Director Trias: Yes.

Vice Mayor Lago: What I really need to understand and what I want to put on the record here is, and if my colleagues have a better handle of this, I welcome their feedback. I need to understand how we are going to avoid buildings coming in that before were governed by, obviously, unit count, 100 units an acre of density.

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Planning and Zoning Director Trias: Yes.

Vice Mayor Lago: And then they were also governed by the height, which that will continue to stay, along with the unit count. But they were also governed before by, let's say FAR.

Planning and Zoning Director Trias: Yes.

Vice Mayor Lago: And now that's been removed. So, are we going to have developers coming here and saying, I'm offering more amenities, I'm making my hallways larger, but I need additional height to make a better product? What I need to understand and what I'm going to ask, if I'm blessed to serve and there is another project that comes before us once this new zoning code is adopted, I'm going to continue to ask, what would be the FAR on these projects, if the old code was still in place. So, what I don't want to see is, I don't want to see projects come before us that's supposedly are designed better, because we removed the FAR standard, and then all of a sudden, have FAR's that are much larger than what was permissible by the old code, which is the current code right now. Do you understand what I'm saying?

Planning and Zoning Director Trias: Absolutely. And that's a very, very good question.

Vice Mayor Lago: We are here to help the city and make better buildings for the city and for this community. We are not here – I mean we are already doing pretty significant things to help developers, which will also help the city. For example, remote parking is a beneficial aesthetically for everyone, it helps the developers, they don't have to build it, or it also helps the city because we don't have to see these parking...which again, you see them around the city and they are just horrible in nature aesthetically. But I want to be very careful that I don't want to see FAR just spiral out of control, because we do have buildings that are coming before us that are going to ask for increasing Comp changes in regards to height, its coming, it already has come, and what do we do when they ask for a height change, or what do we do when they ask for additional units.

Planning and Zoning Director Trias: That would typically apply to the commercial projects, I think. Those are usually the ones that ask for the extra height. So FAR still applies there; and basically, what I would say to you in terms of, if you are going to do retail and you want to measure how big the retail is, you say well, its 10,000 square feet. If you are doing an apartment building and somebody says well, how big is it, well its 60 units, and that's the difference. The difference is that the density and the unit has typically what has been an issue of contention with the Multi-Family projects. People wanted more density, not necessarily more FAR.

Vice Mayor Lago: They want additional density, they want additional height, they want additional everything.

Planning and Zoning Director Trias: True. True.

Vice Mayor Lago: So, let's be honest with ourselves. What I need to understand is where has this new FAR elimination process been approved and used and does it actually help in the design.

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Again, I just don't want to see, like I said before, I don't want to see we approve this and then FAR goes spiraling out of control.

Planning and Zoning Director Trias: Very good point. I would advise that you listen to Liz' expertise.

Vice Mayor Lago: Good morning.

Ms. Plater-Zybert: Good morning, Liz Plater-Zybert, 6612 LeJeune Road in the city. You know, I have two things to add to the FAR discussion. The first one being that we suggested this, we proposed it for the residential buildings, because residential buildings have a kind of built-in floor plate aspect which has to do with light and air to windows and the depth of apartments, which means its not the same as a commercial building which can just fill out the whole setback area. So, Ramon explained what the FAR means in terms of total area coming from the lot size, but the setbacks start to restrict you in terms of where that area can go. And so, the FAR will produce often multiple floors because of that, because you are shrinking the area in effect of the building. The office building can go, can fill that area, because at least in this country there are not the same requirements for access to light, windows and so on that the residential buildings have. So, 60 or 70 feet deep, 70 is even very long, very large, is a kind of typical width or sausage, its like sausage of residential buildings. Whether it's a straight line or it makes a U, or an L, or whatever. So that in combination with all the other form considerations, all the other form regulations really give you many things that control the mass of the building. In addition, the FAR that is in the existing code, in the old code was set up on a sliding scale that you would get more if you were lower and less if you went higher. It was clearly a way of keeping, kind of keep buildings low, but I don't think that that's been very successful as a kind of control, because in combination with all the other variables, people will always be asking for a change to something, because they never line up entirely. So, we felt, given the kind of form-based code practices that are taking place around the country, that for the residential buildings, this was appropriate to really – and the height is an important limit. If somebody is asking for additional height, what's the reason for that. It shouldn't be that they can't fill their FAR or that their setbacks are pushing them there. All of these things need to be working together.

Vice Mayor Lago: So, when a project comes before the Commission and asks for additional units, we at that point should vote no, obviously, because they are asking for additional FAR. Because we have a unit limitation, obviously in size of around 500 or so for one-bedrooms.

Planning and Zoning Director Trias: 500 is the...[inaudible]

Vice Mayor Lago: So, if a developer comes and says, hey, I'd like an additional, which it happens, 20 units, 30 units, 10 percent, 15 percent, we analyze the FAR, obviously the FAR is well above what was intended.

Ms. Plater-Zybert: So, my understanding of that was that the developers were coming in trying to fill the FAR and that was producing unit sizes because of the density limitations, the next variable,

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that they thought were too large for the market, and that it was impractical to be building large units or they wanted to have a variety of units, a diversity of unit sizes.

Vice Mayor Lago: I'm sorry to interrupt you, before you move onto the next one, I thought the same thing for a long time, and then I spoke to two different developers who told me that the units that they were able to rent or sell first were the larger units recently. So, it goes against what I had heard from other developers in the past. I don't know if people maybe...

Ms. Plater-Zybert: So, this is not data or what I was describing either. There is another limit which is the amount of parking and that's changing over time. So, I think your most static limits, the limits that you can best hold to are the form of the building, the height, the setbacks, and the step-backs, because all of those other things, whether its what the market wants in terms of unit sizes, how parking evolves over the years, that's all going to be changing, but the form of the building can stay the same.

Vice Mayor Lago: Do you think that by removing FAR it will be more profitable and beneficial for developers? What do you think we would achieve by removing FAR?

Ms. Plater-Zybert: I am thinking, our role as the urban designers, although we are very much aware of current market issues, development opportunities and constraints, but our role is to think that what is the best form making for the city in terms of the public spaces that are being made. So, what is the best result for making street space or other public spaces that overtime will be made that give value to everybody's property and pleasure to all of its residents and stakeholders.

