

City of Coral Gables  
Planning Department Staff Report

To: Planning and Zoning Board Members

From: Planning Department

Date: March 12, 2008

Subject: **Application No. 12-07-042-P. Mixed-Use (MXD) Site Plan and Alley Abandonment and Vacation Review.** Proposed amendments to previously approved mixed-use project referred to as “Gables Gateway”, located on Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida.

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**Staff Recommendation**

Planning Staff continues to recommend attainable (affordable) housing as provide in the February 13, 2008 Staff Report.

**Review**

At the 02.13.08 meeting, the Board deferred the “Gables Gateway” application at the request of the applicant, due to an unresolved attainable (affordable) housing issue (see Attachment A for minutes). Based upon the discussion, all other issues surrounding the project were supported by the Planning and Zoning Board as presented; therefore this Staff report only discusses the remaining attainable (affordable) housing issue.

**Background**

The City is mandated by the State of Florida and South Florida Regional Planning Council to address its attainable (affordable) housing needs pursuant to State statutes, regional priorities, and the City’s Comprehensive Land Use Plan (CLUP). Accordingly, City staff has previously proposed and continues to strive for various attainable (affordable) housing strategies to meet the City’s needs, as recommended by the City of Coral Gables Affordable/Workforce Housing Study. Previous attempts have included inclusionary zoning, linkage fees, and other programs. In advance of a formal citywide program, the City is requiring that major residential developments that undergo increases in density, changes in zoning, changes in CLUP, PAD, MXD and/or conditional use reviews or “discretionary reviews”, dedicate a portion of their units to attainable (affordable) housing.

Staff has attempted to resolve the remaining attainable (affordable) housing issue with the applicant since initial discussion of the application (October 2007); however, the Department

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and the applicant continue to disagree on the appropriate attainable (affordable) housing thresholds. After further analysis on appropriate criteria for attainable (affordable) housing, Staff remains confident that its proposal is well within reason, particularly given that any future affordable housing program will be more extensive and intensive than the current conditions currently proposed for this project. Therefore, Staff's recommendation is for the attainable (affordable) housing condition to remain as follows:

- c. *Attainable (affordable) housing. The project shall provide adequate attainable (affordable) housing opportunities on-site; subject to the following:*
- 1) *Priority shall be given to the City of Coral Gables' senior citizens, residents, and workforce.*
  - 2) *The applicant, its successors, or assigns shall provide a minimum of 15% of the residential units to be set aside exclusively to households whose income does not exceed 100% of the City's median income, based on the data and methodology established and adjusted annually (January of each calendar year) by the U.S. Department of Housing and Urban Development (HUD).*
  - 3) *The maximum rental rates for these attainable (affordable) units shall follow the maximum rental rates for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income. This provision shall remain in effect for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.*
  - 4) *The management and all corresponding costs associated with this program, including, but not limited to administration, monitoring, enforcement, etc., shall be the sole responsibility of the applicant, its successors, or assigns. The property owner shall submit an annual report to the City's Planning Department by January 1st of each year advising as to compliance with these provisions. All provisions contained herein shall be controlled via a restrictive covenant that is effective for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.*
  - 5) *Should the project convert from rental to owner-occupied units within the fifteen (15) year timeframe, the maximum sales price of the attainable (affordable) units shall follow the maximum sales price for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income, and all other provisions herein shall continue to apply.*
  - 6) *Failure to satisfy any or all of these requirements shall result in enforcement measures and/or penalties as prescribed in Article 7 of the City's Zoning Code.*

Application of Staff's proposed attainable (affordable) housing condition to the Gables Gateway project would result in the following:

<b>Gables Gateway Attainable (Affordable) Housing Program</b>			
	<b>Result</b>	<b>Methodology</b>	<b>Source</b>
<b>City of Coral Gables Median Household Income, 2006</b>	\$79,033	N/A	City of Coral Gables Development Department
<b>Total number of units</b>	230 units	N/A	Gables Gateway Site Plan
<b>Estimated rental rates for market units</b>	1br: \$1,940/month 2br: \$2,520/month	Local Market Comps range from \$1.9/ft to \$2.25/ft	Applicant analysis based on rental rates at other local rental developments of similar quality
<b>Number of attainable units</b>	<b>35 units</b>	15% of 230 total units	Gables Gateway Site Plan

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<b>Gables Gateway Attainable (Affordable) Housing Program</b>			
<b>Maximum rental rates for attainable units</b>	<b>1br: \$1,482/month 2br: \$1,778/month</b>	30% of 100% median household income for 1 and 2 bedroom units	Applicant analysis based on 100% of City's median income
<b>Difference between market and attainable rates</b>	1br: \$458 2br: \$742	Market rate minus attainable rate	See above sources
<b>Maximum sales price for attainable units</b>	N/A	Gables Residential only owns rentals developments and does not sell individual units or convert rental units into the condominium form of ownership. Any sale of the project to a condominium converter would be subject to the restriction that the sales price for the attainable housing units be based on 30% of 100% of the City's median income at the time of sale, and any such conversion would require City staff and City Commission review and approval.	

In the interest of proceeding forward with the application, the Planning and Zoning Board has the following options:

1. Recommendation remains as-is (see above and Attachment B).
2. Approve the project with no recommendation by the Planning and Zoning Board regarding the Attainable (Affordable) Housing condition.
3. Approve the project with the removal of the Attainable (Affordable) Housing condition.

For previous recommendations, conditions of approval, request summary, discussion, facts, and public notification information please refer to the 02.13.08 staff report (Attachment B).

Respectfully submitted,

Eric Riel, Jr.  
Planning Director

**Attachments:**

- A. 02.13.08 Excerpts of Planning and Zoning Board Meeting Minutes w/attachments.
- B. 02.13.08 Planning Department Staff Report w/attachments.

1 CITY OF CORAL GABLES  
2 PLANNING AND ZONING BOARD MEETING  
3 VERBATIM TRANSCRIPT  
4 CORAL GABLES CITY HALL  
5 405 BILTMORE WAY, COMMISSION CHAMBERS  
6 CORAL GABLES, FLORIDA  
7 WEDNESDAY, FEBRUARY 13, 2008, 6:00 P.M.

8 Board Members Present:

- 9 Tom Korge, Chairman  
10 Robert Behar  
11 Jack Coe  
12 Pat Keon  
13 Javier Salman

14 City Staff:

- 15 Eric Riel, Jr., Planning Director  
16 Walter Carlson, Assistant Planning Director  
17 Lourdes Alfonsin Ruiz, Assistant City Attorney  
18 Javier Betancourt, Principal Planner  
19 Scot Bolyard, Planner  
20 Martha Salazar-Blanco, Zoning Administrator

21 Also Participating:

22 Application 01-08-043-P:

- 23 Roney Mateu  
24 Marcelo Fernandes  
25 Rocco Ceo  
Gladys Margarita Diaz

Application 12-07-042-P:

- Mario Garcia-Serra, Esq.,  
Greenberg Traurig,  
On behalf of LG Coral Gables, LLC  
Omar Del Rio

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1       THEREUPON:

2               CHAIRMAN KORGE: All right, I call the  
3       meeting to order. Our first -- First let's  
4       take the roll call, please.

5               MR. BETANCOURT: Mr. Behar?

6               MR. BEHAR: Here.

7               MR. BETANCOURT: Mr. Coe?

8               MR. COE: Here.

9               MR. BETANCOURT: Mr. Salman?

10              MR. SALMAN: Here.

11              MR. BETANCOURT: Mr. Korge?

12              CHAIRMAN KORGE: Here.

13              MR. BEHAR: He's awake today.

14              CHAIRMAN KORGE: I think you need to  
15       call everybody's name.

16              MR. BETANCOURT: Okay. Mr. Aizenstat?

17              Ms. Keon?

18              Ms. Moreno?

19              CHAIRMAN KORGE: Okay. The first item  
20       on the agenda is the approval of the  
21       minutes. Do I have a motion to approve the  
22       minutes?

23              MR. BEHAR: Motion to approve.

24              Mr. COE: I don't think we have a --

25       Mr. Chairman, we don't have a quorum for

1 the minutes.

2 CHAIRMAN KORGE: Why do we not have a  
3 quorum?

4 MR. COE: Because I wasn't present at  
5 the last meeting.

6 MR. RIEL: Mr. Coe wasn't here.

7 CHAIRMAN KORGE: Okay.

8 MR. COE: So --

9 CHAIRMAN KORGE: Then we'll just defer  
10 the minutes.

11 MR. COE: Just defer the minutes --

12 CHAIRMAN KORGE: We'll defer that.

13 MR. COE: -- until someone else shows  
14 up.

15 CHAIRMAN KORGE: Changes to the agenda?  
16 Do we have any changes?

17 MR. RIEL: No changes.

18 CHAIRMAN KORGE: Okay. We have two  
19 items on the agenda for public hearing.  
20 Which one are we taking first?

21 MR. RIEL: The 4311 Ponce.

22 CHAIRMAN KORGE: 4311 -- okay.

23 Application Number 01-08-043-P, a  
24 mixed-use site plan review at 4311 Ponce  
25 Boulevard.

1           Proceed.

2           MR. CARLSON: Good evening. For the  
3 record, Walter Carlson, Planning  
4 Department.

5           The first item we have before you this  
6 evening, the first of two items we have  
7 before you this evening, is referred to as  
8 the 4311 Ponce project.

9           Before I begin with my brief PowerPoint  
10 presentation, I'd like to note that you  
11 have copies of tonight's PowerPoint  
12 presentation in front of you, so you can  
13 follow along, and you also have a copy of  
14 the updated comments list in front of you.  
15 The updated comments list is in yellow. It  
16 includes all the comments received to date.

17          I'd just like to point out to the Board  
18 that the Code requires that we notice  
19 everybody within the MXD district, all  
20 properties within the MXD district, and all  
21 properties within 1,500 feet of the MXD  
22 district. There were approximately 1,123  
23 notices mailed out. There's a lot of  
24 notices mailed out. And if you look at the  
25 notices which we received, a lot of them

1           come from north of Bird Road and west of  
2           LeJeune Road, because all those areas were  
3           included.

4                     (Thereupon, Ms. Keon arrived.)

5           This project is located on Ponce de  
6           Leon Boulevard, across from the Nordstrom's  
7           at the Village of Merrick Park. I just  
8           want to point that out.

9                     On that note --

10                    CHAIRMAN KORGE: Excuse me for  
11           interrupting. Let's just note for the  
12           record that Pat Keon has arrived.

13                    Thank you. Go ahead.

14                    MR. CARLSON: On that note, I'd like to  
15           begin with my brief presentation.

16                    Again, this is the 4311 Ponce project.  
17           The applicant has requested a site plan  
18           review of a proposed mixed-use project or  
19           mixed-use project referred to as MXD. The  
20           Planning and Zoning Board must provide a  
21           recommendation on all proposed MXD site  
22           plans to the City Commission. The proposed  
23           MXD site plans are adopted by resolution,  
24           which requires only one reading before the  
25           Commission.

1           The property is located in the north  
2           MXD industrial district. This is the first  
3           proposed MXD project submitted under the  
4           recently adopted Zoning Code provisions.  
5           Those recently adopted provisions allow  
6           10,000 to 20,000-square-foot projects, MXD  
7           project sites, within an established MXD  
8           district. Again, this is in the north MXD  
9           district. Anything which isn't in an  
10          established MXD district requires a minimum  
11          of 20,000 square feet.

12          The property adjoins the City of Miami,  
13          and in this portion of the City of Miami,  
14          development of 10 stories or 120 feet high  
15          commercial development is allowed.

16          The project consists of a seven-story  
17          structure. It's primarily of commercial  
18          office use. The building's ground floor  
19          contains retail and four live/work  
20          residential units. There are 182 parking  
21          spaces provided, which is 24 more spaces  
22          than allowed (sic) by Code. Of the 182  
23          parking spaces, 83 of those are mechanical  
24          lifts.

25          All vehicular access to the building is

1 from the rear alleyway. There's public  
2 streetscape improvements provided along  
3 both Ponce de Leon Boulevard and San  
4 Lorenzo Avenue.

5 Staff found that the proposal is  
6 consistent with the Comprehensive Plan's  
7 goals, objectives and policies, and it  
8 satisfies the Zoning Code's MXD and site  
9 plan review provisions and requirements.  
10 It satisfies the MXD objectives, and it  
11 promotes a walkable pedestrian environment.

12 There are no variances required with  
13 this application. As previously stated,  
14 there are 24 additional parking spaces  
15 provided, and finally, the applicant has  
16 addressed all the City Department comments.

