

City of Coral Gables City Commission Meeting
Agenda Item F-9
August 24, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors, Jr.

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

Assistant City Manager, Ed Santamaria

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Public Speaker(s)

Laura Russo

Maria Cruz

Debra Register

Agenda Item F-9

A Resolution of the City Commission of the City of Coral Gables, Florida amending Resolution No. 2018-148 approving the mixed-use site plan for the project on the property legally described as Lots 11 through 25, Block 203, Coral Gables Riviera Section 14 (1500 Venera Avenue, 1515 San Remo Avenue, and 1537 San Remo Avenue), Coral Gables, Florida to allow for certain off-site improvements at the intersection of Red Road, Madruga, and Venera to be completed before the final certificate of occupancy instead of before the first certificate of occupancy or temporary certificate of occupancy.

City Attorney Ramos: F-9 is a Resolution of the City Commission of the City of Coral Gables, Florida amending Resolution No. 2018-148 approving the mixed-use site plan for the project on the property legally described as Lots 11 through 25, Block 203, Coral Gables Riviera Section 14

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(1500 Venera Avenue, 1515 San Remo Avenue, and 1537 San Remo Avenue), Coral Gables, Florida to allow for certain off-site improvements at the intersection of Red Road, Madruga, and Venera to be completed before the final certificate of occupancy instead of before the first certificate of occupancy or temporary certificate of occupancy.

Deputy City Attorney Suarez: Good evening Mayor and Commissioners. So, a request was made by the owner to change the requirement that these offsite improvements be completed prior to CO, to move it instead to prior to CO, and that's what this resolution does. As you all know, I sent you an amended resolution yesterday, which just added some background that the TCO was actually issued on Friday, I believe, pursuant to an agreement where they posted, the owner posted a \$1 million dollar bond and agreed that the improvements are to be completed within 180 days from the date of approval of the new plans. So, the way it was approved was causing an issue for certain delivery access to the adjacent Whole Foods, and so, they need to go back and redesign and submit new plans to do these offsite improvements. Of course, the issuance of the TCO over the weekend is subject to Commission approval today on this item.

Vice Mayor Mena: Are the bonds going to stay in place, or no?

Deputy City Attorney Suarez: The bonds stay in place, and they've agreed to do it within 180 days from the date that the plans are approved.

Mayor Lago: So, two quick points, as I worked on this with Laura and her client. First off, I want to commend the developer on this, because they were incredibly flexible and staff asked a lot and they should have asked a lot, but this was out of their control. This is not a failure on them. Again, they've done a great project, it looks beautiful, but the issue here was you had an adjacent neighbor, like you mentioned, which I don't want to say made it difficult, but we needed to massage the ability to deliver on the remaining portion of the project. So, I want to commend you for really coming through. I know that we asked a lot. We have full faith and confidence at the end of the day. I know we have a bond, but I don't want you to think that we didn't trust you. It's just certain requirements that we do to uphold our standards here in the City of Coral Gables, and plus, you have a great attorney, been around for a long time. So, I don't have an issue. I don't know if anybody has any other comments here. Staff did a wonderful job, I want to commend you and the City Attorney's office for really making this happen, we moved on this very quickly and it goes to show you that Coral Gables, we are open for business, we have high standards, and we are going to continue to have higher standards in Miami-Dade County.

Vice Mayor Lago: I'll just echo everything you just said, but I would just say to staff, I'm sure these folks are going to do whatever is ultimately approved by the plan, etc., but we need staff to really carefully make sure that everything that was – I don't want a situation where residents are coming saying, you guys approved this project and it required X and then...

Mayor Lago: Trust me.

Vice Mayor Mena: None of us want that.

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Mayor Lago: Vice Mayor, trust me, there's a bond on this and the work is nowhere near – I don't want to say this in public, but I hope they don't do the work. I'll finish it for you, the city will finish it for you, and we'll take the million dollars.

Vice Mayor Mena: Not just on the execution but on the plan. So, you're changing something on the plan, I just want to make sure that the new plan is consistent in...

Deputy City Attorney Suarez: Right – and that's subject to approval by the Public Works Department.

Ms. Russo: Its subject to approval by Public Works, we've been working very closely with them, and in fact it was our client that discovered that following the plan would cause an issue with Whole Foods.

Mayor Lago: It's a coordination issue.

Ms. Russo: And so, it's just a question now of working something out that's going to work for all the stakeholders, the people who use the street that come in, that's all. Because of that it was late in the day when it was found, and it couldn't be resolved in time.

City Manager Iglesias: Let me say, not only do we have a very large cash bond, but they are also on TCO.

Mayor Lago: Yes. That's even more rigorous, in my opinion than the actual money – the TCO, we pull that TCO, everyone that's in the building has got to get out.

Vice Mayor Mena: I'm comforted by that. I want to make sure the revised plan doesn't run too far away from what the original intent was, so that later on we don't have people telling us, hey you guys, totally changed this and now its something different. We are protected, I'm comfortable with that. I know we have people operating in good faith here and they are going to do whatever the plan requires. I'm looking at staff because I want the plan to be consistent with what was originally expected.

City Manager Iglesias: We will make sure of that Vice Mayor.