Vice Mayor Lago: Do you think by removing FAR projects will have more articulation, do you think projects will be more beautiful. What is it exactly that we achieve by removing, I would say, one of the safety measures that we have by ensuring that projects are limited and not just can use any FAR they would like? I'm not an expert when it comes to FAR. I know how to calculate it, but then I think I need to see where other cities have done this and has it been beneficial. Can you name me one city where FAR has been removed and you've seen a significant increase in much better projects that were being developed previously under the FAR model?

Ms. Plater-Zybert: Vice Mayor nothing that I will do as an urban designer that we can do regarding the public space will guarantee that the buildings are going to be better architecture. It's really up to the architects. What we are doing is we are forming...

Planning and Zoning Director Trias: Board of Architects review as part of the process.

Ms. Plater-Zybert: We are forming the public spaces that your city is made of, or any city is made of. So, we ask the architecture, the buildings to do the right things on their face to make that street space and embellish it, make it safe, comfortable, and interesting for the pedestrians, which are in the code now, like the setbacks at a certain height that relate to people walking on the street, setbacks that allow a certain amount of garden in the front, frequent doors and windows so that streets are monitored.

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Commissioner Mena: Can I just ask a quick question on the same point. So, is that agnostic as to density?

Ms. Plater-Zybert: The form can be agnostic to density, yes.

Commissioner Mena: I'm saying, are you suggesting that your efforts and suggestions within this rewrite, at least as to this issue, are agnostic as to density?

Ms. Plater-Zybert: No. Not entirely because you have all these other controls.

Commissioner Mena: Well, but one of those is FAR as to density, right?

Ms. Plater-Zybert: But you have a density control, you have a unit size control, the parking controls and the form controls, all of that will control.

Vice Mayor Lago: Which I think all of can agree on this Commission that that control is never adhered to, because there is always that request for additional units and there is always a request for just a little bit more height, or there is a little bit of request. I barely ever see projects that come before us that are one hundred percent within the confines of the code, there is no additional ask.

Ms. Plater-Zybert: And I think some of that has to do with the fact that there is this other variable called FAR, which contributes to that.

Planning and Zoning Director Trias: If I could add some facts. Density and FAR are in the Comp Plan, so we haven't touched that in terms of the update that the zoning code. We have removed the FAR regulations from MF2, MF3, and MF4 only. In other words, the mixed-use projects, the projects that typically will make all those, they still have FAR.

Commissioner Mena: Mixed-Use and Commercial typically will come to us...

Planning and Zoning Director Trias: Yes. Yes – still. And by the way, one of the comments, one of the technical assistance ideas that came from the State upon reviewing our Comp Plan amendment that you just approved was, the fact that we had infinite density in the downtown. Maybe its something that we should review, because that was not something that was very clear. That is where most of those issues happen. We don't have a limit in density in the downtown. We have a mixed-use process for projects that are 20,000 square feet or larger that allow or encourage the type of debate that the Vice Mayor is mentioning. We have tried to clarify that, but the removal of the FAR – FAR has nothing to do with those projects. It has to do with the MF2 projects, the projects that you would see on Ponce.

Vice Mayor Lago: Don't forget since we are talking about the North Ponce area.

Planning and Zoning Director Trias: Yes.

Vice Mayor Lago: The code was at 50 units an acre two years ago, correct?  
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Planning and Zoning Director Trias: Yes.

Vice Mayor Lago: And we were going to go to 75, we ended up going to 100.

Planning and Zoning Director Trias: Yes.

Vice Mayor Lago: Which I voted no on that. We are evolving very fast; we are evolving very fast and we're changing the way that we used to do things here in the city. Some may see it for the better, some may see it for the worst. Again, but that's up for debate. I'm a little bit concerned, and I don't feel comfortable with removal of the FAR and I asked for an example. Give me an example of where removing FAR, and please don't use Miami 21, please, I don't think anybody is going to tell you...With all due respect to Mayor Suarez, who was here before, even though Miami 21 wasn't under his auspice, but I ask you give me an example where FAR has shown, like I asked you for examples on Miracle Mile, to prepare for that meeting, to show me why we are headed in this direction, and why you think it's a good idea to remove FAR in the MF area.

Ms. Plater-Zybert: This minute I cannot give you a precise example that would be parallel to Coral Gables, in terms of size of community and density, but I would be happy to bring that back.

Vice Mayor Lago: Can you at least agree with this, with the doubling of the density and now the removal of the FAR, you know, its pretty significant change in the way that we in our code, correct?

Ms. Plater-Zybert: May I ask a question?

Vice Mayor Lago: Its okay. I mean it's okay to say yes.

Ms. Plater-Zybert: With the FAR which ranged, I forget what the range of it was from...

Planning and Zoning Director Trias: 1.2 to 2.0 – it's a sliding scale.

Ms. Plater-Zybert: That's a sliding scale. We had no way of deciding what that should be, because it has been a kind of negotiated result all along. So how do you pin that one down so that it wouldn't be negotiable?

Vice Mayor Lago: May I answer your question? By the way, in advance to the vote, I really appreciate your efforts. You've done a good job and I know this has not been easy and I appreciate it, by the way in advance. How do you pin it down? You don't pin it down by doubling the density from two years ago and now releasing the flood gates with the FAR. That's one of the issues that I have, because at least if it would have been at 50 units before, you had control at 50 units, now you're doubling. We have projects that have come before us where they were allowed 100 units with the new code, they've come to us with 120 an acre, yes or no? So, if they come with 120 and then...

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Ms. Plater-Zybert: Well why can't you say no.

Vice Mayor Lago: I do, trust me. I do say no. We do say no. But I'm saying, why should we make it so easy and just open the flood gates to the level that we have. I have voted against projects. I can give you a list of them. That's not up for debate today. What's up for debate is whether we should change the entire zoning code to make it even easier. We've already gone from 50 units to 100. Now we are going to release our control, another control, which is FAR. So, what I'm putting to you is very simple is that I just don't feel comfortable making it even more aggressive or relaxed and having more significantly larger projects. Developers may like that and I understand and I respect them, and I'm grateful for the ad valorem tax that they add to our city, but I think we need to be very careful that we don't lose our identity of what makes Coral Gables special.

Planning and Zoning Director Trias: Vice Mayor, if the Commission wants to discuss that during the workshop, we can do that.

Commissioner Mena: Look, I was going – I think the goal for this item before us today should be, I hope for the various items that are not up for discussion, or debate that nobody has an issue with to be approved unanimously, because I don't think anybody should be voting no on 15 items, just because they disagree with one small thing. So, what I would suggest is, if the Vice Mayor has an issue with this item or if any of my colleagues have an issue with another item, that we separate it, vote on the remainder, and then decide how to deal with it.