17 The Planning Department recommends  
18 approval of the proposed MXD project with  
19 the following conditions: 30 designated  
20 parking spaces be provided for retail  
21 customers. There are no parking garage  
22 gates or similar devices that would  
23 restrict on-site parking. The sale and  
24 leasing of parking spaces within the  
25 building shall be prohibited. The

1 applicant shall provide signal timing  
2 analysis for the pedestrian crosswalk at  
3 the Ponce de Leon Boulevard/Bird Road  
4 intersection that was identified by the  
5 traffic study. The required minimum 10  
6 percent of on-site landscaping shall be  
7 confirmed by the Building & Zoning  
8 Department when they finalize the final  
9 zoning analysis. And finally, the proposed  
10 gym facilities, which are located on the  
11 roof of the project, shall be limited to  
12 building tenants, residents and guests.

13 That concludes Staff's presentation.  
14 The applicant is here with detailed plans  
15 and is prepared to present additional  
16 detail or answer questions that the Board  
17 may have.

18 CHAIRMAN KORGE: Thank you --

19 MR. RIEL: Actually, we have a 3D model  
20 we want to show you.

21 As is the case on each of the projects  
22 that comes through, we attempt to provide  
23 the Board, as well as the Commission, an  
24 understanding of how the potential bulk and  
25 mass relates to the existing fabric of the

1 City.

2 Javier, do you want to turn off those  
3 overhead lights, just because it's a little  
4 bit easier to see the --

5 The building proposed is shown in blue.  
6 This is Ponce. We have the Village of  
7 Merrick Park to the east -- or to the west,  
8 sorry. This is a building that's currently  
9 under construction, which is directly  
10 behind the project.

11 These buildings you see here, it's the  
12 City of Miami. As Walter indicated, the  
13 proposed height in those buildings -- this  
14 is zoned industrial, and then office over  
15 to this area -- is 120 feet or 10 floors,  
16 whichever is less. This building you see  
17 right here is within a City of Miami zoning  
18 district that has no height limitations.  
19 It's actually -- the proposal that we have  
20 on file, which I think we received about a  
21 year ago, the building is about 290 feet in  
22 height, so I'm just kind of giving you a  
23 perspective of the location of the  
24 building. This is The Collection, over  
25 here.

1           MR. COE: Mr. Riel, where's the nearest  
2 residential area to the proposed building  
3 site?

4           MR. RIEL: It would be this area. This  
5 is Bird Road here.

6           MR. COE: So it would be off of Bird  
7 Road?

8           MR. RIEL: Right.

9           MR. COE: Okay.

10          MR. RIEL: This fronting on Bird Road,  
11 I believe, is zoned multi-family, and then  
12 it's single-family, and then there's  
13 dealerships down here, as you all know.  
14 There is some residential within the  
15 Village of Merrick Park. It's in these two  
16 structures right here, but that's a part of  
17 the mixed-use portion of the Park. And  
18 then obviously, there's residential that's  
19 on the other side of --

20          MR. COE: What I meant by residential,  
21 other than Merrick Park.

22          MR. RIEL: Just single-family in this  
23 area.

24          MR. COE: Okay.

25          MR. RIEL: This is, again, Ponce.

1           MR. BEHAR: Well, that's like three  
2 blocks away, right?

3           MR. RIEL: Yes.

4           MR. BEHAR: Yeah, and to the west, it's  
5 half a mile, across from --

6           MR. RIEL: Yes. There's nothing that's  
7 adjacent. The boundaries of the mixed use  
8 is this area right here.

9           MR. BEHAR: The City of Miami starts  
10 where you have those gray buildings; is  
11 that correct?

12          MR. RIEL: Yes. This is the City of  
13 Miami here.

14          MR. COE: That's purple.

15          CHAIRMAN KORGE: How does the height of  
16 the proposed building compare to the height  
17 of the immediately adjacent buildings?

18          MR. RIEL: The proposed height of this  
19 building, I believe, is 95 feet.

20          CHAIRMAN KORGE: Okay, and the one  
21 right across the street from it?

22          MR. BEHAR: It's 97 feet. That's an  
23 eight-story building.

24          CHAIRMAN KORGE: Okay, so it's  
25 comparable.

1 MS. KEON: No, the parking garage.

2 MR. RIEL: This one right here?

3 MS. KEON: No, the one --

4 CHAIRMAN KORGE: That one --

5 MR. BEHAR: That one.

6 CHAIRMAN KORGE: -- and the other  
7 two -- the other two.

8 MR. RIEL: This one, I believe, is 97.  
9 I'm not sure about this, but I want to say  
10 it's 75.

11 MR. BEHAR: That's a seven-story  
12 building, so it's very comparable or  
13 similar to that, and then as you go further  
14 to the east, in the City of Miami, it gets  
15 much taller.

16 CHAIRMAN KORGE: All right. Thank you.

17 MR. RIEL: The lights.

18 MR. SALMAN: Mr. Riel, one of the  
19 biggest concerns that the residents are  
20 probably going to have is going to be  
21 traffic. In the traffic study, most of the  
22 access is coming from where?

23 MR. RIEL: I think I will defer to the  
24 applicant and let them answer that better,  
25 because they -- I assume they have their

1 traffic engineer. The traffic report was  
2 reviewed by the Public Works Department,  
3 and that's why you do see a condition on  
4 the signal timing issue.

5 CHAIRMAN KORGE: Well, why don't we  
6 take -- let the applicant make his  
7 presentation, and then we can take  
8 testimony from the audience.

9 Does the applicant want to make a  
10 presentation at this time?

11 MR. MATEU: Hi. Good morning. Good  
12 morning? Good evening. My name is Roney  
13 Mateu, from Mateu Architecture. We are the  
14 architects of the building. I'll be glad  
15 to go over the project with you.

16 CHAIRMAN KORGE: Would you state your  
17 address for the record?

18 MR. MATEU: My address is 18001 Old  
19 Cutler Road, Suite 550, Palmetto Bay,  
20 Florida.

21 CHAIRMAN KORGE: Thank you.

22 MR. MATEU: The old Burger King  
23 building.

24 As we mentioned, our building is here.  
25 Our building is -- has been designed under

1 the new MXD Code. We've had a long process  
2 with this project. As it was mentioned  
3 earlier, this was, I guess, the first  
4 building that is going up under the new  
5 Code, and I think it was a learning  
6 experience for a number of us, and the  
7 City.

8 The intention of the building is to  
9 have a mixed-use project that has, in this  
10 case, a combination of retail, residential  
11 and offices. Design-wise, it takes into  
12 account the desired facades and  
13 frontispieces that the Planning Department  
14 has established as part of the Code,  
15 where the idea of creating a singular mass  
16 of buildings that have similar height and  
17 setback treatments, on a long block, are  
18 trying to be achieved, and this one being  
19 on the south-most corner of Ponce de Leon,  
20 on that block, it has the opportunity to  
21 have a corner treatment that we feel is  
22 very appropriate for its location.

23 The idea of -- The building sort of  
24 looks like it sits on a base, with retail,  
25 obviously, on the ground, but then this

1 base, this pedestal, is the parking  
2 structure that is completely hidden from  
3 the front, and this building, being on a  
4 corner, has two fronts, and some of the  
5 requirements and restrictions of our design  
6 were such that we could not have any  
7 driveways entering parking structures from  
8 Ponce or San Lorenzo, and therefore we have  
9 the entrance on the alley side, which is an  
10 alley that's half owned by the City of  
11 Miami and the City of Coral Gables.

12 The entrance into the building in the  
13 back lines up with Orange Street, so from a  
14 vehicular and traffic circulation point,  
15 it's pretty logical.

16 In our case, we've designed the retail  
17 functions that take place facing Ponce de  
18 Leon Boulevard, and then took the  
19 opportunity to provide for living units  
20 that face the side street, where it's a  
21 little bit more appropriate for residential  
22 living and they being on the ground floor.

23 MR. COE: Could I interrupt a second?

24 Do you happen to have with you the  
25 David Plummer traffic study that was

1 supposedly done last month?

2 MR. MATEU: I do not have it with me.

3 MR. CARLSON: I do.

4 MR. COE: That's not in our package.

5 Do we have that somewhere?

6 MR. RIEL: We have it on file.

7 MR. COE: I didn't mean to interrupt  
8 you.

9 MR. MATEU: No, no, it's okay. I  
10 thought it was included in the submittal.

11 The building consists, then, of three  
12 levels above the parking area of office  
13 spaces. The treatment of the office spaces  
14 is such that it takes into account the  
15 energy consciousness, and the direction of  
16 a lot of architectural buildings nowadays  
17 are that they're concerned with energy, and  
18 therefore it's treated in a series of  
19 shading devices, yet they're different for  
20 each street so that they're appropriate,  
21 because the front on Ponce is a different  
22 sun treatment than the treatment of the sun  
23 on San Lorenzo, which is on the south side.

24 The roof of this building is a -- the  
25 seventh story is a gymnasium, a private

1 gym. It will be for the exclusive use of  
2 the tenants and the people that live here  
3 in this building, and the rest of the roof  
4 is used as an improved landscaped top.

5 So, in our treatment of this building,  
6 not only do we have the treatment of the  
7 facades, but also the roof, as an elevation  
8 itself.

9 I think that's all. If you have any  
10 questions, I'll -- and I don't know if the  
11 clients want to say anything.

12 CHAIRMAN KORGE: Any questions from the  
13 Board? Nothing?

14 MR. SALMAN: I had a question with  
15 regards to access from --

16 CHAIRMAN KORGE: From the alley?

17 MR. SALMAN: From the alley. Where do  
18 you expect most of the people to come from,  
19 that are going to go into the building,  
20 from the U.S. 1 side or from the City side,  
21 or what does the traffic study say?

22 MR. BEHAR: But in reality, that's not  
23 an alley. It is a public street.

24 MR. SALMAN: It's a public  
25 right-of-way.

1           MR. BEHAR: It's a small public, you  
2 know, but it's a street. It's not an  
3 alley. It is.

4           MR. MATEU: Well, the part --

5           MR. BEHAR: The one to your east, to  
6 your east, where your access is, is not an  
7 alley. It's a street. So you do have --  
8 because otherwise you would not be able to  
9 access your parking from an alley. You  
10 know, it is considered a street.

11          MR. COE: Do you have somebody to  
12 address, sir, the traffic impact study that  
13 I'm looking at? Is there somebody familiar  
14 with it in your --

15          MR. MATEU: Well, we're generally  
16 familiar with it. I don't know if you have  
17 a question.

18          MR. COE: Well, I'm just a little bit  
19 concerned. I'm at Page 24 of the study,  
20 6.0, Conclusions, and it makes a statement:  
21 However, minor signal timing modifications  
22 are recommended at the Ponce de Leon  
23 Boulevard/Bird Road intersection in  
24 afternoon peak hour during future without  
25 project conditions to accommodate the

1 increase in background traffic.

2 I'd like some elaboration on that,  
3 frankly.

4 MR. MATEU: I think the statement is --  
5 and it was reviewed by the Public Works  
6 Department, and I think what they were  
7 referring to is that they wanted to change  
8 the light, the timing or the duration of  
9 the lights at Bird and Ponce, for the  
10 pedestrian crossing.

11 MR. COE: No, we're not talking about  
12 that. That's the second paragraph. We're  
13 talking about the first paragraph.

14 CHAIRMAN KORGE: Jack, would you read  
15 that again, out loud?

16 MR. COE: Yeah. I'm reading the fourth  
17 line of the first paragraph on Page 24 of  
18 the traffic study: However, minor signal  
19 timing modifications are recommended at the  
20 Ponce de Leon Boulevard/Bird Road  
21 intersection in the afternoon peak hour  
22 during future without project conditions to  
23 accommodate the increase in background  
24 traffic, quote, unquote.

25 I'm not talking about -- The second

1 paragraph deals with pedestrians. I  
2 haven't gotten to that yet. I'm dealing  
3 with vehicular traffic.

4 MR. MATEU: I understood that -- you  
5 know, obviously, if you're changing the  
6 timing of the red lights on one side versus  
7 the other, that has to do with traffic  
8 lights, also, to allow -- I think the  
9 comment was that the time allowed for  
10 pedestrians to cross --

11 MR. COE: No, sir. We're not talking  
12 about pedestrians. That's Paragraph 2.

13 MR. MATEU: I can't answer your  
14 question, then. I'm sorry.

15 MR. BEHAR: But is that something that  
16 is doable?

17 MR. COE: Well, that's what I want to  
18 find out.

19 MR. BEHAR: Because if it's doable --

20 MR. COE: I don't know what it means.

21 MR. RIEL: There's a condition on 4d on  
22 Page 2 that requires the Public Works  
23 Director --

24 MR. COE: No. In all -- Mr. Riel, all  
25 you're saying is that "impact study

1 prepared by David Plummer and Associates  
2 dated January '08" -- well, this is the  
3 study, but I want an explanation of that  
4 second sentence in Paragraph 1. I don't  
5 understand what that means, and I don't  
6 know if it's doable or not doable. I don't  
7 know what the impact really is, and I don't  
8 know if we approve this without a  
9 determination of what this language  
10 means -- I think is irresponsible, frankly.

