

**City of Coral Gables City Commission Meeting
Agenda Item F-3
December 16, 2014
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

Historic Preservation Officer, Dona Spain

Planning and Zoning Director, Ramon Trias

Public Speaker(s)

Dean Warhaft, 100 S. Biscayne Boulevard

Mario Garcia-Serra, 600 Brickell Avenue

Agenda Item F-3 [Start: 3:41:46 p.m.]

Discussion regarding summary of previously-requested study on the expansion of
Transfer of Development Rights (TDR) receiving Sites.

Mayor Cason: F-3 is a discussion led by Commissioner Lago on the previously request study and expansion of transfer development rights receiving sites.

Commissioner Lago: Hopefully, this will be brief. Again, thank you for allowing me to put this on the agenda. Basically, just to give you a quick synopsis on this. About two months ago, we had a discussion about TDRs (Transfer Development Rights). The Vice Mayor requested, very smart move, requested to obtain further information from staff. From what I remember from that

moment, Ms. Spain was putting forth some information, along with staff, to discuss the effects of expanding the TDRs to areas, the different receiving sites. I wanted to see if staff maybe had further knowledge or further information in regards to what we have.

City Manager Swanson-Rivenbark: And Ramon's going to present for you.

Planning and Zoning Director Trias: Thank you, Mayor, Commission. Staff prepared a memorandum and it was sent to Interim City Manager December 3rd that listed the potential absorption square footage in different areas. And basically, there's a lot of room for absorption in the downtown. There's about 3.5 million square feet, more or less, roughly. And as a result of that, the staff has continued refining the analysis, doing a block-by-block map, because clearly, not every property is likely to redevelop. A simplistic look at the overall numbers may not be enough. However, this is up to you. It's a policy decision. Clearly, you can make whatever decision you want. And from our view, this is an incentive for the preservation of historic properties and also an incentive for high-quality development. So either way, if you want to keep it to the downtown only, or if you want to expand it to all the commercial areas, there are ways to argue both points.

Commissioner Lago: Thank you, Mr. Trias. Dona.

Historic Preservation Officer Spain: As far as the historic preservation program, the expansion of the receiving sites, certainly would not be in any way adverse to that program. I think it would only help the preservation program. As far as the built form, I think that's what the further analysis is trying to figure out. The difficulty in the downtown is the assembly of property.

Commissioner Lago: Yes.

Vice Mayor Kerdyk: Right.

Historic Preservation Officer Spain: I mean, you can have so many millions of square feet out there potential, but whether or not you're able to assemble the property is...

Vice Mayor Kerdyk: You mean to sell it from the sites that you, we have designated in...

Historic Preservation Officer Spain: But I'm also speaking about the receiving sites. You'd have to...

Vice Mayor Kerdyk: Right, right, right, right, right.

Historic Preservation Officer Spain: You'd have to actually purchase.

Vice Mayor Kerdyk: No, I understand. Because didn't we just increase the area where we can find...?

Historic Preservation Officer Spain: Yes.

Vice Mayor Kerdyk:...to that area, the northeast corner. Right, northeast quadrant.

Historic Preservation Officer Spain: You all just increased the sending sites.

Vice Mayor Kerdyk: Yeah. No, I understand, I understand.

Historic Preservation Officer Spain: To include the north Ponce area, which was wonderful.

Vice Mayor Kerdyk: Right.

Historic Preservation Officer Spain: The issue is whether or not there is enough projects out there within the Central Business District, which is now where the receiving sites have to be to actually help those historic properties, which we've added.

Vice Mayor Kerdyk: Have you found any that have not been able to find sites to send it to that were sending sites, that have you found any incidents where you...?

Historic Preservation Officer Spain: You know...

Vice Mayor Kerdyk: I mean, because, I'm sure if you added up all the historic sites and you figured out how many TDRs there were, yeah, you probably couldn't find enough developments to go around. The question is, though, have you had any practical experience where we...?