Mayor Valdes-Fauli: That's a very good suggestion. Why don't you make a motion?

Vice Mayor Lago: I agree wholeheartedly.

Commissioner Fors: I agree too. I do have one more question. Its sort of the same question that they've asked but stated differently. I'm trying to look at it from another angle. You explained to Vice Mayor Lago that the reason, basically the way I'm listening to it is that the reason we can get away with not maintaining some kind of FAR in those Multi-Family designations that won't have FAR is because, we have these other protections in place, step-backs, open space, etc. What is the reason that keeping FAR anyway is a problem, is it because – the only one I heard that was sort of an answer was because of the prior sliding scale, you wouldn't know where to begin picking an FAR and this system just won't work with an FAR. What's the problem?

Ms. Plater-Zybert: That's what raised the issue. I think if you had one FAR and we had been feeding that into our models, I don't know if this would have come up in the same way, but that's what raised the issue, and we finally said, you know, FAR lends a certain amount of unpredictability to the result or to the process along the way; and how you calculate it? – what do you leave out? – what do you include? – and the form, the setbacks and the heights, which are truly visible, you can't see FAR, you can't see that 5,000 square feet on the land is going to be 10,000 square feet in the building and is it going to be tall and thin, or is it going to be low and fat? You really can't tell that ahead of time. But that height limit, much in the way that you're discussing it for Miracle Mile is a kind of very visible hard to control, and so are the setbacks, and that's what

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most of the non-regulators, the residents, surrounding business owners and so on, are looking at, because that's what affects the adjacent or surrounding properties the most.

Commissioner Fors: If you were forced, by what you are saying, it sounds like it would be pretty difficult, but if you were forced to also maintain FAR in this context, would you be able to come up with something?

Ms. Plater-Zybert: Of course.

Commissioner Fors: Did you consider that?

Ms. Plater-Zybert: We would be disappointed because we would not have made your process and your results more predictable, which I think is always the goal of a code, because then people, in a sense, you don't have to have as many variables so then people come in and question, why is this happening or why are you doing this? And so often you're being asked to give more of something, because they didn't, couldn't reach the limit of something else. So, the fewer variables you have and the more visible and obvious they are, the more transparent and predictable the process can be.

Planning and Zoning Director Trias: The main issue is that if you look at MF2 in the current code, there are 12 different FARs you can have in a parcel depending on the height of the building. That system in itself is what Liz was saying, its not very workable. If it simply had one FAR, like 2.0 or whatever, then maybe the answer would be different, but currently the process is, as you know, Vice Mayor, you wouldn't even disagree with that; and the second issue is that we are not getting rid of FAR, it's only MF2.

Ms. Plater-Zybert: Please remember that MF3, which is the townhouses, that's a meaningless restriction.

Commissioner Fors: Right. Right. Right. Okay. Well, I'm glad to hear more about it at the Sunshine meeting. The only last thing I wanted to clarify, based on a few e-mails I've gotten, things I had read here and there is, people are suggesting, residents and other folks were suggesting that in this reorganization there's going to be some kind of conversion in any instance of an MF, Multi-Family designation, to a Mixed-Use. As I understand it, the only thing that would be converted to a Mixed-Use District are things that are currently Commercial or Commercial Limited, right?

Ms. Plater-Zybert: C, CL, and the I District.

Commissioner Fors: I heard that from various people, so I wanted it to be clear on the record. I had already understood it that way. The only thing that could possibly become MX under this reorganization are things that are right now purely Commercial or Commercial Limited. Okay.

Planning and Zoning Director Trias: Yes.

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Commissioner Keon: We need more discussion on the item of the MF and FAR, that's fine, because I want to, at least, if we have the discussion here on the dais and we hear from experts in their field, then hopefully we will not have sort of a continuous stream of misinformation or disinformation. So if that helps clear up all of the misinformation and disinformation, that seems to be circulating, I'm more than willing to do it, and I know that you can show us, if you have a white board you can draw the picture that makes that actually shows whatever. I do agree that with Liz that what you want is some predictability in the shape and height and setback of your buildings and how they align along a street, and those things are controlled, as you said, in the code now by the height, by the setback, by the open space, by the parking, by all these other things. So FAR now for residential buildings is immaterial, it's not – it does become an issue that people come in and argue about and the vast majority of people don't understand it, that aren't architects or designing buildings or whatever else. Yes, its important in commercial spaces because, one, they don't have density limitations that a commercial space, you can put as many offices in that building as that building can fit; whereas in living spaces it's the size of a unit and the number of units that can be in that building that will define the capacity of the building, not just cubicles, and so, it's a very commercial building is a very different building than a residential building.

Ms. Plater-Zybert: Yes.

Commissioner Keon: I agree with everything you say. I support everything you say, but if you feel that it stops the stem of misinformation then that's fine with me.

City Manager Iglesias: If I may say, this ordinance is really not ready to be approved today, if that issue has to be taken care of. I believe there are too many things within this ordinance, so I would say to postpone it, if we are going to include FAR or look at FAR.

Commissioner Keon: You can deal with it at the Sunshine meeting and then have it for Second Reading on the 8<sup>th</sup> along with the other item.

City Manager Iglesias: Then we can include this, if you wish on the Sunshine meeting of the 30<sup>th</sup>, and then bring it back up. We cannot bifurcate this, Commissioner Mena.

Commissioner Mena: I know.

Deputy City Attorney Suarez: Commissioner, there is no easy way to bifurcate the FAR issue in the ordinance. I defer to Mr. Trias and our consultant on that, but it doesn't seem that there is an easy way to just remove that. The issues are too intertwined and if you are not ready on the FAR issue, then it seems that you would need to defer it to the next meeting.

Commissioner Mena: I'd like some clarity on that. There is nothing here that has absolutely nothing to do with these designations. Somebody needs to help me understand. What's that?

Commissioner Keon: Is it MF2 – MF1, MF2, MF3?

Commissioner Mena: There are all kinds of things in here about swimming pools and fences that has absolutely nothing to do with what we are talking about, so I'm having a hard time understanding why we would hold up everything else.

City Attorney Ramos: The issue, and Craig Collar, our Special Counsel on Planning and Zoning who has been intimately involved with the rewrite and working with staff on a daily basis on this. The problem is that the FAR is intertwined with the creation of the new district, and its throughout the code. So, it's almost impossible to extrapolate those sections and then keep – its not like Miracle Mile that was largely one section. This is throughout the code and it impacts the creation of a new district.