11 MR. FERNANDES: If I may address -- My  
12 name is Marcelo Fernandes, one of the  
13 owners of the project. Our address is 4311  
14 Ponce de Leon Boulevard. If I may -- May I  
15 borrow that for one second, please?

16 MR. COE: Sure.

17 The first paragraph, second sentence.

18 MR. FERNANDES: Yeah, it does say here,  
19 and I'll read it again, minor signal timing  
20 modifications are recommended at the Ponce  
21 de Leon Boulevard/Bird Road intersection in  
22 afternoon peak hour -- future, without  
23 project conditions. When they do this  
24 report, they do two comparisons, one with  
25 project and one without project, and

1           they're saying here, even without the  
2           project being impacted (sic) in the traffic  
3           statement, they're recommending to review  
4           the signalization at that intersection,  
5           even without the project.

6           MR. COE: That's your interpretation of  
7           that?

8           MR. FERNANDES: Well, it says future,  
9           without project conditions.

10          MR. COE: That's your interpretation of  
11          that?

12          MR. FERNANDES: Correct.

13          MR. COE: That's all I want. That's  
14          your interpretation?

15          MR. FERNANDES: Yes, sir.

16          MR. COE: There's nobody here from  
17          Plummer's study, though, right?

18          MR. FERNANDES: There's an exhibit in  
19          the back that shows each intersection, with  
20          project and without project, and that's,  
21          from my review of the report, what it is.

22          CHAIRMAN KORGE: Any other questions?

23          MS. KEON: I have a couple of  
24          questions.

25          CHAIRMAN KORGE: Sure, go ahead.

1           MS. KEON:  And it's mainly of the  
2           Planning Department.  You know, I don't  
3           know all of the rules or regulations with  
4           regard to the live/work units, but those  
5           units -- is there something that requires  
6           that none of that space ever be subleased  
7           or whatever, that if you -- you know, if  
8           you're going to live there, you have to  
9           work there, or if you're going to work  
10          there, you have to live there, so you  
11          couldn't choose to live there and then  
12          sublease the retail space to somebody else?  
13          I mean, is it a requirement that -- because  
14          I would think that part of the live/work is  
15          that it reduces traffic because you have  
16          the same person that's living there working  
17          there, they're not driving, and all of  
18          those conditions.

19          So within our ordinances, or within,  
20          you know, our regulations that govern  
21          live/work, is there a requirement that the  
22          person has to?  You know, I looked and I  
23          couldn't find it, so --

24          MR. RIEL:  The live/work provisions are  
25          in the actual MXD district.  I need to look

1 at it.

2 MS. KEON: Oh.

3 MR. RIEL: But I can tell you, we  
4 consider it as a residential unit. So it's  
5 interpreted as four -- I believe there's  
6 four units -- as four residential units.  
7 But there are provisions that are in the  
8 MXD, and I just need to check those,  
9 because obviously --

10 MS. KEON: Okay, but wouldn't -- What I  
11 want to know is that although it's a  
12 residential unit, that you can't sublease a  
13 portion of that, that, you know, by the  
14 building's design or whatever, would be  
15 considered retail, so you wouldn't have two  
16 different, you know --

17 MR. RIEL: It's considered a  
18 residential unit, and therefore, it's  
19 appropriately parked based upon that  
20 interpretation of use. So, in terms of the  
21 Code, we would enforce codes as if we would  
22 if it were a residential unit.

23 Now, in terms of live/work, I need to  
24 look at it, because obviously it's been  
25 some time since we've reviewed the project,

1 but --

2 MS. KEON: Okay. The other question I  
3 have for you, while you're thinking about  
4 that, is, when I looked at the elevations,  
5 this north elevation is -- and maybe it  
6 would look different in reality than it  
7 looks on this paper, but it's like a  
8 hundred-foot blank wall. It's really --  
9 from here, I would maybe ask someone to  
10 consider the aesthetics of that -- you  
11 know, that huge, big blank wall.

12 MR. RIEL: And just from the Planning  
13 Department's perspective, we don't  
14 typically get into architectural design.  
15 It has gotten Board of Architects' review  
16 and approval, so --

17 MR. BEHAR: Unfortunately, we are not  
18 the Board of Architects, so that has  
19 been -- gone through the Board and gotten  
20 approval already.

21 MS. KEON: As an architect, concerned  
22 with aesthetics, would you recommend this?

23 MR. BEHAR: No, I'm a Board member  
24 today.

25 MS. KEON: Right. I really would ask

1           that you would ask, in some way, that maybe  
2           you should -- somebody should look at that  
3           hundred-foot, big, blank wall.

4           MR. RIEL:  There are provisions --

5           MS. KEON:  It tends not to be -- and  
6           I've heard this come up over and over again  
7           in building -- and I know when there was  
8           other buildings that they have required  
9           them to put in windows or to put in -- or  
10          to do some elements, so you don't have a  
11          huge, big, blank --

12          MR. BEHAR:  Pat, I would concur with  
13          you, I would agree with you, if I had an  
14          ability to do something, I would, you  
15          know --

16          MS. KEON:  Okay.

17          MR. BEHAR:  -- mandate it.

18          Unfortunately, we -- you know, I don't know  
19          if we have to --

20          MS. KEON:  Well, I don't think we can  
21          mandate it, but I think that maybe we could  
22          ask that maybe they would, you know, just  
23          take another look at it.

24          MR. BEHAR:  And I think the diversity  
25          of the architecture is very -- you know,

1           the architecture is very nice. To me, I  
2           think that the diversity --

3           MS. KEON: The diversity I like. It's  
4           that one wall.

5           CHAIRMAN KORGE: Really, to me, it  
6           would depend on what materials they use for  
7           that wall.

8           MS. KEON: Well, that's what I'm  
9           asking.

10          MR. BEHAR: The truth of the matter is,  
11          that's on the property line. So,  
12          theoretically, somebody could come  
13          afterwards and build right up to it, and  
14          that would go away. You know, hopefully,  
15          that would happen soon enough.

16          MS. KEON: We hope.

17          MR. BEHAR: We hope.

18          MS. KEON: You hope.

19          MR. BEHAR: But, you know, overall, the  
20          building is a very great --

21          MS. KEON: The rest of it. That's  
22          why -- that's the only thing that makes  
23          that so stark to me, is that the rest of it  
24          is very pretty.

25          MR. SALMAN: Pat, I'd echo your

1           sentiments and your concerns, but it is on  
2           a party wall, and eventually -- first, you  
3           can't put a fenestration on it that would  
4           lead to the interior. You can't put a  
5           window in it, because -- you can't. I  
6           mean, it's right on the property line.

7           MR. BEHAR: No, you can't. The Fire  
8           Code doesn't allow you to have anything --

9           MR. SALMAN: Fire Codes don't allow it.

10          MS. KEON: No, but I don't know -- and  
11          I'm not an architect, but I don't know that  
12          there couldn't be some element --

13          MR. BEHAR: Maybe we could ask the  
14          applicant if he's willing to --

15          MS. KEON: I mean, you could do  
16          something. I mean, I don't know --

17          MR. SALMAN: It's outside our pay grade  
18          here. We're here to review an issue. We  
19          have a Board that is about aesthetics  
20          and --

21          MR. BEHAR: I think it's a great  
22          looking building.

23          MR. SALMAN: I think it's a great  
24          looking building, just the way it is.

25          MS. KEON: I think all of it is, but I

1 don't like that huge wall. I mean, I don't  
2 know how it could be --

3 MR. BEHAR: I think we all agree with  
4 that.

5 MR. SALMAN: And I concur, I have  
6 concerns about that, but again, I have to  
7 defer to my fellow colleagues on the Board  
8 of Architects that have reviewed it  
9 thoroughly with regards to the aesthetics.  
10 I have a concern about it. I would have  
11 loved to have seen a slot in it  
12 somewhere --

13 MS. KEON: That's all I'm asking.

14 MR. SALMAN: -- just to break it up --

15 MS. KEON: A slot or something.

16 MR. SALMAN: -- but, you know, that's  
17 not our bailiwick today.

18 MR. BEHAR: I think that, you know,  
19 based on what --

20 MS. KEON: Yeah.

21 MR. BEHAR: -- we've got here, based on  
22 the fact that, you know, we've got the  
23 recommendation for approval, I'm ready  
24 to -- unless we have any --

25 MR. COE: Mr. Chairman, I have one

1 other concern.

2 CHAIRMAN KORGE: Yes.

3 MR. COE: Within this traffic study --  
4 we talked about pedestrians. It also says  
5 this: The analysis shows that required  
6 pedestrian crossing times are inadequate  
7 for the pedestrians to cross Ponce de Leon  
8 Boulevard/Bird Road intersection. The  
9 timing modifications previously discussed  
10 under afternoon future without project  
11 conditions provides sufficient green time  
12 for pedestrian crossings.

13 I don't know what that means. I do  
14 know, this is one block from a high school.

15 CHAIRMAN KORGE: Well, I don't know --

16 MR. RIEL: No, it's not adjacent to the  
17 high school.

18 MR. SALMAN: It's two blocks.

19 MR. COE: Well, if it's Ponce and Bird  
20 Road, it is one block from the high school,  
21 which is --

22 MS. KEON: Two.

23 MR. COE: Two blocks from the high school.

24 MR. BEHAR: Three blocks, actually.

25 MR. COE: Actually, not, because

1           they're coming across there. I mean,  
2           there's plenty of high school students  
3           at --

4           CHAIRMAN KORGE: It's four blocks.

5           MR. COE: Not really, not Bird Road.

6           CHAIRMAN KORGE: One, two, three --

7           MR. SALMAN: Two short blocks.

8           MR. COE: Short blocks.

9           CHAIRMAN KORGE: -- four blocks from  
10          the high school.

11          MR. COE: And I'm a little bit  
12          concerned. I don't know what this means.

13          CHAIRMAN KORGE: Four blocks. One,  
14          two, three, four blocks. One, two, three,  
15          four.

16          MR. COE: See, I wish we had somebody  
17          that did the traffic study here, so I could  
18          ask them.

19          MR. BEHAR: Yeah, it's four blocks  
20          away. You're right.

21          CHAIRMAN KORGE: Right. Okay.

22          MS. KEON: All right. The other thing  
23          I wanted to know about was the parking.  
24          The 30 spaces that you're providing for  
25          retail customers, it says in here there's

1 no permitting, there's no permit parking,  
2 there's no -- it is public parking; is that  
3 what you're saying?

4 MR. CARLSON: The condition is that  
5 there be 30, that it be on the second  
6 floor, and they must be ground level  
7 parking spaces, they must be assigned and  
8 dedicated for --

9 MS. KEON: For public parking.

10 MR. CARLSON: -- for the retail public  
11 to use, because the preliminary zoning  
12 analysis identified a demand of 30 parking  
13 spaces for the retail component.

14 MR. SALMAN: Now, the retail component  
15 is only what, 4,000 and change square feet?

16 MR. CARLSON: It's not --

17 MR. SALMAN: It's very small.

18 MR. CARLSON: Right. It's only a  
19 portion. It's only a portion of the first  
20 floor.

21 MR. SALMAN: If they get 30 customers  
22 at any time, they'll be very happy.

23 MR. CARLSON: Exactly.

24 MR. SALMAN: Okay. Is that parking  
25 then open to the public for anybody else to

1 use, or is it just mainly for the -- or is  
2 that for the --

3 MR. CARLSON: That parking would have  
4 to be open and available for people who  
5 want to come in and use the retail  
6 component.

7 MR. SALMAN: Okay.

8 CHAIRMAN KORGE: Right, and they could  
9 charge for parking, if they wanted to, I  
10 assume.

11 MS. KEON: Yeah.

12 MR. CARLSON: That hasn't -- that  
13 proposal wasn't made to us, and we've asked  
14 that there be no gates on there or  
15 restrictions so that while the businesses  
16 are open, there would be access in to use  
17 the parking which is available.

18 MR. SALMAN: Is it a condition that it  
19 not be restricted?

20 MR. CARLSON: Exactly.

21 MS. ALFONSIN RUIZ: Yes.

22 MR. SALMAN: So cost is a restriction,  
23 so they can't charge.

24 MR. BEHAR: The commercial parking is  
25 on the ground level?

1           MR. CARLSON: The retail commercial  
2           parking is on the second floor. The second  
3           floor is the first floor of parking in the  
4           project.