Historic Preservation Officer Spain: You know, the economy is just picking up now. Certainly, during the difficult times.

Vice Mayor Kerdyk: Yeah, there was nothing going, there was nothing going on.

Historic Preservation Officer Spain: No one was asking. Now we have had several calls, and I've given them the list that I have of the potential sending sites. I haven't really heard that anyone's having difficulty finding them.

Vice Mayor Kerdyk: I don't think there are.

Historic Preservation Officer Spain: As far as sending sites, but again...

Vice Mayor Kerdyk: You know, I don't know if that's the issue. I think the issue is more, you know, how this would bulk up the buildings on Ponce?-and that's the analogy that you're doing. You're doing a combination of the analogy. How many sites could be possible sending sites and where would these, if we take it outside the Central Business District, how would it affect the possible receiving sites?

Ms. Spain: Right.

Planning and Zoning Director Trias: The memo was never sent to the City Manager's Office. It was a draft. I apologize.

Vice Mayor Kerdyk: Yeah, that's OK.

Planning and Zoning Director Trias: But the information is valid. I mean, we came up with a potential of about 300,000 square feet from assembling sites and a total for receiving sites, in theory, of 7,700,000, so there's clearly plenty of potential receiving sites.

Historic Preservation Officer Spain: Is that in the Central Business District?

Planning and Zoning Director Trias: No, no, in the whole City.

Historic Preservation Officer Spain: OK.

Planning and Zoning Director Trias: But those are just numbers, numbers based on 3.5. The reality is not a realistic number, so we're trying to refine that a little more, and we can continue working on as much as we want, but at this point, we're trying to look at the downtown block-by-block, in terms of what's there now, what's likely to be redeveloped, and so on. Whatever direction you want to give us, certainly, we're ready to follow up.

Historic Preservation Officer Spain: But if you're just looking at the receiving sites, take the Allen Morris building, for instance, if that didn't have the TDRs, it would not be an appreciable difference in that building. It really doesn't impact the built form, in my view.

Commissioner Quesada: It doesn't -- I'm sorry. It doesn't impact what?

Historic Preservation Officer Spain: The built form.

Commissioner Lago: The built form.

Historic Preservation Officer Spain: If you're really looking at that building, it's a very small percentage. It doesn't fill out the box of the potential to build it, so I'm not sure if that's your concern, you know, I don't think it's going to change the architecture.

Vice Mayor Kerdyk: No, no, no, that's not my concern. My concern is it maybe not even a concern. I'm just trying to figure out what...

Historic Preservation Officer Spain: What the impact is.

Vice Mayor Kerdyk:...the impact is if we take it out of the Central Business District into other outline areas, so I'm not concerned. I'm just trying to deal with facts. And to be pretty frank with you, I mean, since we resent our own game plan was always, "Hey, we're going to send them in the Central Business District because that's where we know where we want our density." If our concept is to move it out, then that's fine, but let me at least take a look at some numbers and make a determination on how I think we should proceed and not just one vote on this issue. And it may be a great idea to go up and down Ponce, but let's understand the ramifications before we move out and start doing.

Commissioner Lago: And Vice Mayor, with all due respect, that's the purpose of bringing it up today. I just want to keep it on point so that when we request from staff to continue to develop the message and before they come back to us, maybe in, you know, two months, three months, come back to us and say, "Listen, this is the final analysis. Here's what we have." Because I think that, like what staff is mentioning, we'll eventually to the point where it just becomes extremely difficult to assemble these projects that are going to use these TDRs in the CBD (Central Business District). So I think that when that becomes the major focus, what suffers are these historic buildings, which, at the end of day, they can't sell their TDRs, So they're not using those funds for upkeep and for renovation of those historically important properties. So that's the only reason why I brought it up. So I think that with the Commission support, maybe in a month, maybe in two months, we can come back, if Ramon has enough time to put forth information as requested.

Planning and Zoning Director Trias: Do you have any specific requests, or some question that you want answered?