Mayor Valdes-Fauli: Alright. What is the pleasure of the Commission? Do you want to move to defer?

Commissioner Keon: Well, you can take the explanation of an expert in the field and mass it or you can, I don't know, you can wait. It's up to you.

Vice Mayor Lago: You frame it that way. With all due respect, like I said, I appreciate your effort and you are an expert in the field, and we are blessed to have you here. But these are questions that several people on this Commission have, and you can say its misinformation, or you can say whatever you like. I've asked for answers on questions that I haven't gotten a response to. One of them being is, if we are going to move in this direction, show me examples where this has worked in a positive way. And I have other questions. I was going to share with you in a memo that I was going to write. I was starting to write them down. For example, what if a project decides, if a developer decides to do more two and three bedroom units and gets away from one bedroom units, because again, I will refer the developers to you told me, Vince, we are seeing an incredible amount of response, people requesting two and three bedrooms, especially people who are retiring into the downtown.

Ms. Plater-Zybert: And I understand that's recent.

Vice Mayor Lago: Again, you're the expert, I'm not. I went out there and did my homework and my due diligence to meet with developers and architects and land use attorneys to ask them, if we do this, what happens? I spent my time to meet with them. I went to their offices. So, if that happens and you are seeing larger units and we don't have any FAR to real it into size, you are going to see buildings that go setback to setback, because they are going to try to use every square inch and they are going to have, again, what ends up happening here with all the projects, which I have voted against, where you have projects that instead of when you have 100 units per acre, which by the way, was 52 years ago, we've already doubled that, which I voted no on. They are going to come and say, no, we want 120, we want 130, because they want larger unit sizes; they want larger unit sizes which is what now the market seems to be transitioning to.

Commissioner Keon: But none of that affects the size, or the shape, or the height, or the setback of the building. What is being set is, none of that – they can make a decision based on the marketability of their project as to how many one bedrooms they have, how many two bedrooms

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they have, how many 500 square foot units they have. Those are internal, that's internal to the building, and will be really determined by the market, because they are going to build what they can sell. So they can make the decision as to how many units are inside that building, but when you say to them, but the building can only be this tall, the building can only cover this much of the land, the building has to have a setback at 50 feet, the building has to do that and you give them the form and you say to them, this is the form. If you want more units, if you want a bigger building, because you want more units, you can't have it, that's not the story. The story here now is, this is the form, this is the box that you can build in, and when the Board of Architects looks at it, they look at is there articulation, are there all the things that we find make for an attractive building.

Commissioner Mena: What's the distinction between this and Mixed-Use, for example?

Commissioner Keon: Well in Mixed-Use, well go ahead. In Mixed-Use...

Commissioner Mena: I don't mean to be disrespectful, but I would love to hear her answer on it.

Commissioner Keon: Okay. Go ahead.

Ms. Plater-Zybert: Mixed-Use can – a commercial building will have a much, a larger floor plate, because it will not self-restrict to the depth that apartments do. And so, the office plate will be whatever size the lot allows it to be after all the setbacks and step-backs, unless they don't need it or don't want it for some reason. We'll have certain floor plate dimensions which are determined by what the apartment depth can be reasonably or legally, length of corridor to fire stairs and so on. I should add that this was brought up pretty early with all the committees that we were working with, and both within the city committee, staff, and numerous architects who were on the other guiding committee, everybody thought this was a good idea.

Commissioner Mena: Right.

City Manager Iglesias: Let me clarify something for you. The Florida Building Code requires, fenestration requirements for apartments for residential that you don't have for commercial. Commercial...inter office without windows. You have fenestration requirements for bedrooms, living rooms and so forth in the building code.

Commissioner Mena: Right.

City Manager Iglesias: And those fenestration requirements are those lighting requirements, those natural lighting requirements dictate, I think, is what Ms. Plater-Zybert is saying, they dictate what you can do on that floor plate, because those lighting requirements they are a part of the Florida Building Code, and really all building codes.

Commissioner Mena: Understood.

Vice Mayor Lago: Commissioner, what would you like to do?

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Commissioner Mena: I still have a couple more questions.

Mayor Valdes-Fauli: Alright folks, let's conclude this.

Commissioner Mena: But just to reconfirm something. The limit for, only for these designations, MX1, MX2, MX3, etc., the limitations on how many, the limitations on density, for lack of a better description, will be not only the setbacks, step-backs you describe, these other considerations we just discussed, the minimum unit size that we have...

Vice Mayor Lago: May I add something to that?

Commissioner Mena: Sure.

Vice Mayor Lago: That was reduced to 500 square feet, so we already have all those limitations in place, now we are just removing FAR, just like we doubled in density two years ago. So, to me, it's, I want to remind everybody of that.

Commissioner Fors: We are not removing FAR in the MX District.

Planning and Zoning Director Trias: Right.

Commissioner Fors: And I think what his question was is, if we can come up with an FAR for the MX, why can't we come up with an FAR for the MF?

Planning and Zoning Director Trias: Right. And what I was saying is that in terms of planning, in terms of planning theory and the practice, that's regulated by the Comprehensive Plan; and the Comprehensive Plan already has the FAR designations for the commercial districts, which are the land use for the MX Districts, so that's there, and it has density.

Commissioner Mena: Let me make sure I understand, you're sort of bouncing around and I want to make sure I'm following what you just said. You are telling me that the land use map already has FAR and that map for what is currently Mixed-Use and Commercial is what will apply to these MX designations?

Planning and Zoning Director Trias: To the MX designations, not to the MF, the MF2, but the MX yes.

Commissioner Mena: Okay.

Mayor Valdes-Fauli: Alright folks.

Commissioner Keon: This is only for residential buildings that are purely residential buildings.

Ms. Plater-Zybert: But just to make the parallel. The land use, the Comprehensive Plan speaks to the residential in terms of density units.

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Mayor Valdes-Fauli: Commissioner, do you want to move to defer?

Commissioner Mena: I don't want to defer the whole thing, to be honest with you.

Mayor Valdes-Fauli: But we've been told that we can't.

Vice Mayor Lago: I don't think we need to.

Mayor Valdes-Fauli: We have been told that we can't split this.

Planning and Zoning Director Trias: But the Commission can change the regulations later on also. Obviously, its within your authority to approve something and if its something that you want to change, you can change it.