5           CHAIRMAN KORGE: All right, so it would  
6           be on the second floor?

7           MR. CARLSON: It would be the first  
8           available parking in the project, which is  
9           on the second floor.

10          MR. BEHAR: But you do have lifts on  
11          the second floor.

12          MR. CARLSON: And those could be used  
13          for office workers or the workers in the  
14          retail, but the ground floor must be open  
15          and available for the retail customers.

16          MR. COE: They should have brought  
17          somebody that did that study.

18          MS. KEON: But it's not employee  
19          parking at all, that's clear?

20          MR. RIEL: Mr. Chair --

21          MS. KEON: Okay.

22          MR. RIEL: -- these questions are more  
23          appropriate for the applicant, I'm sorry.  
24          Mr. Carlson is the reviewer, so --

25          MS. KEON: Okay.

1           MR. BEHAR: Because -- and maybe to the  
2           applicant, you do have extra spaces, I  
3           understand, 24 extra spaces in the  
4           building?

5           MR. FERNANDES: Correct.

6           MR. BEHAR: Correct?

7           MR. FERNANDES: Yes.

8           MR. BEHAR: You're proposing to have  
9           the second floor, which is your commercial  
10          parking, have lifts.

11          MR. FERNANDES: Correct.

12          (Simultaneous discussion between Mr.  
13          Coe and Ms. Alfonsin Ruiz).

14          MR. BEHAR: Who is going to operate  
15          those lifts? Because that may be a little  
16          concern. I agree with the lifts, I don't  
17          have a problem, but --

18          MR. FERNANDES: Right.

19          MR. BEHAR: -- you know, are you going  
20          to leave the public to operate the lifts?

21          MR. FERNANDES: Yes. The lifts that we  
22          are using here are commonly used in New  
23          York, Boston, Fenway Park, a lot of  
24          applications. It's the Harding lift  
25          company. It's really foolproof. They

1 cannot be -- They can't come down when a  
2 car is there. There are sensors.

3 Now, the ones we're using -- like  
4 they're restricting -- they're restricting  
5 that the 30 parking spaces for the open  
6 public all will be the ground level ones.  
7 No lifts will be used as part of this here.

8 MR. BEHAR: On the public, you have no  
9 lifts?

10 MR. FERNANDES: Correct.

11 MR. BEHAR: Okay. That was my concern.

12 MR. FERNANDES: No lifts, correct.

13 MR. BEHAR: That's fine.

14 MR. FERNANDES: But the commercial  
15 space can have an employee or somebody on  
16 top --

17 MR. BEHAR: That's fine. But the public --

18 MR. FERNANDES: But the customer would  
19 come downstairs, correct.

20 MR. BEHAR: But in the retail, there's  
21 no lifts?

22 MR. FERNANDES: No lifts, correct.

23 MR. BEHAR: That's fine. Thank you.

24 MR. RIEL: Mr. Chair, I just have one.  
25 I wanted the applicant to state on the

1 record if they agree with Staff's  
2 conditions.

3 CHAIRMAN KORGE: Oh, yes, absolutely.

4 Do you agree with all the conditions  
5 that are asked of the applicant?

6 MR. FERNANDES: Yes. We reviewed them  
7 already, so yes.

8 CHAIRMAN KORGE: Okay. Why don't we  
9 open it --

10 MS. KEON: Are there live/work  
11 provisions?

12 MR. RIEL: Yes, there are live/work  
13 provisions. They deal with issues of  
14 operations, in terms of restrictions on  
15 delivery; requirements need to meet the  
16 Code requirements in terms of parking.  
17 Obviously, the common things, live/work, no  
18 flammable liquid storage. It's got to meet  
19 applicable Building and Fire Code.

20 MS. KEON: But does it require that the  
21 person that lives there also works there?

22 MR. RIEL: No.

23 MS. KEON: You know, I really think  
24 that if you're going to have live/work  
25 units, and the purpose of having them, it

1 is because it does reduce the traffic  
2 concerns when you allow people to live and  
3 work at the same site, that there should be  
4 a requirement that none of the space can be  
5 subleased outside of whoever is living  
6 there.

7 CHAIRMAN KORGE: You think we should  
8 impose any requirement that doesn't exist  
9 in the Code right now? Is that what you're  
10 saying?

11 MS. KEON: Well, I think -- I don't  
12 know whether -- I think that probably  
13 should go into the Code, and maybe it was  
14 just an oversight, but --

15 CHAIRMAN KORGE: Is it in the Code?  
16 Have you found it?

17 MR. RIEL: No, it's not.

18 MS. KEON: He's saying that it's not.  
19 I mean, I --

20 CHAIRMAN KORGE: I don't know how  
21 enforceable that would be, practically  
22 speaking. Not legally, but just  
23 practically, how would you know who's doing  
24 what?

25 MS. KEON: Well, you know who has an

1 occupational license to work there and you  
2 know who -- residentially, who lives there.

3 MR. MATEU: Could I --

4 MS. KEON: Yeah.

5 MR. MATEU: -- add something? I think  
6 the intent of the live/work unit is  
7 primarily a residential unit --

8 MS. KEON: Right.

9 MR. MATEU: -- number one, that allows  
10 you to have office use in it.

11 MS. KEON: Right.

12 MR. MATEU: It seems to me -- and these  
13 are not large units. It sounds to me that  
14 it would be very, very difficult for  
15 someone to -- since the space is laid out  
16 as a combination of living and working,  
17 it's like if, you know, let's say -- I, as  
18 an architect, I have a drafting table in an  
19 area there and a computer and my sofa and  
20 my TV and my dining -- and that's what is  
21 allowed to do. But the other -- the thing  
22 that I wanted to say besides that is, I  
23 think -- well, I don't want to say legally  
24 or anything, about what I think about the  
25 Code or whatever, but I have to say that

1           this, being the first project in this  
2           zoning, with potentially this kind of a  
3           mixed use -- and I am all in favor of mixed  
4           use, because of the intent of it, I  
5           believe --

6           MS. KEON: Absolutely.

7           MR. MATEU: -- planning, is to reduce  
8           car dependency, to allow people, to  
9           encourage people to walk, et cetera, et  
10          cetera, which the live/work unit does, by  
11          itself. But I think there's a problem,  
12          that the Code requires that we still meet  
13          all the parking requirements as if --  
14          there's no benefit in the planning in the  
15          Code as it's written. There's no benefit  
16          for this gentleman to build a building that  
17          has less parking and encourages people to  
18          use less cars, because we have to -- you  
19          know, the reason the parking is the way it  
20          is and why we have the lifts and why we  
21          have all of that is because the Code  
22          requirements are such as if there was no  
23          mix.

24          If you've got retail, you've got to  
25          provide this many cars. If you've got

1 office, you've got to provide this many  
2 cars. If you've got residential, you've  
3 got to provide this many cars, and there's  
4 no reduction, and I think that's contrary  
5 to the spirit of what I think the law is  
6 intending to do, if you see the whole  
7 development of that block.

8 And to go back to the blank wall, and I  
9 had -- you know, I almost wasn't going to  
10 say anything, but this building suffers  
11 from being the first one, and the intent is  
12 that this whole block will be built, and  
13 the Code specifically says, you know, to  
14 the property line, and when you say  
15 property line, the Fire Marshall walks in  
16 and you cannot have any openings. We could  
17 decorate the wall, and this is a discussion  
18 we had with the Board of Architects, and at  
19 the end of the day, they said, "We don't  
20 want false decoration, we want that to be  
21 what it is," because the building is a very  
22 honest, true, living building of what it  
23 really is. Is it a solid wall? Yes, it  
24 is, and we can score and do things, but it  
25 has to be solid.

1 MS. KEON: Okay.

2 MR. MATEU: And tomorrow, the guy next  
3 door can build to the same height, and then  
4 that wall goes away, and if you look at the  
5 whole -- at the long-term picture and you  
6 see the whole development of that whole  
7 block, which is the intention of the Code,  
8 it would be a continuous series of building  
9 fronts that all have a step-back at 45  
10 feet, et cetera. They all should be  
11 different, and that's what makes an  
12 exciting urban setting happen.

13 MS. KEON: I agree with you. It's just  
14 until it gets there --

15 MR. MATEU: Yes.

16 MS. KEON: -- there's an aesthetic  
17 issue. I don't know what to tell you  
18 about the live/work.

19 MR. SALMAN: May I see the traffic  
20 report a second?

21 CHAIRMAN KORGE: Well, here it is.

22 MS. KEON: Yes, I know, and what I'm  
23 looking at, in the live/work spaces,  
24 there's just one story? There's the patio  
25 out front and then there is -- the

1 live/work space is a one-story, single  
2 story?

3 MR. MATEU: It has a second level.

4 MS. KEON: It's a second floor. That's  
5 what I'm saying to you. There's a second  
6 floor that you probably live on and your  
7 work space is down below, on the first  
8 floor.

9 MR. MATEU: The second level is the  
10 bedroom --

11 MS. KEON: Right.

12 MR. MATEAU: -- and downstairs is the  
13 living, dining, kitchen --

14 MS. KEON: For your living, and there  
15 may be a kitchen or something, and then --

16 CHAIRMAN KORGE: And the work area.

17 So the work area is not separated from  
18 the living, dining and all that?

19 MR. MATEU: No.

20 CHAIRMAN KORGE: Okay, so it's -- I  
21 mean, practically speaking, I don't see --  
22 unless you want, you know, some stranger in  
23 your house during the day, to work there,  
24 you're not going to sublet it.

25 MR. BEHAR: Chances are, this is always

1 going to remain a live/work with one user.

2 CHAIRMAN KORGE: Yeah.

3 MR. BEHAR: Nobody else, and I think  
4 that he is right, the applicant is right,  
5 the architect, that, you know, it's  
6 intended to do that, intended so you can  
7 live and work --

8 MS. KEON: Absolutely.

9 MR. BEHAR: And I think it's a great  
10 concept.

11 MS. KEON: I think it's wonderful. I  
12 just want to ensure that the person that's  
13 living there is the person that's working  
14 there --

15 CHAIRMAN KORGE: Well, it sounds --

16 MS. KEON: -- and the person working  
17 there is the person living there.

18 CHAIRMAN KORGE: The way it's designed,  
19 it looks like it effectively forced that,  
20 anyway.

21 MR. BEHAR: Yeah. There's only one  
22 entrance, so it's not like you could  
23 separate it --

24 MS. KEON: Yeah, that's all I'm asking,  
25 is that the space can't be separated.

1           CHAIRMAN KORGE: Any more questions of  
2 the applicant?

3           Well, let's hear from anybody in the  
4 public who wishes --

5           MR. SALMAN: Just one comment, just one  
6 very little comment. The issue had to do  
7 with the first paragraph?

8           MR. COE: Yes.

9           MR. SALMAN: And I'm looking at the  
10 traffic counts and the level of service of  
11 the intersection. What they're talking  
12 about is increasing the turn movement on  
13 the left-hand -- left turn. And the reason  
14 for that is that currently, and this is the  
15 current read on it, is that the  
16 intersection is between an A and a D,  
17 mainly As, you know, mainly As, Bs and Ds,  
18 but there's a couple Fs, and the Fs are all  
19 in the left-hand turn, and what they're  
20 looking at is extending the time frame to  
21 the left-hand turn, to be able to relieve  
22 that issue, and I think that's what the  
23 intent was, and I tend to agree with what  
24 he -- what the owner was -- the  
25 interpretation.

1           MR. FERNANDES: And it exists right  
2 now.

3           MR. SALMAN: That's the way it exists  
4 now. This is traffic counts taken on a  
5 certain date, 7/16/07, and that's what it  
6 is. So I think that --

7           MR. BEHAR: So the problem exists, no  
8 matter what.

9           MR. SALMAN: The problem exists, no  
10 matter what. Now, my question and issue  
11 was, where is the traffic coming from?  
12 Because again, the issue of building  
13 greater density is something of great  
14 concern to me as a resident and to a lot of  
15 the residents that are responding, and it  
16 was my contention, and the traffic study  
17 bears out, that most of the traffic is  
18 coming in from U.S. 1, or from the City of  
19 Miami, so it's not through -- southbound  
20 through the City of Coral Gables.

21           So I don't find that -- That was my  
22 question and my potential objection to the  
23 building. So, having not been able to find  
24 reason to back up that objection in the  
25 report, I don't see a reason why I can't

1           make a motion to approve, if you want to  
2           call it a motion.