Vice Mayor Kerdyk: Why don't you do this? Why don't you call us each individually or you can call me and I'll give you some questions, OK?

Planning and Zoning Director Trias: Fair enough.

Vice Mayor Kerdyk: On a one-to-one basis. If anybody else wants to talk to him...

Commissioner Keon: No. I think it's really just a matter of how far you want to expand the Central Business. So where do you want that done?-and it needs to be, you know, where, within what realm are the receiving sites.

Commissioner Quesada: The question is what are the pros and cons and where expanded. So I would like to see staff come back with an analysis of what the pros and cons will be able to expand in different areas.

Commissioner Keon: OK, thank you.

Mayor Cason: All right, we have one person that wants to speak on this, Dean Warhaft.

Dean Warhaft: Good afternoon, Mayor, Commissioners, new City Manager. Dean Warhaft, offices at 100 South Biscayne, and manager of TWJ, LLC (Limited Liability Company) , thank you, TWJ, LLC, TWJ 1505, LLC, and 2020 Ponce Condominium Association. I'm a director of that, also. And I'm actually the one that brought this up at the prior Commission meeting, and I understand from already the discussions taken place that it seems like we're going to go ahead and defer it again, and I understand that it takes time to make a proper decision; give staff time to be able to formulate all of the information that's required. However, I just want to point something out again, which I said in our first meeting, which is that this is a supply-and-demand issue that is developed specifically to protect historic properties. And the idea behind this entire piece of legislation that currently exist, the way that it is, forgetting about what we're talking about potentially doing, the idea is to create a situation where there are funds for the long-term in order to provide the upkeep of these historic sites, or sites that have been designated historic so

that they don't become dilapidated, and so that an owner of a historic site can unlock a certain amount of value, which brings us back to supply and demand, supply and demand that is controlled by Historic, Planning and Zoning, staff, and then, ultimately, this Commission gets to make a decision as to whether it's an appropriate site or it's not an appropriate site, and I think that that's really important, because one of the things that Commissioner Kerdyk had said before was he said that the "camel gets his nose underneath the tent." I didn't quite get the analogy at first, but I went back, I thought about it. The reality is that, that camel's nose may get slapped also. It doesn't always make it under the tent completely. Just because there is the opportunity for a potential owner of a property to acquire additional FAR (floor area ratio) through this program doesn't necessarily mean that they will. They still have to go through all the steps, and it still has to be approved by Commission, which it very well may not be. This is about protecting those historic sites and smartly allowing for the supply and demand sites. Because Dona will be first one to be able to tell you that there are not that many TDR transfers that have gone through this City over a long period of time, and that's because of the limitation on the amount of receiving sites. So if there's an appropriate site that is industrial or commercial that's not inside the CBD, it's still ultimately the decision of the personnel that has been voted into place in this City to decide whether it's appropriate or not.

Vice Mayor Kerdyk: That sounds very noble. I have to say, that's a very noble intent, and I appreciate you trying to save our historic sites. I really do appreciate that. But I do know that you have several developments that you would like to utilize the concept. And what I have to do, and I will speak on my behalf, I want to make sure that when we do something, it's not on your behalf; it's on behalf of the City of Coral Gables. And that noble intent that you have is a noble intent that I have and probably my fellow Commissioners. That's what I'm here for. Not to enhance your projects. So if it takes me another month or two months to make a decision that is right for the community, I'm going to take the month or two months to get the thing. And if it takes five months, whether I'm sitting here or not the fact is is that we have to do what's right for our community, and I don't mean to be righteous up here or anything like that, but that's how I see the thing so.

Commissioner Keon: I think everyone agrees with you on that. Because I think, in addition to

the properties themselves, you know, there's also issues of where we want density to be in our City and how we want density in the proximity to residential neighborhoods and the step down from our two-, three-story, four-story buildings into higher buildings and everything else, so it's really a much larger planning issue than just that. The historic properties are one component in a multi-component issue.