Vice Mayor Lago: Ramon, you know very well, with all due respect that if you give something, its virtually impossible to take it back. So, let's not put that out there, because you know that's not going to happen.

Mayor Valdes-Fauli: We have a member of the public that wishes to speak, Mr. Holmes, you wish to speak? It is your right to do so.

Mr. Holmes: How long do I have?

Mayor Valdes-Fauli: Two minutes. Go ahead.

Mr. Holmes: I appreciate that, that's very nice of you.

Mayor Valdes-Fauli: You've always been allowed to finish.

Mr. Holmes: Okay. So, I appreciate the flexibility. First of all, I want to express my support for Mr. Lago saying that we need a separate additional public workshop, if you will, whatever you call it, Sunshine meeting workshop, what-have-you, to allow the public to speak up here.

Vice Mayor Lago: Its been decided already. We're moving forward.

Mr. Holmes: Now, I need to make a more global picture here about a problem that I believe has really hurt us as a city, and I'm going to start out with the solution. Well, let me just say in two steps here. I believe that Citizens United has found its way to Coral Gables and we are being flooded with so much developer money that really, in my opinion, in my experience as a candidate, not that I was ever in the running, but I get to see things and I think that really quite honestly because of Citizens United there is so much developer money, we don't have a government of the people. We have a government of the money that is required for campaigns, a government of the developers, and I think there is a solution which is what Miami Beach seems to be doing and San Francisco and Los Angeles, maybe some other places, which is to ban developer contributions to

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campaigns. So, I have to say that even – you’ve been working on the zoning code now for, you know what, I didn’t even know that, and I hang out here, and I didn’t even know that. We have a government of the developers, not of the people.

Mayor Valdes-Fauli: Mr. Holmes this has been discussed at the Commission many, many times and you’ve been sitting there in the seat and I’m astonished that you haven’t realized that this is going on.

Mr. Holmes: Well, we can talk about that, but let’s not devolve on that one. So, coming back then to this issue, which I’m so grateful to Mr. Lago for raising it. Am I understanding you correctly, this opens the flood gates on FAR, this unlimited FAR in this rewrite, is that correct?

Vice Mayor Lago: Only in this section.

Mr. Holmes: Say it again.

Vice Mayor Lago: Only in one section.

Mr. Holmes: Only for the Multi-Family or something.

Vice Mayor Lago: Yes sir.

Mr. Holmes: Because whatever it is, I think that this is – look, and I’ll try to bring it to a close here. The best asset that Coral Gables has, in my opinion, are its residents and we don’t get to keep them if we have too much urbanization and they begin to feel that their kids are in danger of urbanization and crime. They will move because they have the money to do it, to Pinecrest, to Cutler Bay, to Kendale Lakes. I even think of Gables Estates as one day saying to Pinecrest, we are sick of Coral Gables and their urbanization of crime, we want to be, join you, we want to get out of Coral Gables and become part of Pinecrest.

Commissioner Mena: What crime are you referring to?

Mr. Holmes: What’s that?

Commissioner Mena: You are referring to crime.

Mr. Holmes: Urbanization brings crime, true or false?

Commissioner Mena: Not necessarily.

Mayor Valdes-Fauli: Not necessarily. We have wonderful police.

Commissioner Mena: This isn’t downtown Detroit. This is Coral Gables.

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Mr. Holmes: You don't want to live in Miami. He is turning it into Miami. Urbanization brings crime...

Commissioner Mena: Not necessarily.

Mr. Holmes: Not necessarily – yes, well let's have a nice debate about that separately.

Commissioner Mena: Anytime.

Mr. Holmes: You are not going to convince our residents here that their kids are safe with that kind of argument.

Commissioner Mena: My kids are residents, Mr. Holmes.

Mayor Valdes-Fauli: Thank you very much Mr. Holmes, Thank you very much. Thank you, please sit down. Now we have Maria Cruz who wishes to speak on Zoom. Ms. Cruz.

Ms. Cruz: Okay. I'm here. Good morning, Maria Cruz, can you hear me?

Mayor Valdes-Fauli: Yes, we can.

Ms. Cruz: Maria Cruz, 1447 Miller Road. I am amazed. I am looking at F-3 and let me tell you, I think of myself as somebody who reads well, understands well, but I'm not an architect, I'm not an attorney, I'm not a developer, and most of our residents fit the same criteria. This item is very confusing. I am so glad that the possibility of deferring it is coming up. I am so glad that I wasn't the only one that found it a little convoluted. I also feel that in the eyes of the residents we're leaning too far back, bending too much to make sure that developers can make money and that they get whatever they think they need to get to make money. As to having a Sunshine meeting, I think you have a full agenda for the Sunshine meeting already with Miracle Mile Craft Section, adding FAR is going to make it extremely long and then we are going to have to tell people they can't talk because we have a limited amount of time. I think these are two separate issues from what I understand from the expert, from the consultant, and from Ramon Trias, this is all over the rewrite, so this needs more time than just a little bite of the apple on the other two issues. Please, please, please consider separating this, because it seems to me that its extremely, extremely difficult to modify it or take it off, unless we look at the whole rewrite. Thank you.

Mayor Valdes-Fauli: Thank you Ms. Cruz. Thank you. What's the pleasure of the Commission? I'll entertain a motion to approve or defer, let's get over it. We have a time certain 9:30.

Commissioner Mena: This is the most important thing we are doing today.

Mayor Valdes-Fauli: I know. But make a motion.

Commissioner Mena: Look, I don't want to defer the whole item. I don't think that's the right thing to do. And let me make clear and answer some of the things being said about who we work for.  
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We work for the residents of the city. There are many residents – can I finish, yes, I get the time, Mr. Holmes, I get to talk.

Mayor Valdes-Fauli: Mr. Holmes stop it.

Commissioner Mena: I get to talk. I get to talk because the residents of Coral Gables elected me as a City Commissioner, so I get to talk. I'm trying to answer. I'm trying to speak. You don't give me an opportunity.

Mr. Holmes: [Inaudible]

Mayor Valdes-Fauli: Yes, you can, but as long as you keep quiet.