3           CHAIRMAN KORGE: Well, we have to hear  
4           from the public.

5           MR. SALMAN: We'll hear from the  
6           public, okay.

7           CHAIRMAN KORGE: So is there anybody  
8           from the public who wishes to testify at  
9           this time?

10          Pardon me?

11          Anybody who wants to testify, if you'll  
12          stand up now and be sworn in at the same  
13          time. You have to have signed up at the  
14          front here before, if you haven't signed  
15          up, and then anybody who wishes to testify,  
16          we'll get everybody to be sworn in at the  
17          same time.

18          MR. CEO: Hello. My name is Rocco Ceo.

19          MS. ALFONSIN RUIZ: You have to be  
20          sworn.

21          MR. CEO: Oh, sorry.

22          (Thereupon, Rocco Ceo was duly sworn by  
23          the court reporter.)

24          MR. CEO: My name is Rocco Ceo. I live  
25          at 239 Alesio Avenue in Coral Gables, which

1 is about midway between Bird Road and the  
2 Ponce Circle, and I just wanted to ask a  
3 couple of questions and make some  
4 observations, too, in reference to the  
5 proposed projects. One question I had was,  
6 is the live/work permitted use something  
7 that is currently allowed under the Code  
8 for that zoning district, or is it -- I  
9 know that there was no variances applied  
10 for, but this seems like this is a new  
11 thing. Is this the first time this will be  
12 built?

13 MR. RIEL: This is the first time that  
14 a live/work unit -- and in a sense, it's  
15 not truly a live/work unit. It was just  
16 provisions that were put in the MXD to  
17 encourage that type of activity. As a part  
18 of the Zoning Code rewrite, we didn't do a  
19 lot of research into that, so there's not  
20 the specific requirements that you see in  
21 other local governments in terms of  
22 live/work units. Like I said, in a sense,  
23 it operates as a residential unit and  
24 that's how we're interpreting it, so --

25 CHAIRMAN KORGE: Right.

1           MR. RIEL:  And it's just -- it was the  
2           first time to try to, you know, introduce  
3           the notion, and it's only allowed in the  
4           mixed-use area, which is as I indicated  
5           earlier.

6           MR. CEO:  Okay.  One of the concerns of  
7           the residents, some of the residents who  
8           live in the single-family homes north of  
9           Bird Road and south of Ponce Circle and  
10          probably west of Ponce de Leon Boulevard,  
11          is the idea that there might be a precedent  
12          set for future development of the whole  
13          Ponce corridor between Ponce Circle and  
14          Bird Road, and there's been proposals in  
15          the past, none that I know of that have  
16          been proposed for the City, but proposals  
17          that have been floated with the possibility  
18          of changing the existing residential zoning  
19          to live/work along Ponce.  That's a concern  
20          in terms of parking.  It's a concern in  
21          terms of future density to the area.

22          As you know, we live in a kind of  
23          island that's currently sort of besieged by  
24          parking problems and crime issues, and the  
25          continued development of that entire Ponce

1 corridor would really sort of force most of  
2 the residents out of the neighborhood, in  
3 terms of development.

4 So we're watching very carefully any  
5 new development that would affect that  
6 possibility of precedent-setting  
7 development along the South Ponce corridor.  
8 So that's one concern. So I would  
9 personally say that I would be concerned  
10 about that use being allowed in the  
11 building.

12 The second point was, in the proposal  
13 that I downloaded from the web site, it's a  
14 little confusing when you read, for  
15 instance, Page 8 of 13. I don't know if  
16 this is the same site plan review that you  
17 have, but you refer to penthouse and  
18 live/work spaces as permitted under Zoning  
19 Code Article 8. As far as I know, the  
20 Zoning Code Article 8 is just definitions.  
21 It's not permitted uses. So that should be  
22 rewritten to say that it's not permitted  
23 under Zoning Article 8, which is just the  
24 definitions of the Zoning Code.

25 MR. RIEL: What document are you

1 referring to, the Staff Report or --

2 MR. CEO: I think it's the Staff  
3 Report. It's Page 8 of 13, downloaded from  
4 the web site. It may not -- since you have  
5 a revised version, it may not be the same  
6 one that you have.

7 MR. RIEL: It's the same one.

8 MR. CEO: Okay. At the bottom of the  
9 page, it defines a penthouse and live/work,  
10 and it says live/work units as permitted in  
11 Zoning Code Article 8. I don't think that  
12 that should read that way.

13 So the primary concern is parking and  
14 precedent-setting, new zoning, and I have  
15 the same concerns that Pat Keon has in  
16 terms of the actual enforcement of the  
17 live/work space. If somebody is really not  
18 bound by any covenant to say that they  
19 actually have to live and work in that  
20 space, what's to keep them from actually  
21 renting that space out to somebody else  
22 who, in effect, would work there primarily  
23 and live there as a secondary thing.  
24 That's a concern.

25 And then finally, I don't really have

1 anything to say about the design. I think  
2 Roney Mateu is a good architect. I think  
3 it's an interesting building. I'm not  
4 crazy about the blank wall, myself, but I  
5 think that's the shape of things to come  
6 along there. If it's permitted as a party  
7 wall and it runs for seven stories, it  
8 looks like we're going to have a  
9 seven-story corridor there. If you think  
10 we have parking problems now, just wait  
11 until that gets built out. But that's a  
12 big concern for the neighborhood. We have  
13 to find a way to deal with the parking  
14 issue. I don't know what to tell you.

15 Currently, the parking problem is that,  
16 as nice as the trolley is, it facilitates  
17 the ability for people to park all the way  
18 downtown or out of the community even, or  
19 park in front of our houses and then take  
20 the trolley to work. So, even though you  
21 have parking in the building, it doesn't  
22 necessarily mean that people are going to  
23 use it.

24 I think this idea of this compact  
25 parking is interesting. I hope it works.

1           If it has long wait times, you're probably  
2           not going to have people using it as much  
3           as they should, if you have to wait five to  
4           ten minutes to get your car. It says in an  
5           ideal circumstance that you wait five  
6           minutes, but you know how people are in  
7           Dade County. They're impatient. You see  
8           it every day on the roads. So parking is  
9           going to be still an issue. I think we're  
10          still going to have more overflow parking  
11          in the neighborhood. You might have to  
12          consider permit parking for the residents  
13          so that we don't have -- so that we can  
14          park at our own house.

15                 MR. BEHAR: The City should implement  
16          that program.

17                 MR. CEO: I think so.

18                 CHAIRMAN KORGE: Especially in your  
19          neighborhood, yeah.

20                 MR. BEHAR: Absolutely.

21                 MR. RIEL: The City does have that  
22          available. It's the residents that need to  
23          request the implementation of the program.

24                 CHAIRMAN KORGE: Right.

25                 MR. CEO: It's been going block by

1 block. I think some residents have it and  
2 some don't. That's all. Thank you.

3 CHAIRMAN KORGE: Thank you very much.  
4 Anybody else wish to speak?

5 Please state your name and address for  
6 the record, then be sworn in.

7 MS. DIAZ: Gladys Margarita Diaz. I  
8 live at 1510 Madrid Street, Coral Gables,  
9 and I own 3700 Ponce de Leon.

10 (Thereupon Gladys Margarita Diaz was  
11 duly sworn by the court reporter.)

12 MS. DIAZ: I support the project. I've  
13 been an advocate of live/work zoning for  
14 many years. It is a Smart Growth  
15 Initiative. It's a national activity. It  
16 does reduce automobile trips.

17 To answer your question about living  
18 and working in the same space, one of the  
19 ways that other buildings in Dade County  
20 have implemented that is, they have it in  
21 the condominium Code, so it could be  
22 something that the owners themselves can  
23 implement, and I think that from the  
24 viewpoint of traffic and parking, I agree  
25 with Mr. Ceo's situation, which is that

1           there's a lot of parking from the employees  
2           of this particular section in the  
3           residential community and up Ponce de Leon  
4           Boulevard, and it would be a great idea if  
5           the Planning Department would support the  
6           Parking Division creating a strategy for  
7           eliminating that. That will go a long way  
8           to reducing the concern regarding  
9           live/work.

10           In the end, I think live/work is a  
11           possibility for reducing traffic and  
12           reducing parking issues, and I think that  
13           there's a possibility that there's a lot of  
14           people that are interested in living where  
15           they work, because it's just -- traffic is  
16           really, really bad to go to work.

17           So I support the project. I think the  
18           design is great, and I think you're very  
19           good to implement this new Code.  
20           Congratulations.

21           CHAIRMAN KORGE: Thank you very much.

22           Anybody else wish to speak?

23           We'll close the public hearing portion  
24           and take a motion, one that's for approval  
25           or whatever.

1           MR. SALMAN: Mr. Chairman, I'd like to  
2           make a motion to approve.

3           CHAIRMAN KORGE: We've got a motion to  
4           approve.

5           MR. BEHAR: I'll second it.

6           CHAIRMAN KORGE: And it's seconded.  
7           We'll open it for discussion. Any  
8           discussion?

9           MS. KEON: Can we just assure the  
10          residential community that that zoning is  
11          not permissible along --

12          MR. SALMAN: Ponce north of Bird.

13          MS. KEON: Along Ponce --

14          MR. BEHAR: North of Bird Road.

15          MS. KEON: -- north of Bird Road.

16          MR. RIEL: The north road, it's MF2 and  
17          it's single-family.

18          MS. KEON: And it's single family,  
19          so --

20          MR. RIEL: Any changes would require a  
21          change in land use, a change in zoning --

22          MS. KEON: Right.

23          MR. RIEL: -- State review, this  
24          Board --

25          MS. KEON: Public hearings and on and

1 on.

2 MR. RIEL: -- and City Commission  
3 review.

4 MR. BEHAR: Pat, for the most part, we  
5 will not see that in a lifetime, the change  
6 in zoning.

7 MS. KEON: No, but I just -- you know,  
8 I think we should reassure them --

9 CHAIRMAN KORGE: Right.

10 MS. KEON: -- to answer that question  
11 that was asked.

12 CHAIRMAN KORGE: Stated more clearly,  
13 I certainly don't view that as setting any  
14 precedent for the other area at all. I  
15 mean, I just -- they're completely  
16 different areas.

17 MR. RIEL: In Staff's opinion, we look  
18 at each project on a case-by-case basis.  
19 We don't look at precedent-setting, and  
20 obviously, we evaluate the project based  
21 upon its context and the Comprehensive Land  
22 Use Plan and Zoning Code.

23 CHAIRMAN KORGE: Right.

24 MR. RIEL: So I don't see it as  
25 precedent-setting at all.

1           CHAIRMAN KORGE:  And the other  
2           observation I'll make is that it might be  
3           useful, eventually, for your department to  
4           study whether additional restrictions might  
5           be imposed on live/work under our Code, but  
6           for this project, it seems pretty clear to  
7           me that the space cannot effectively be  
8           sublet to somebody else, and so I don't see  
9           the need at this time to concern ourselves  
10          with that particular issue.

11          MS. KEON:  No, and as long as, in the  
12          Code, you treat it as a residential  
13          dwelling, so it then would come under all  
14          of the requirements with regard to --

15          MR. RIEL:  It would.  This area is a  
16          mixed-use area --

17          MS. KEON:  Right.

18          MR. RIEL:  -- which allows 125 units an  
19          acre, and allows commercial, retail and  
20          industrial, so we're treating it --  
21          although it's called live/work, it's a  
22          residential unit.

23          CHAIRMAN KORGE:  Right.

24          MS. KEON:  Right, and so that would  
25          cover the concerns of subdividing and

1           whatever.  That's --

2           MR. SALMAN:  But they will be able to  
3           get a certificate of occupancy and a  
4           business license at this location.

5           MR. RIEL:  Yes.

6           MR. SALMAN:  Okay.  Unlike the rest of  
7           the City.

8           MR. RIEL:  Correct.

9           CHAIRMAN KORGE:  Any other discussion  
10          or comments?

11          MR. SALMAN:  I just want to commend  
12          Mr. Ceo for coming in and bringing his  
13          concerns to us.  It takes time out of our  
14          citizenry's lives to come forward with  
15          their concerns, and they help us not only  
16          clarify the issues that we're looking at,  
17          but hopefully allay any concerns that the  
18          neighborhood may have.  This is not  
19          intended to be a project which is meant to  
20          set a precedent.  It's just the first  
21          exercising of the Code for the mixed-use  
22          area that we designated some time ago.