Mayor Lago: So, I'll entertain a motion.

Commissioner Anderson: One follow-up comment. As you come forward with the additional plans, there's a couple of individuals that live in that area that would like to probably be informed of what those plans are. I'm comforted by the fact that this is a TCO, and we have a bond on it, but I just want to circle in the residents in that area that have been voicing concerns about the traffic. So, I'll make the motion.

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Commissioner Menendez: I'll second.

City Manager Iglesias: We will do that Commissioner.

Commissioner Anderson: Thank you.

Vice Mayor Mena: We've got a first and second.

City Clerk Urquia: Mr. Mayor we have two speakers on this item.

Mayor Lago: Okay.

City Clerk Urquia: The first one is Ms. Maria Cruz.

Ms. Cruz: Well, here we go. I understand everything that has been said. I clearly understand, but I have an issue. In this case, I think you have everything covered, but this is not the first time that developers, the university, different people set up conditions, the neighbors know what's going to happen and then they come to the Commission, they come to the staff, the conditions are changed, timeline is changed, and the people that are going to be affected which are the neighbors, nobody thought of them. This is my issue. What I just heard now makes sense, but you know what, what happens, letting the people know that the developer has come to you and there are some changes necessary, so they are appeased, instead of thinking that here we go again, this is another paseo, things have changed, and we don't know what's going on.

Mayor Lago: Thank you Maria, appreciate it. Next individual.

City Clerk Urquia: The next speaker is Ms. Debra Register.

Mayor Lago: Ms. Register the floor is yours.

Ms. Register: Hi, my name is Debra Register, I live at 1240 Placetas Avenue, Coral Gables, Florida, and I have my office at 1430...

Commissioner Anderson: We can't hear you.

City Clerk Urquia: Ms. Register we lost you.

Vice Mayor Mena: Lost audio Debra. Debra, we can't hear you.

Commissioner Anderson: She can't hear us.

Vice Mayor Mena: Can you send her a message, Billy.

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Commissioner Anderson: This is one of the residents I met with who is deeply concerned about the traffic flow in that area, City Manager.

Vice Mayor Mena: This is not an opportunity to revisit the approval of...

Mayor Lago: Can I put something on the record really quickly. We are not changing the design of the building, right. Did I miss some design documents or something?

Ms. Russo: The building is designed – this is the intersection of Red Road, Venera and Madruga and I will let Mr. Santamaria.

City Manager Iglesias: No, this is not a design of the building; the building is under TCO, you cannot get a TCO unless that building is occupiable, so the building is occupiable as the ACM will explain, it's just...

Commissioner Anderson: No, no, this is not about the design. She's concerned about the traffic, that's all.

Mayor Lago: We need to be very, very careful and this is what I said about misinformation. You say this enough and it becomes that we are not finishing the project and people are walking away from the project. The reason why this is happening is because the backdoor neighbor won't allow this to happen under certain times, correct?

Ms. Russo: The issue is the way it was designed will affect the delivery of Whole Food trucks and will create a big mess; and so, we could have just built it and said, oh well, let Whole Foods worry about it, but my client plans to be there in the neighborhood and is a good neighbor, we brought it to the city's attention and said, hey guys, we think that this design is going to create a problem with the way Whole Foods goes into their loading zone right next door to us and its going to create a traffic issue. And the city looked at it and said, hey, we think that is a problem, let's sit down and try to figure it out. But there wasn't time to figure it out in order to get it done before the CO, so that's why we ask that it be done before the TCO. So, we are working closely with Hermes Diaz and Paul Rodas and our engineers here and we've been working on this. So, this isn't anything that's just going to go away, we are working on it.

City Manager Iglesias: Actually, they could not finish it for the TCO, so with the bond we will keep them on TCO and will not provide a CO until it is complete, and of course we have that cash bond.

Assistant City Manager Santamaria: So just to add some background. This is nothing to do with the right-of-way around the project, this is almost a block away; and this was requested to improve a condition that exist at that intersection where you have a wide swath of pavement and its very unfriendly for pedestrians to cross. So, the intent of this improvement was to address that condition and come up with something that was more aesthetically pleasing and also safer for pedestrians.

The problem is that we did find out at a late date that it was not compatible with the entrance to Whole Foods and especially for delivery vehicles. So that's where we are today.

Commissioner Anderson: I understand. I just want to include the residents on some of the issues because the worse thing we can do is not include them. If it's a pedestrian safety issue there may be some other alternative, a crosswalk, I don't know. I haven't looked at it that closely.

City Manager Iglesias: But the building itself is under TCO, so it is occupiable space.

Commissioner Anderson: Yes. This has nothing to do with the building itself. It has more to do with the pedestrian or traffic issues.

City Clerk Urquia: Ms. Register is back on. She is going to try to speak one more time.

Ms. Register: Again, its Debra Register.

Commissioner Anderson: Still can't hear you.

Mayor Lago: Are you ready to move forward? Alright, let's take the roll call vote.

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Fors: Yes

Mayor Lago: Yes

(Vote: 5-0)

Ms. Russo: Thank you all very much.

Mayor Lago: Laura, sorry about the wait. Thank you.

Commissioner Anderson: Thank you for your patients.