Commissioner Mena: Please. As long as you don't yell at us when we speak. I was elected by the residents of Coral Gables. I work for the residents of Coral Gables. There are many residents, many who are following this item, who have mothers who are working from home, children who are learning virtually, who are waiting on items in this rewrite, so that they can redo their backyard, or they can beautify their home, or they can have a nice swimming pool for their kids. We know dozens of people in that situation whose lives are being improved by many of the things in this zoning rewrite that have absolutely nothing to do with developers. I understand the sensitivity about Miracle Mile. I understand the sensitivity about the Craft Section development issues, that's why I moved to bifurcate them at the last meeting; and we are going to have a Sunshine meeting on them, and we are going to flush those issues out. I won't waste your time by reading all the notices that have occurred relating to this rewrite, they are in the 20's, I think, but there is a lot in here that's not just about development and urbanization. There are things about single family homes and other areas of our city, which I think are important, and I don't want to delay those things for people who are eagerly waiting to do them, because it improves their quality of life. So, my main objective is not to delay everything in here by virtue of one item. I was trying to be accommodating. I understand that if somebody wants to discuss something further, I always try to accommodate my colleagues on anything whether I agree with them or not on that type of request, and they do the same to their credit. So, I'm trying to think creatively here, not a fan of it can't be done on most questions, to see what we can do, is there a way, I'm just brainstorming, is there a way to approve this and set a perspective date on the FAR issue that we can then revisit on the 30<sup>th</sup>. What else can we do so that we don't delay everything else that's in here that's non-controversial, that we all agree on, and that people are waiting on to improve their homes without...

Mayor Valdes-Fauli: Why don't you make a motion.

Commissioner Mena: She seems to have a suggestion. I'm hoping by her hand being raised.

Ms. Plater-Zybert: I'm a little bit behind. I don't have an answer for that immediately, but I do for Vice Mayor Lago's request for other municipalities that have done this.

Commissioner Mena: Okay.

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Ms. Plater-Zybert: I'm prepared to give you the answer.

Vice Mayor Lago: Please.

Ms. Plater-Zybert: Its happening right now in Orange County in Central Florida and its been passed and approved in a code rewrite for lower Marian Township, which is the first suburban community outside of Philadelphia, which is very much like Coral Gables immediately on the outskirts of Miami. It's a historic and very beautiful community with several town centers in it. These are recent because codes are changing to become more form based and to hold to the envelope restrictions more than to the abstractions which were kind of an invention of the 50's and 60's when people were still learning how to deal with parking. So that's why we are comfortable in presenting this to you for part of your housing code.

Mayor Valdes-Fauli: Thank you. Commissioner Mena, you want to make a motion?

Commissioner Keon: I will make a motion.

Commissioner Mena: But where does everybody else stand?

Commissioner Keon: I'll make the motion to move the item. I understand the issue of FAR because it gets spoken of so often, and I know that some people are not comfortable with it, because I know they don't fully understand it or they don't know how its applied or any of these other things, but I know that if we control how a building looks, how it sits on a street, how it sits in our urban landscape that are uncomfortable with that. The FAR is for a residential building. This is not for a commercial building, this is a residential building, an apartment building, like the ones around us. We control that for height, for open space, for all of the other things that shape that building, I'm comfortable with it. Now, if we find later that that is problematic, we can always come back and revisit that. But I think that we should move, we should move this on, because I think it has been well explained. I think that they have worked with all of the architects that work in this community, with the developers that work in this community, and have a wealth of knowledge and a level of expertise that is world known. So, I'm comfortable with this. Now the other issues with the Mile and whatever, because of the sensitivity of the community, I agree with you, absolutely. They should be dealt with separately. Its one specific overlay and they are very site specific. So, I look forward to that discussion. But to allow the rest of this to go, I think that we should.

Mayor Valdes-Fauli: Is there a second.

Commissioner Mena: I'll second for a minor amount of additional discussion with my colleagues.

Commissioner Keon: Okay.

Vice Mayor Lago: I'll be very brief. I'll be very brief.

Commissioner Mena: Unless you have another suggestion about...

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Vice Mayor Lago: My suggestion would be to bifurcate the issue of the FAR, pass everything else. Right now, we just leave the FAR out. We address it in December, we talk about it on November 30<sup>th</sup>, very simple, we can do it. I don't see anything coming before us which is going to be affected. I appreciate your two examples. I've heard of Orange County; I haven't heard of the other community. I would have to do my own research and find out. I would also ask you before November 30<sup>th</sup>, try to find more examples, and show me some details and examples of what was the outcome. If they've already passed this legislation, there has to be some sort of examples of something like a newspaper clipping or something that says, this type of form-based code has resulted in exceptional projects.

Commissioner Mena: Why can't we, for example, and this may be a question for our City Attorney or Assistant City Attorney. Why can't we, for example, approve the item and state something along the lines of, to the extent there is a currently applicable FAR to any of the properties impacted that it will continue to apply, until further direction.

Mayor Valdes-Fauli: We can always revisit this next meeting, a year from now, whatever it is, we can always revisit it.

Commissioner Mena: You understand what I'm saying?

Vice Mayor Lago: I agree 110 percent and I will second that motion.

Deputy City Attorney Suarez: Commissioner Mena...

Mayor Valdes-Fauli: Motion has been made and seconded.

Commissioner Keon: Wait, wait, wait.

Vice Mayor Lago: I second the motion.

Commissioner Mena: Let's hear what...

Deputy City Attorney Suarez: Commissioner Mena, in an effort to try to address your concern. I would like to know from Mr. Trias, is it possible to strip out from the proposed ordinance the creation of the new districts in MF3 and MF4? – is that something that we can do?

Planning and Zoning Director Trias: Its possible by keeping the text that we have there now, and by also keeping the map without changing the map designations, and we can talk about it, it hasn't been done. That work, obviously, hasn't been done.

Vice Mayor Lago: But Mr. Trias, how about, like Commissioner Mena mentioned, maybe I'll just shift it a little bit and say, why don't we just leave the FARs in place. We can talk about that. We leave the current FAR requirements in place, pass F-3 with the current FAR in place and we can discuss it November 30<sup>th</sup> and approach it again in December, December the 8<sup>th</sup>. FAR remains the same.

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Mayor Valdes-Fauli: Motion has been made to approve F-3 as is, and it was seconded.

City Manager Iglesias: I think that we are passing something that we are not sure we are passing and our outside counsel and very much of an expert in zoning matters has indicated that it would be difficult to bifurcate that from the current code. So, I do think that if we are going to do this, then we can have that at the Sunshine meeting and then bring it back December 8<sup>th</sup>...and do something wrong.