23          CHAIRMAN KORGE:  If there's no further  
24          discussion, let's call the roll for a vote.

25          MR. BETANCOURT:  Mr. Salman?

1 MR. SALMAN: Yes.

2 MR. BETANCOURT: Ms. Keon?

3 MS. KEON: Yes.

4 MR. BETANCOURT: Mr. Coe?

5 MR. COE: Yes.

6 MR. BETANCOURT: Mr. Behar?

7 MR. BEHAR: Yes.

8 MR. BETANCOURT: Mr. Korge?

9 CHAIRMAN KORGE: Yes.

10 And the second item on our agenda --

11 MR. BEHAR: Mr. Chairman, before -- I'm  
12 going to have to recuse myself from the  
13 second item, but before I do that, should  
14 it be a good time to bring back  
15 the minutes?

16 CHAIRMAN KORGE: Yes, thank you.

17 Let's --

18 MR. SALMAN: Can we take a five-minute  
19 recess?

20 MR. BEHAR: Let's do the minutes.

21 CHAIRMAN KORGE: Let's do the minutes.  
22 There's a motion to approve the minutes.

23 MR. BEHAR: I make a motion to approve.

24 MR. SALMAN: Second.

25 CHAIRMAN KORGE: Seconded. Any

1 discussion? No discussion. Let's call the  
2 roll on that.

3 MR. BETANCOURT: Mr. Coe?

4 MR. COE: I can't vote.

5 MR. BETANCOURT: Ms. Keon?

6 MS. KEON: Yes.

7 MR. BETANCOURT: Mr. Salman?

8 MR. SALMAN: Yes.

9 MR. BETANCOURT: Mr. Behar?

10 MR. BEHAR: Yes.

11 MR. BETANCOURT: Mr. Korge?

12 CHAIRMAN KORGE: Yes.

13 MR. SALMAN: I make a motion that we  
14 recess for five minutes while they set up  
15 for the next project.

16 CHAIRMAN KORGE: Five minutes? That  
17 will be fine. We'll be back here at seven  
18 o'clock.

19 (Thereupon, a recess was taken.)

20 CHAIRMAN KORGE: We don't have anything  
21 else on the agenda tonight that  
22 requires Robert --

23 MR. BEHAR: I can leave, right?

24 CHAIRMAN KORGE: Do we? He can leave,  
25 can't he?

1           MR. RIEL: Well, you won't have a  
2 quorum.

3           MS. KEON: We need Javier back here.

4           MR. COE: Well, wait a minute. How are  
5 you going to do this?

6           MR. BEHAR: We've got to get Javier to  
7 come back.

8           CHAIRMAN KORGE: We'll have to get  
9 Javier. We don't have a quorum with him,  
10 anyways, because he's not going to vote on  
11 this. He's abstaining.

12          MR. RIEL: Correct. Javier needs to  
13 come back.

14          MR. COE: I don't think he's entitled  
15 to stay if he's in conflict.

16          CHAIRMAN KORGE: He can sit and do  
17 whatever he wants.

18          MR. COE: I don't think he should be in  
19 the chambers.

20          MS. KEON: No, he's not sitting --

21          MR. COE: I think one would be  
22 criticized by --

23          CHAIRMAN KORGE: He's leaving, anyway,  
24 so --

25          MR. COE: Well, I told him to leave,

1           because otherwise he may be considered for  
2           undue influence to this Board. Absolutely.

3           MS. KEON: Right. He'll leave the  
4           chambers.

5           MR. COE: It's one thing to say, "I'm  
6           not going to vote because I have a  
7           conflict." It's another matter to remain  
8           in the chambers. That exerts some kind of  
9           influence. Oh, yes, absolutely.

10          CHAIRMAN KORGE: We're just waiting for  
11          Javier. What happened to him? Do you see  
12          him?

13          There he is.

14          MR. SALMAN: I like making an entrance.

15          CHAIRMAN KORGE: Okay. The second item  
16          on our agenda -- The meeting is called back  
17          to order. The second item on our agenda is  
18          Application Number 12-07-042-P, mixed-use  
19          site plan and alley abandonment and  
20          vacation review for property at the  
21          intersection of LeJeune Road, Granello  
22          Avenue and Ponce de Leon Boulevard.

23          MR. BOLYARD: Good evening, Mr. Chair,  
24          Members of the Board. For the record, Scot  
25          Bolyard, the Planning Department.

1           You have before you the Gables Gateway  
2           project. This is for amendments to a  
3           previously approved mixed-use project. The  
4           applicant is requesting the following: A  
5           mixed-use site plan review to amend  
6           previously approved Resolution 2006-146 and  
7           abandonment and vacation review to repeal  
8           previously approved Ordinance 1515, and  
9           provide updated conditions as a part of the  
10          approval for alley location.

11          The previously approved Gables Gateway  
12          project included the following: Amendments  
13          to the Comprehensive Land Use Plan text and  
14          map, as well as the Zoning Code text and  
15          map, in order to provide for the expansion  
16          of the MXD boundary, and the mixed-use site  
17          plan review included a 10-story, 100-foot  
18          building which had commercial and office  
19          uses on the ground floor and 230  
20          residential units.

21          The applicant is requesting the  
22          following: A mixed-use site plan -- let me  
23          back up. The proposed project is located  
24          on the property commonly known as the Deel  
25          Ford site, which is the intersections of

1 LeJeune Road, Granello Avenue and Ponce.  
2 The property is located two blocks south of  
3 the Village of Merrick Park. It will  
4 replace a one-story building containing  
5 auto sales and repairs and a used car  
6 parking lot.

7 The site is 2.3 acres in size and it  
8 has the commercial and industrial land use  
9 designations appropriate for the proposed  
10 mixed-use project.

11 A summary of the project. It's 10  
12 stories and 99 feet in height. The ground  
13 floor commercial uses will include almost  
14 800 square feet for office, just under  
15 30,000 square feet for retail, and 8,000  
16 square feet for a restaurant. There will  
17 be 230 rental residential units, and it has  
18 653 on-site parking spaces, which is four  
19 spaces above the Code requirements.

20 The Planning Department recommends  
21 approval with the following conditions:  
22 Provide on-site pedestrian amenities,  
23 subject to City review and approval.  
24 Provide and install landscaping and  
25 streetscape improvements on LeJeune Road,

1 Granello Avenue, the portion of Ponce de  
2 Leon Boulevard adjacent to the project  
3 site, and the intersection of Granello and  
4 Greco Avenues.

5 The traffic improvements include: They  
6 are to install a northeast bound left-turn  
7 lane on Ponce at the project alleyway,  
8 extend the southwest right turn lane on  
9 Ponce at LeJeune Road, install a westbound  
10 left-turn lane on Granello at LeJeune Road,  
11 reconfigure the intersection at Granello  
12 and Greco Avenues, reconfigure the  
13 intersection at Biltmore and Riviera  
14 Drives, and install a roundabout at Blue  
15 Road and Riviera Drive.

16 At this point, I'm going to turn it  
17 over to Javier Betancourt, who's going to  
18 discuss the attainable housing.

19 MR. BETANCOURT: Good evening, Mr.  
20 Chair, Members of the Board. For the  
21 record, Javier Betancourt, with the City's  
22 Planning Department.

23 I'm just going to very quickly go  
24 through four or five slides with you, with  
25 respect to the attainable, i.e., affordable

1           housing condition for this project. And  
2           the attainable housing term is one that  
3           we're starting to use, versus affordable or  
4           even workforce. Workforce kind of, by  
5           definition, excludes senior housing, since  
6           they're not in the workforce, so we're  
7           going with this term, and hopefully it will  
8           work out.

9           I'm sure you recall from previous  
10          discussions that the City must work to  
11          address attainable housing needs pursuant  
12          to State Statutes, regional priorities and  
13          expectations and the City's Comprehensive  
14          Plan.

15          The City Staff has previously proposed  
16          and continues to work towards various  
17          attainable housing strategies, including  
18          inclusionary zoning and linkage fees.

19          You probably recall the presentation, a  
20          number of months ago, on our affordable  
21          housing study that laid out strategies.  
22          Chief among them was inclusionary zoning,  
23          where you require a development to set  
24          aside a portion of their units for  
25          affordable, or now attainable, housing.

1           And in advance of a formal City-wide  
2           program, which we continue to work towards,  
3           the City is requiring major residential  
4           developments to dedicate a portion of their  
5           units to attainable housing as part of the  
6           conditional site plan review approval  
7           process.

8           The applicant has requested  
9           modification of the original affordable  
10          housing condition in order to better define  
11          their obligations vis-a-vis affordable  
12          housing. The original language represents  
13          a standard condition that ties applicable  
14          developments to future attainable housing  
15          regulations.

16          This is the original condition.  
17          Essentially, it's set out in very general  
18          terms, that the applicant agrees to comply  
19          with legislation that the City adopts at  
20          some point in the future.

21          Staff is recommending replacement of  
22          that general condition with more specific  
23          language. That specific language is  
24          included in your Staff Report. The entire  
25          discussion on affordable housing is located

1 on Pages 12 to 14. The actual condition is  
2 on Page 13.

3 In summary, it requires a set-aside of  
4 15 percent of the units, requires that the  
5 units target the City's senior citizens,  
6 its residents, its work force, at or below  
7 100 percent of the City median income, and  
8 it sets the maximum rental rate at 30  
9 percent of 100 percent of that median  
10 income over 12 months. And finally, it  
11 would remain affordable for 15 years. Also  
12 included in the condition is a requirement  
13 for a management plan, an annual report,  
14 and other requirements.

15 What, essentially, this comes down to  
16 is displayed here in this chart. The  
17 City's median income is about \$79,000.  
18 We're looking at a total number of units  
19 for the project of 230. Fifteen percent of  
20 that will give you 35 units that have to be  
21 set aside for attainable housing.

22 The applicant's proposed market rental  
23 rates are between 1,900 and \$2,500 for a  
24 one and two-bedroom unit, respectively.  
25 The attainable rental rate for a

1           one-bedroom unit would be \$1,482; for two  
2           bedrooms, 1,778. The difference between  
3           the attainable and the proposed are about  
4           \$458 for a one-bedroom, and \$742 for a  
5           two-bedroom.

6           That's all I have for now. Once Scot  
7           finishes his presentation, I'll be happy to  
8           answer any questions you may have on  
9           affordable housing. Excuse me, attainable  
10          housing.

11          MR. BOLYARD: In the alley abandonment  
12          vacation review request, they're requesting  
13          to repeal Ordinance Number 1515, which was  
14          approved by the Commission on December 7th,  
15          1965. This effectively vacated a portion  
16          of the alley on the condition that Lot 10  
17          shall be dedicated for public use. The  
18          applicant is going to provide Lot 9 for  
19          public use in exchange for Lot 10.

20          Staff supports the proposal, with the  
21          following conditions: That all costs,  
22          including maintenance of relocating the  
23          dedicated easement, shall be at the expense  
24          of the applicant, and if the applicant does  
25          not exercise its right to construct the

1 proposed project, that Ordinance Number  
2 1515 shall remain valid and enforceable.

3 This application is scheduled to be  
4 heard by the City Commission on first  
5 reading, Tuesday, February 26th, and I've  
6 got a 3D model I was going to put up.

7 The project is here on the corner of  
8 LeJeune and Ponce. Over here is U.S. 1.  
9 This is the other project. Here's Village  
10 of Merrick Park. You have some residences  
11 over here, but the access to them is  
12 blocked.

13 If you have any questions, feel free to  
14 answer (sic) them. Right now, I'll turn it  
15 over to the applicant.

16 CHAIRMAN KORGE: Any questions?

17 No?

18 We'll hear from the applicant, then.

19 MR. GARCIA-SERRA: Good evening,  
20 Mr. Chair, Members of the Board. Mario  
21 Garcia-Serra, with offices at 1221 Brickell  
22 Avenue, representing the applicant tonight  
23 LG Coral Gables, LLC, whose parent company  
24 is Gables Residential.

25 I'm accompanied by Omar Del Rio, who is

1 my client contact from LG Coral Gables,  
2 LLC, and the manager of this project; the  
3 project architects, Javier Font and Patrick  
4 Valent, as well as Juan Espinosa, from  
5 David Plummer and Associates, our traffic  
6 engineer.

7 The property, the subject property, is  
8 located at 4585 Ponce de Leon Boulevard.  
9 It's commonly known as the old Deel Ford  
10 showroom site. It's located here in those  
11 aerial photographs on the top left, not to  
12 be confused with the empty parking lots  
13 facing Dixie Highway, which is another  
14 project which I know has generated  
15 discussion. This, we're dealing with the  
16 corner of Ponce and LeJeune, where the  
17 showroom for Deel Ford used to be, not the  
18 parking lots fronting on Dixie Highway.