Mr. Warhaft: Thank you.

Vice Mayor Kerdyk: Thank you.

Mayor Cason: Next. Mario.

Commissioner Keon: Thank you.

Mario Garcia-Sera: Mr. Mayor, if I could, just one quick comment. Mario Garcia-Sera, 600 Brickell Avenue, not representing anybody on this issue, but of course, of interest to me just because of my line of work. And in talking about, you know, are there appropriate areas to expand the receiver sites?-what comes to mind to me is the mixed use district, which is an area that you have that isn't close to any single-family residential; it's blocked off by major roadways, other significant facilities there. It's been identified by the City as already a place where they want to see redeveloped as to sort of a mixed-use village. And I could tell you, based on my experience, thinking of one particular site where I've been approached by three different developers with an interest in potentially developing that site, they keep on coming back to me and tell me, "But you know, if we could only get a little more floor area." They're happy with the density. They're happy with the height. They're happy with everything else. But they need more floor area. And then we engage in this ridiculous exercise sometimes of "Oh, but are they going to count the mechanical room? Or can we exclude the bathroom? Can we exclude the hallway?" All of these things. And, you know, those, of course, issues of interpretation that can potentially complicate the matter. You know, as you're going through this process of figuring out if this makes sense for the City and identifying where it might make sense, that's one that comes to mind to me as a potential new area for receiver sites, as well as there could be other.

We sort of have identified already in our comprehensive plan different areas of the City where we want to see that redevelopment happen and some of them are outside of the Central Business District.

Commissioner Keon: You should pass that along to Planning & Zoning and Historic.

Mr. Garcia-Serra: Sure.

Commissioner Keon: Give them those sites. Thank you.

Mayor Cason: OK.

Commissioner Lago: All right, thank you.

Vice Mayor Kerdyk: Thank you.

Mayor Cason: Thank you very much.

Commissioner Quesada: Can I come back to TDR issue real quick? I had completely forgotten that he'd come to speak. Dean -- I forget his last name.

Commissioner Lago: Warhaft.

Commissioner Quesada: Warhaft came to speak to us last time around. And, you know, I got to say, I didn't receive any documentation. At the end of the last time that he spoke, I remember we had a conversation and did we request staff to prepare any documentation?

Commissioner Lago: That's why I prefaced my statement today, before we even started. I said, the Vice Mayor had made a very good request from staff in reference to getting further information and documentation in regards to the possible impact of expanding the receiving sites. And I happen to have a conversation with Mrs. Spain about a week ago and I requested,

you know, do we have an update in regards to information? She notified me that the information was ready, and that's when I proceeded to request to put it on the agenda. I haven't received any information. I don't think anybody else on, I don't think it was ever submitted to the Manager.

Commissioner Quesada: All right. So Madame City Manager, could you just make sure next time this comes up, that we have the the appropriate staff for it?

City Manager Swanson-Rivenbark: We made a note of it. Absolutely.

Commissioner Quesada: And it's in our packet? Thanks. That's it.

Mayor Cason: OK. The City Attorney want us to pick up with...

Commissioner Lago: Can I just say one last thing? Can we set a date Vice Mayor?-do you feel comfortable setting a date, maybe like a month from now -- just come back two months from now?

Vice Mayor Kerdyk: Well, whenever they get the appropriate thing, I'm ready to talk about it.

Commissioner Lago: Yes.

Vice Mayor Kerdyk: I mean, I don't want to delay it more than it is, but we want to make sure it's the right data, of course.

Commissioner Lago: Of course. That's what I'm saying.

Vice Mayor Kerdyk: I mean, we might want to look at the data and we might want to make revisions, we might want to ask questions.

Commissioner Lago: I think maybe after he meets or she meets with everyone on the Commission -- I mean, maybe we'll schedule some time with either Ramon or Dona, or both of

them. Sounds good?

Vice Mayor Kerdyk: Yeah.

Commissioner Keon: OK.

[End: 4:00:28 p.m.]