Commissioner Mena: I need to respond to that. Let me make clear about something. I'm very clear on what we are passing today and what we were discussing. We've discussed it multiple times. There is one aspect of it that we would like to have further discussion on, one aspect. We are trying to find a way to move forward, not delay everything else.

City Manager Iglesias: It may be one aspect, but its...

Commissioner Mena: I understand the point. I understand the point about it not being able to be bifurcated, that's why I suggested a different approach.

Mayor Valdes-Fauli: Okay. Let me bring this to order please. A motion has been made by Commissioner Keon and seconded by Commissioner Mena to approve F-3 as is. Let's vote on it and we'll vote it down or we'll vote it up.

Commissioner Mena: I'm requesting an amendment to that motion.

Mayor Valdes-Fauli: Do you accept the amendment?

Commissioner Keon: Tell me your amendment.

Commissioner Mena: To the extent that any of the properties impacted by the approval of F-3 already have an applicable FAR, pursuant to the current code that we will keep the status quo as to the FAR until further discussion at the Sunshine meeting or whenever.

Commissioner Keon: Okay. Let me ask the expert. The way that you have it written, is there a conflict now, if you were to maintain the FAR and retain the form base that you have?

Commissioner Fors: No, I think we are talking about maintaining it for 30 days, because I think we agree that doing that really doesn't work going forward. So, we all just change our minds and decide to leave it that way for the future, it's just not going to work, right?

Ms. Plater-Zybert: For 30 days hopefully.

Commissioner Keon: Well, it could unless you – I would rather you pass it with a condition that in 30 days, if you are not comfortable that FAR is a problem, that we can amend it and put it back in, because I'd rather have it pass it the way its written, because the way its written there are not

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any conflicts now with FAR. But you certainly can come back and once you go through the whole discussion; you can come back and ask that the FAR be put back in – absolutely.

Commissioner Mena: I'm open to doing it either way. Again, my objective is...

Commissioner Keon: I would rather do it that way because right now...

Mayor Valdes-Fauli: Let's bring it to a close.

Commissioner Mena: We're trying.

Mayor Valdes-Fauli: You cannot accept the amendment, we can vote...

Commissioner Mena: I think she is. I think she is proposing an alternative to my amendment.

Commissioner Keon: The amendment is we'll pass it as its written, after more discussion, if you really feel that FAR is essential, we will come back and we will amend the code and put it back in. Just like we amend the code all the time, because I want you to be – I do want you to understand, I want the public to understand, but I'd like a document that's clear and clean to work with.

City Attorney Ramos: Commissioner, the only problem with that is that you're going to have then projects that might submit under this one and then if we go back to the other one, then they'll be projects under the other one. So, we just have to be careful as to what happens to projects in the meantime.

Commissioner Keon: That's right. And you'll tell them that when they come in that this is not clear.

Mayor Valdes-Fauli: Okay. Motion has been made and seconded. Will you call the roll Billy?

Commissioner Mena: If we go forward with the vote, I'm going to vote no and continue to discuss it. I'm trying to get to a resolution. I think we are all generally in agreement on what we'd like to see happen, its just a matter of finding a way that works to get there.

Commissioner Keon: But that's what I said to you. The document is written now to not have FAR. To go back and redo that, you would have to redo other – do you have to go back and redo other elements in the document? You would. So...

Commissioner Mena: Why can't we direct the Manager to continue to apply the existing FAR to these properties until further direction.

Deputy City Attorney Suarez: I understand that the FAR issue is intertwined within the creation of the new district.

Vice Mayor Lago: Why don't we remove MF, just like we removed the Craft Section and just like you removed Miracle Mile.

City Attorney Ramos: Let me ask Mr. Trias. At the end of the day he's the person...

Mayor Valdes-Fauli: Of course, you are free to vote your conscience. Will you call the roll please?

City Attorney Ramos: What is the motion?

Deputy City Attorney Suarez: I hear the City Attorney trying to...

Mayor Valdes-Fauli: We can't hear her.

City Attorney Ramos: I'm trying to figure out what the motion is. We had a motion by Commissioner Keon.

Mayor Valdes-Fauli: The motion is to approve F-3 as is.

Commissioner Keon: F-3 as is, to come back at a later date to amend, if people are not comfortable with the removal of the FAR.

City Attorney Ramos: That's always possible.

Commissioner Keon: That can't be done.

Commissioner Mena: Say that again.

Mayor Valdes-Fauli: Is to approve F-3 as is.

Commissioner Mena: Say that again Madam City Attorney.

City Attorney Ramos: I was just going to say that the Commission always has the right to come back and amend, but as an additional concern to what I mentioned a few minutes ago about what project vest on what, if you take FAR away, from the calculation and then you try to put it back, depending on financial analysis, that could have Bert Harris implications. I just need to put that on the record.

Commissioner Mena: That's a problem. That's a problem for me. That's a dealbreaker for me, actually.

Mayor Valdes-Fauli: Okay.

Commissioner Keon: Well, then don't vote on it at all.

Vice Mayor Lago: You know, one thing I won't be...  
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Commissioner Keon: I would like it to be right or I would like it to not be voted on.

Vice Mayor Lago: Madam Commissioner. I'm not in a hurry today to vote on this. My only concern, the fact that Commissioner Mena's comments and Commissioner Fors comments and that is, the residential neighborhoods and people that are waiting for a bathroom, for a pool, for a deck, or whatever that may be that they are waiting for, we've all gotten those e-mails. I don't want an answer from my colleagues. I want an answer from staff the simplest possible way to move forward with that request in an effort to November 30<sup>th</sup>...

Commissioner Fors: What about bifurcating the single family?

Vice Mayor Lago: That's what I was saying before.

Commissioner Keon: Its not single family.

Commissioner Fors: No, no, the single-family, the pool.

Planning and Zoning Trias: Very minor things. Setbacks for a pool or some issues – that's all that deals with single-family, very, very minor.

Commissioner Keon: Its very little.

Vice Mayor Lago: So what I was trying to say is, can we move forward with the single-family issues and put the rest of the code rewrite for December 8<sup>th</sup> and for discussion on November 30<sup>th</sup>, especially the issue of MF and the FAR? – is that possible?

Mayor Valdes-Fauli: I hear you. We are in the middle of a vote on F-3 as is, if its defeated then you make your motion, and we'll vote on it.

Commissioner Mena: But we need to know if that's possible or not.

Mayor Valdes-Fauli: Guys let's finish this.

Commissioner Mena: It informs our vote, I'm sorry.