19 As many of you will remember, this site  
20 and project came before you about two years  
21 ago for approval, by the same name, also,  
22 Gables Gateway. What's happened in the  
23 meantime is that a new client has purchased  
24 the property and currently owns it right  
25 now, and is proposing to develop it but has

1 a slightly different intended use than the  
2 last applicant.

3 Gables Residential is a rental  
4 apartment developer and owner. The  
5 previous client was proposing a condominium  
6 project, essentially. So the way it's  
7 changed, it has essentially gone from a  
8 condominium project to a rental project.  
9 We still have retail on the ground floor.  
10 The density stays the same, at 230 units,  
11 but we've changed the mix. Now there are  
12 more one-bedroom units and less two-bedroom  
13 units, as compared to how the mix was for  
14 the last project that came before you.

15 Additionally, they've changed some of  
16 the aesthetics, just what they think is  
17 appropriate for the market and for their  
18 own taste, and they also have incorporated  
19 LEED-certified green building standards, so  
20 as to help with long-term maintenance  
21 costs. Since they are going to be the  
22 long-term owner of the property, they're  
23 interested, of course, in lowering the  
24 maintenance costs as much as they could,  
25 and part of that is incorporating green

1 building standards.

2 I'll be playing the role of architect  
3 tonight, as best I can, doing the  
4 presentation of the project.

5 CHAIRMAN KORGE: Well, your renditions  
6 are beautiful.

7 MR. GARCIA-SERRA: Well, thank you. I  
8 designed it myself.

9 Okay, this should be working. Is it  
10 not? Okay, there we go. Now I think it's  
11 working.

12 Okay. Let's go first to the rendering  
13 over here that we have on the top right  
14 corner. This is from the perspective of  
15 Ponce de Leon Boulevard and LeJeune Road,  
16 and basically, the project at first is  
17 stepped down in this corner of the  
18 property, both because of its Comprehensive  
19 Land Use designation, which acknowledges  
20 essentially that the residential  
21 neighborhood is across the street on  
22 LeJeune. There's one sort of -- one-lot  
23 depth of commercial uses, and then behind  
24 that are single-family residential uses.

25 So right here, at this point, which is

1 a terrace for amenities, we go up to 45  
2 feet in height. Then here, in this  
3 portion, we go up to six stories, 77 feet  
4 in height, and then as you go further into  
5 the property, let's say down Ponce and down  
6 Granello Avenue is where we reach our  
7 maximum height of 99 feet and 10 stories  
8 for the condominium (sic) portion of the  
9 building.

10 As you can see, as part of the  
11 proposal, we're proposing extensive public  
12 realm improvements. This corner here,  
13 essentially, is going to be made into a  
14 plaza with a water fountain. We're  
15 extending the sidewalk from the current  
16 five-foot width to a 15-foot width from the  
17 property line, in 15 feet, and then when we  
18 reach that 15-foot point, we have an  
19 arcade, pedestrian arcade, which goes  
20 continuously around the building and can be  
21 better seen over here.

22 As you can see, the pedestrian arcade  
23 starts here and then essentially wraps  
24 around LeJeune and then goes down Granello  
25 Avenue, and then after those 15 feet of

1 sidewalk, we still have another covered  
2 arcade or loggia, which goes around here.

3 The ground floor is going to be  
4 entirely retail. This site we have  
5 proposed for as a restaurant site, about  
6 8,000 square feet of restaurant here on the  
7 corner, facing out into the plaza, the rest  
8 standard retail.

9 The entrances for the project  
10 for the -- There's going to be a residence  
11 lobby here, which is for pedestrians, an  
12 entrance here to the garage, which is going  
13 to be both for residents and for the users  
14 of the retail portion of the property, and  
15 then another entrance here, which is going  
16 to be just for the residents. So that's  
17 the first floor. We also have this --  
18 essentially, it's a paseo sort of  
19 cut-through, which is going to serve as a  
20 dropoff area here for the restaurant and  
21 for the other retail, and goes straight  
22 from Granello to Ponce de Leon Avenue  
23 (sic), along with other smaller pedestrian  
24 paseos located here and here.

25 Then, as you go up in the building --

1           you can see over here from the  
2           elevations -- you have essentially two  
3           towers, one here on this corner between --  
4           on the LeJeune/Ponce corner and then one  
5           going down between Granello and LeJeune.  
6           You have essentially nine -- excuse me,  
7           first story retail, then it's -- three or  
8           four stories of parking?

9           MR. DEL RIO: Three stories of parking.

10          MR. GARCIA-SERRA: Three stories of  
11          parking, and then above that, the rest is  
12          residential floors. And up here at the  
13          fifth floor level -- up here at the fifth  
14          floor level is where we have our recreation  
15          deck, pool, jacuzzi, fountain and so forth,  
16          a large opening here, so as to take  
17          advantage of, you know, breeze, sunlight  
18          and so forth, and to also lessen the bulk  
19          of the building from facing LeJeune and the  
20          residences across from LeJeune.

21          The maximum height of the building is  
22          attained here, in these areas along here,  
23          which are further into the property. And  
24          we have more layouts here of the actual  
25          residences, which you could probably look

1 at better on your reduced-size plans.

2 And that is pretty much it, from the  
3 architectural perspective.

4 So our first request is to modify the  
5 previously approved site plan so as to  
6 incorporate some of these changes.

7 However, we are keeping the conditions of  
8 the original approval regarding traffic  
9 improvements. When this item originally  
10 came to this Board and also to the City  
11 Commission, several different traffic  
12 improvements were recommended by our  
13 traffic engineer, David Plummer, approved  
14 by this Board and by the City Commission,  
15 and the City Commission also added two  
16 additional improvements, which were  
17 improvements in that single-family  
18 residential neighborhood west of LeJeune.  
19 We were going to be placing different  
20 traffic-calming roundabouts there and other  
21 improvements, which resulted, actually,  
22 from a previous study that had been done by  
23 the Village of Merrick Park but had never  
24 been funded. So we're essentially taking  
25 responsibility for those improvements and

1           completing them, so as to address any  
2           potential traffic impacts.

3           We have somebody here from David  
4           Plummer and Associates, also, if there's  
5           any questions regarding those traffic  
6           improvements which they could address.

7           We had a neighborhood meeting where we  
8           invited everyone who received notice for  
9           this meeting to attend, to give them a  
10          preview of the project. We had our project  
11          architects there and our traffic engineers.  
12          As you can imagine, traffic was the number  
13          one issue that they discussed, but I think  
14          we generally addressed their concerns at  
15          that meeting by telling them all the  
16          different improvements that we were going  
17          to do, especially these two unexpected  
18          improvements in their neighborhood.

19          The next request that we have is for a  
20          modification of a previous alley vacation.  
21          This is a somewhat technical and legal  
22          issue, but I --

23          CHAIRMAN KORGE: Before you get to the  
24          second one, what was your first request,  
25          again?

1           MR. GARCIA-SERRA: For the modification  
2 of the previously approved site plan.

3           CHAIRMAN KORGE: Okay.

4           MR. GARCIA-SERRA: How we're  
5 changing --

6           CHAIRMAN KORGE: You're not objecting  
7 to the traffic improvements?

8           MR. GARCIA-SERRA: No, not at all.  
9 We're in support of that.

10          CHAIRMAN KORGE: Okay. I'm sorry. I  
11 misunderstood. Go ahead.

12          MR. GARCIA SERRA: Yeah. No, we're in  
13 support of those. We accept those  
14 conditions.

15                I have a graphic which is going to help  
16 to illustrate what we're requesting as far  
17 as this modification to the previous alley  
18 vacation, if you give me a minute.

19                Okay, I'm going to -- okay, here we go.  
20 I'm going to take you back in history to  
21 1965, which is when the ordinance which  
22 vacated this portion of the alley was  
23 originally approved, what you see here in  
24 brown, and that was done by Ordinance  
25 Number 1515, and what Ordinance Number 1515

1           said is that the City hereby vacated that  
2           portion of the alley and that the ownership  
3           reverted to the abutting property owner,  
4           but on the condition that the abutting  
5           property owner keep this open for public  
6           access. And it had another condition, that  
7           the property owner could close that area  
8           there to public access, but only on the  
9           condition that he dedicated this lot here,  
10          which is Lot 10, for public access.

11                 Essentially, what they wanted to do, in  
12          the event that this closed, was the same  
13          thing that happened on this end of the  
14          street, when another previous ordinance  
15          closed this portion, on the condition that  
16          the owner dedicate that lot. It was to  
17          still grant access to this portion of the  
18          alley from here, and essentially, what was  
19          being requested is, if you close this end  
20          of the alley, then we want this lot so we  
21          can have this continuous access to this  
22          alley here for our many property owners in  
23          this area.

24                 What we are proposing to do is, instead  
25          of Lot 10, we're proposing to grant public

1 access over Lot 9, which is the immediate  
2 next-door lot, and the reason for that is  
3 to grant continuous access from Granello to  
4 Ponce through our project.

5 As you may remember -- you can see on  
6 this layout here -- we're essentially  
7 offering up Lot 9 instead of Lot 10, so  
8 that we can have this continuous access  
9 from one side of the street to the -- from  
10 one street to the other. Right now, as the  
11 ordinance is presently written, we would be  
12 offering public access over Lot 10, which,  
13 while it takes you to the alley, doesn't  
14 give you the connectivity between the two  
15 streets.

16 And so what we are requesting,  
17 basically, is just to repeal Ordinance  
18 Number 1515 and create a new condition to  
19 this approval by which we are required to  
20 grant public access over Lot 9, so that  
21 access to the alley is still assured, but  
22 then we could also have better access  
23 through the property from Ponce to  
24 Granello, something that Public Works and  
25 our traffic consultant are in agreement is

1 a good thing.

2 Now we come to the one issue where we  
3 disagree with Staff. Staff is recommending  
4 approval of this project but with certain  
5 conditions, and we are -- I don't want to  
6 say entirely objecting, but we're differing  
7 with Staff on what the condition on the  
8 affordable or attainable housing should be.

9 Right now, the current covenant that  
10 runs on this property, as a result of the  
11 approval of the project in 2006, had a  
12 condition which said that the developer  
13 would have to comply with whatever  
14 affordable housing legislation is adopted  
15 by the City within one year of issuance of  
16 a building permit. Now, that was back in  
17 2006. In the meantime, between 2006 and  
18 2008, there has been no affordable housing  
19 legislation adopted by the City. It's  
20 still an issue that's out there. I think  
21 it's still an issue that Staff is dealing  
22 with, and State agencies are commenting on  
23 it from time to time, and what my client  
24 basically wanted to do was still find a way  
25 to help the City in addressing this

1           affordable housing issue, but to do it in  
2           such a way that it was more clear-cut,  
3           knowing what his obligations are, because  
4           right now it's a very open-ended  
5           obligation. We can stick with the old  
6           condition, but who knows when and if  
7           anything might be -- what will be adopted  
8           and when and if it will be adopted, this  
9           sort of thing, so my client was of the  
10          feeling, because they have other rental  
11          projects in other parts of the country  
12          which do have a sort of affordable or  
13          attainable housing component, that it's  
14          something that they could proffer at a  
15          certain -- under certain terms which would  
16          be manageable for them and help at least  
17          the City, to a certain degree, address  
18          their concerns. And the devil is in the  
19          details. What we are disagreeing with  
20          Staff about is the length of the  
21          restriction and also what's the base median  
22          income which should be used in order to  
23          calculate the appropriate rents for those  
24          attainable housing units.

25                 I've also prepared some exhibits which

1           are going to help us walk through this  
2           issue, if you'll give me one second.

3           Okay. Here, what you have on this  
4           board is essentially Staff's recommended  
5           condition for attainable housing, and I've  
6           highlighted both what their recommendation  
7           is and what we are proffering, and as you  
8           can see, as you go through the text of the  
9           condition, where we are disagreeing is,  
10          number one, on the length of the  
11          restriction. Staff is requesting 15 years.  
12          We're requesting 10 years. And also on  
13          what the base median income should be used  
14          so as to calculate these rents. We both  
15          agree that it should be 15 percent of the  
16          total number of units. We agree that it  
17          should be based on 30 percent of the  
18          HUD-determined median income for the City  
19          of Coral Gables. Where we disagree is that  
20          Staff is saying that it should be based on  
21          100 percent of median income and we're  
22          saying that it should be based on 120  
23          percent of the median income for Coral  
24          Gables, and I'll tell you why we're  
25          requesting what we're requesting.

1           Okay, the City of Coral Gables median  
2           income, as calculated in 2006, which is the  
3           last year in which we were able to find any  
4           data, for a four-person family, is \$79,033.  
5           We adjusted that figure so as to reflect a  
6           typical family that would be living in a  
7           one or a two-bedroom home, so as to reflect  
8           a 1.5-person household in a one-bedroom  
9           apartment and a three-person household in a  
10          two-bedroom apartment, and then came up  
11          with these household income numbers of  
12          59,275 and 71,130.