Vice Mayor Lago: Madam City Attorney.

Commissioner Mena: I've been saying this – this is not a new thing that we're bringing up, I've been saying it for an hour now. I'm trying to get it clear.

City Attorney Ramos: Yes, Vice Mayor.

Planning and Zoning Director Trias: I understand the single-family issues, they deal with the pool setback, basically.

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Commissioner Mena: There are other things, there are docks.

Planning and Zoning Director Trias: And the docks, yes.

Commissioner Mena: What else?

Planning and Zoning Director Trias: Those are the two issues that I can recall.

Vice Mayor Lago: Can we move forward. I want to hear from...

Planning and Zoning Director Trias: Those are very minor.

Vice Mayor Lago: And also from the City Attorney, can we put these two to rest, take a vote on them today and address the final issues on November 30<sup>th</sup> and December 8<sup>th</sup> when we take the vote up again? Madam City Attorney, just want to hear from the City Attorney one second, is that possible?

Mayor Valdes-Fauli: Wait, wait, we are in the middle of taking a vote. Please continue.

Commissioner Mena: I rescind my seconding of the motion.

Mayor Valdes-Fauli; What?

Commissioner Mena: I'd like to rescind my seconding of the motion.

Mayor Valdes-Fauli: We are in the middle of a vote. Go ahead. Please continue.

Commissioner Mena: I'm not voting.

Mayor Valdes-Fauli: What?

Commissioner Mena: I'm not voting. You are not going to force me to take a vote without an answer...

Mayor Valdes-Fauli: Vice Mayor Lago voted against.

Commissioner Mena: Without an answer to a question. I've been asking for an hour. I was told it couldn't be done. I think I just heard Ramon say it could be done. So, I'm a little frustrated and I'm not going to be rushed into it.

Commissioner Keon: Can it be done, or can't it be done? This is not a time to be – you're a professional, you're the director of a department. Answer in your role as the director of a department. If it can be done, then why haven't we done it; and if it can't be done, you need to say

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Planning and Zoning Director Trias: The Commission can pass on Second Reading the setback for the pool and the setback for the docks only, if they chose to do that, certainly. That is possible. But that is maybe point one percent of what we are having here in the code, so that's almost taking no action in terms of the actual proposal before you. But if you want to do that, that's certainly within your ability.

Mayor Valdes-Fauli: That's the equivalent to deferring this issue.

Planning and Zoning Director Trias: It's the same thing as deferring from my perspective.

Commissioner Mena: Not to the person who is trying to build a pool or do a dock, right.

Planning and Zoning Director Trias: I don't disagree.

Commissioner Mena: Isn't it 100 percent of the issue for the person that's trying to build a pool and do a dock?

Planning and Zoning Director Trias: Yes. Yes.

Commissioner Mena: So, I don't understand why the answer from the beginning was not yes.

Vice Mayor Lago: Which by the way...

Planning and Zoning Director Trias: The answer was yes.

City Attorney Ramos: From legal's perspective, I agree.

Vice Mayor Lago: The amount of residents that are affected by the issues of the setbacks is a lot more than the developers are. So, at the end of the day, let's bifurcate the issue, let's defer it till November 30<sup>th</sup>, December 8<sup>th</sup> we'll vote on it and we'll address the issues right now with the single-family, that's simple.

City Attorney Ramos: I agree with Ramos that pulling out those two specific issues is a lot simpler and possible.

Planning and Zoning Director Trias: Yes.

Vice Mayor Lago: Make a motion or you want me to make it?

Commissioner Keon: I'll move that we move...

Vice Mayor Lago: One second.

Vice Mayor Lago: Are we in the middle of voting for something else?  
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City Clerk Urquia: Can we finish the vote on F-3 please.

Commissioner Keon: I withdraw my motion. The first motion, I withdraw it.

Mayor Valdes-Fauli: Can she withdraw her motion?

Vice Mayor Lago: So moved.

Commissioner Keon: I am moving that you move these little items that affect the residential community.

Mayor Valdes-Fauli: Okay. We'll vote on the pools and the setbacks and defer everything else. Will you call the roll now?

City Attorney Ramos: Ramon, can you state specifically what is being voted on?

Planning and Zoning Director Trias: There is a request to have the pool setback to be five feet and then there is a request for the setback for docks to be up to two and-a-half feet, is that correct, seven?

Commissioner Keon: Who knows.

Planning and Zoning Director Trias: I don't recall that one specifically. The dock is to take out the five-foot requirement of a setback, just remove it, which was...

Vice Mayor Lago: Which is an issue that I've been working on for the last two years with a resident on Granada.

Mayor Valdes-Fauli: Alright. Go ahead.

Planning and Zoning Director Trias: And remove it. So those are the two issues that I know of.

Mayor Valdes-Fauli: Call the roll please.

City Clerk Urquia: Commissioner Mena, you seconded it.

Commissioner Mena: Yes.

Vice Mayor Lago: Yes

Commissioner Mena: Yes

Commissioner Fors: Yes

Commissioner Keon: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

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Mayor Valdes-Fauli: We'll take a ten-minute break and then we'll go with the 9:30 time certain item.

Commissioner Keon: So, we deferred the rest of this item?

[Note for the record: The Commission returned to discussing the item at a later time]

Commissioner Mena: Mayor, I had an important clarification on F-3 that I just want to – I don't want to engage in a whole discussion again, but I think our intent was to approve anything relating to single-family. Ramon stated about setbacks for pool and dock, but there are other things in there relating to docks and whatnot that are not necessarily limited to setbacks, so I just wanted to make clear what I understood that intent to be, which is, anything relating to single-family we were approving. And I don't know if that requires some sort of motion to clarify or what that is, but I don't want what we approved to be limited to the couple of examples that Ramon remembered off the top of his head and we put him in a difficult position, because we were changing the item, I recognize that. The intent was to approve anything relating to single-family, is that a fair statement.

Mayor Valdes-Fauli: Right. That was our motion.

Vice Mayor Lago: I agree.

Deputy City Attorney Suarez: I think one way to view this, we can view it as a motion to clarify and we can – we should take a vote just to be clear, to incorporate into the approval any of the changes to the single-family regulations.

Commissioner Mena: Okay. I'll make the motion.

Vice Mayor Lago: I'll second the motion.

City Manager Iglesias: And that's understood Commissioner.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: All those in favor say aye.

All: Aye.

Mayor Valdes-Fauli: Opposed likewise.