13          The median income, at our recommended  
14          rate of using the 120 percent Coral Gables  
15          median income, results in these household  
16          incomes here, 71,130 and 85,356. If you do  
17          30 percent of each of those, you get these  
18          amounts, 21,339 and 25,607, and then how do  
19          we figure out what's a fair rate, a fair  
20          rental rate, for that family, is, we divide  
21          that 30 percent by 12 months out of the  
22          year, and get 1,778 for the one-bedroom  
23          unit and 2,134 for the two-bedroom unit.

24          And then under here, these are our  
25          recommended rates, and the row immediately

1 below has City Staff's proposed monthly  
2 rental amounts of 1,482 for a one-bedroom  
3 and 1,778 for a two-bedroom; as you can  
4 see, a considerable difference between  
5 these two rental rates, and that's the  
6 difference between using 120 percent of  
7 median income of Coral Gables or 100  
8 percent of median income of Coral Gables.

9 Now, my client looked at the City's  
10 proposed rates and said, "What would I have  
11 to do? What's the net present value of  
12 changing these rental rate amounts, that I  
13 would have to find an alternative income or  
14 in perhaps cost savings, or somehow make up  
15 for this money so I could give the City the  
16 rental rates that it wants over a 10-year  
17 period," which is our proposed length of  
18 restriction, and that number came out to  
19 1.1 million dollars.

20 Now, these rental rates that we're  
21 proposing based on 120 percent of median  
22 income are competitive when you consider  
23 the comparables that are out there. Down  
24 the street, we have the Village of Merrick  
25 Park, which is the only other rental

1 apartment development in close proximity,  
2 and we looked to see what their current  
3 monthly rental amount is, which is \$1,908  
4 for a one-bedroom with 851 square feet,  
5 coming out to \$2.24 per square foot for  
6 rent, and then we also looked at the One  
7 Broadway development, which is fairly new,  
8 in the Brickell Avenue area. Their  
9 two-bedroom units are 1,152 square feet,  
10 with \$2,241 of monthly rent. You divide  
11 that by the square footage and you get  
12 \$1.95 of rent per square foot.

13 Our project, what we're proposing for  
14 the attainable housing units, 1,778 divided  
15 by 878, which is the average size of a  
16 one-bedroom unit, comes out to \$2.03. The  
17 two-bedroom unit, we want to rent out for  
18 the attainable units at \$2,134. Divide  
19 that by the square footage of 1,167, and  
20 you get \$1.83 per square foot.

21 So, as you can see, if this project was  
22 existing today and we were renting out at  
23 today's rates, the one-bedroom would be  
24 lower than the one-bedroom at Merrick Park  
25 by a significant amount, and the

1 two-bedroom would be lower than the  
2 two-bedrooms that are offered over at the  
3 One Broadway project.

4 But you see, these numbers here is  
5 essentially adjusted for inflation over the  
6 period of construction of the project. We  
7 assume that we'll be ready for a  
8 certificate of occupancy in 2010, and we've  
9 essentially done the same math to show that  
10 the attainable rates stay lower than the  
11 other comparables in the market, and so the  
12 challenge, of course, is, how do we  
13 overcome this 1.1 million dollar gap?  
14 That's essentially the gap which has to be  
15 overcome in order for us, in our business  
16 plan, to be able to accommodate the rates,  
17 the rental rates, which the City is  
18 proposing, and the problem becomes -- this  
19 isn't the first city to encounter this  
20 problem, nor is it the first project to  
21 encounter this problem, and why we can't  
22 realize or make up for that gap is because  
23 of the fact that we would need some sort of  
24 third party in here to be able to help us  
25 to realize this gap here that we have,

1           essentially, in the economics of the  
2           project, and the way other jurisdictions  
3           have overcome -- the way other  
4           jurisdictions have overcome this issue is,  
5           of course, by finding different ways for  
6           government to be involved and helping out  
7           the developers of affordable housing or  
8           users of affordable housing.

9           If you look at the County, Miami-Dade  
10          County, or the City of Miami, or most other  
11          large municipalities in Dade County, such  
12          as North Miami and Miami Beach, they have  
13          first-time home buyer programs, where the  
14          City of Miami, for example, offers a  
15          \$40,000 interest-free loan which is  
16          forgiven after an initial 30-year term.

17          Other jurisdictions, including the  
18          County and the City of Miami, subsidized  
19          affordable housing developers, essentially,  
20          are part of the deal. They help subsidize  
21          the developer to develop the housing,  
22          through mostly federal money that's  
23          administered through programs known by  
24          their acronyms of SHIP, HOME or SURTAX.  
25          SURTAX is actually a State program,

1           administered with the surtax money from  
2           real estate exchanges and conveyances.

3           Then you look at other jurisdictions  
4           and they say, "Hey, you know, we can't  
5           perhaps be involved financially in these  
6           projects, but what we can do is give zoning  
7           incentives to the developers by way of  
8           density or height bonuses," which is what  
9           they do in Palm Beach and Pinellas County.

10          This, in fairness to Staff, is  
11          something that they did propose, I think  
12          about two years ago, for Coral Gables, but  
13          it did not meet with any support at the  
14          level of the City Commission.

15          Then you see other municipalities try  
16          to help accommodate and help in the  
17          financing terms of affordable housing  
18          projects by doing things such as expediting  
19          permits, waiver of building permit fees, or  
20          reductions in parking or setback  
21          requirements. As you know, parking is a  
22          very costly part of a project, so if you're  
23          able to reduce that cost, you're able to  
24          perhaps deliver at a lower rent. But the  
25          problem is, right now, in the City of Coral

1 Gables, we're not being offered any of  
2 these incentives.

3 Essentially, there are no affordable  
4 housing requirements right now. No other  
5 developers have come up to the plate like  
6 we have, to offer to do at least something  
7 to address the issue. We're willing to do  
8 it. We think we're doing it to the maximum  
9 extent that we can with how the current  
10 economics are right now of this project,  
11 but we just simply can't give any more.  
12 You know, we're at the -- you know, the 120  
13 percent median income and also the issue  
14 that I haven't addressed yet, which is the  
15 length of the restriction. We're asking  
16 for 10 years; the City wants 15 years.

17 Usually, the Staff will tell you that  
18 these restrictions are longer, and sure,  
19 they are longer, and in some cases, they  
20 are 60, 70, 80 years, as far as the length  
21 is concerned, but the developer is usually  
22 getting something out of it also, whether  
23 it be tax credits or some other sort of  
24 incentive which helps them out.

25 Again, here, we're not getting any of

1           those sort of incentives. We still  
2           recognize that there's an issue. We want  
3           to be part of the solution to help solve  
4           it. We're making as much of an effort as  
5           we think we can do. We're making much more  
6           of an effort than anybody else is doing  
7           right now, and it sincerely is the maximum  
8           that we can offer at this moment.

9           So we agree with Staff in the  
10          recommendation, except on this condition of  
11          affordable housing, as I described right  
12          now, and the length of the restriction  
13          simply would be, in our opinion, excessive  
14          as far as controlling the value of the  
15          property. We have no idea exactly how this  
16          program is going to work out. We don't  
17          know how it's going to affect the value of  
18          the property. So that's why we prefer a  
19          shorter, 10-year time frame, as opposed to  
20          a 15-year time frame.

21          It could be very well that, at the end  
22          of that 10-year time frame, it's worked  
23          well and we think it's probably a benefit  
24          and we would want to extend it, but we're  
25          not in a position right now to commit

1           ourselves to any more than 10 years.

2           And something that perhaps you already  
3           know, but the sort of housing that we're  
4           looking at offering here will be marketed  
5           towards government employees, seniors,  
6           people who perhaps already connect or  
7           identify with Coral Gables in some way, but  
8           simply find it harder and harder every day  
9           to be able to live here; trying to give  
10          them something of a break in being able to  
11          stay here in the City of Coral Gables.

12          That's pretty much the conclusion of my  
13          presentation. Like I tell you, we have all  
14          the architects and traffic engineers here,  
15          if you'd like to have any questions, as  
16          well as myself and the client.

17          MR. COE: So the only condition of  
18          approval that you object to is the  
19          attainable housing?

20          MR. GARCIA-SERRA: Correct.

21          MR. COE: And I gather that Staff isn't  
22          flexible on that?

23          MR. RIEL: Staff has met with the  
24          applicant during the review of this  
25          project, and Staff's recommendation which

1           you see before you is what Staff is  
2           recommending to this Board. We've  
3           discussed the issue of 10-year. As Mr.  
4           Serra indicated, typically on rental units,  
5           they go in perpetuity in other cities, so  
6           we feel comfortable with the 15 percent  
7           (sic), and also, if you look at the rental  
8           rates, based upon the hundred percent,  
9           you'll note it's very high in relation to  
10          adjacent communities, City of Miami and  
11          other communities.

12                 And Javier is our expert, so he can go  
13          a little bit further into that, but I just  
14          want to say that it's the City's  
15          responsibility to deal with the issue of  
16          affordable housing, and if you recall, when  
17          this project came through the first time,  
18          we utilized this project kind of as a  
19          guinea pig, to go forward with regulations  
20          that we were hopeful that the Commission  
21          would adopt, which included density  
22          bonuses, reduction in parking.

23                 All those things that were listed on  
24          that chart right there, with the exception  
25          of Number 1, were looked at, and the

1 Commission's policy direction at that time,  
2 which was two years ago, was, they didn't  
3 feel that density bonuses were proper,  
4 reduction in parking were proper. That's  
5 an issue that we're going to have to deal  
6 with as a part of the Comp Plan rewrite.  
7 And this developer, as Mr. Serra indicated,  
8 did come forward and say that, you know,  
9 "We want to do rental units," and we were  
10 glad of that, and we feel confident on our  
11 15 percent (sic) and our hundred percent.

12 So that's a long answer, but this is  
13 Staff's position on the issue.

14 MR. SALMAN: They're not objecting to  
15 the 15 percent, correct?

16 MR. GARCIA-SERRA: 15 percent we're  
17 fine with. It's the 15 years that we're  
18 objecting to.

19 MR. SALMAN: It's the term issue.

20 MR. RIEL: The term, I'm sorry. The  
21 term.

22 MR. SALMAN: Okay. Just for apples and  
23 apples, what is the value of the  
24 improvements that you're assuming with  
25 regards to the development of this project,

1 outside the limits of the project?

2 MR. GARCIA-SERRA: Okay, the  
3 improvements, meaning traffic-calming  
4 improvements, public streetscape  
5 improvement and so forth?

6 MR. SALMAN: Yeah. How much are we  
7 hitting you for?

8 MR. GARCIA-SERRA: How much --  
9 Omar, would you have a good estimate of  
10 what that is?

11 MR. DEL RIO: I'm sure it's going to be  
12 substantial. I don't know how to value  
13 that.

14 MR. SALMAN: All right.

15 MR. GARCIA-SERRA: The architects,  
16 maybe? Do you know?

17 MR. SALMAN: All right.

18 MR. GARCIA-SERRA: Well, let me tell  
19 you what those are, so you have an idea and  
20 perhaps even you can ballpark it. There's  
21 six different traffic-calming improvements,  
22 everything from extending the median along  
23 LeJeune to adding a right-turn -- or excuse  
24 me, a left-turn lane from Granello to  
25 LeJeune. There's also a traffic-calming

1 circle and an intersection reconfiguration  
2 within the neighborhood west of -- the  
3 single-family neighborhood west of LeJeune.

4 We, of course, are putting a multitude  
5 of trees, different sorts of trees,  
6 pursuant to the streetscape master plan,  
7 along the streets, bulb-outs, which  
8 unfortunately, that's a tricky thing about  
9 the City of Coral Gables. Public Service  
10 requires you to do X number of bulb outs --

11 MR. SALMAN: You've got to do that.  
12 You've got to do that.

13 MR. GARCIA-SERRA: -- with trees and  
14 whatever, but then that also loses on-site  
15 parking spaces. But then the Public  
16 Parking Department comes around on the  
17 other side and says, "Oh, we're losing  
18 on-street parking spaces, you've got to pay  
19 us," to the tune of -- I think \$2,500 a  
20 year for every lost parking space.

21 So, you know, we're complying with the  
22 City -- we're making the City happy in one  
23 thing, but then having to pay for it  
24 doubly, essentially, because of the loss of  
25 on-street parking, and of course, you know,

1           there's certain intangibles that we're  
2           doing because we think it's a good  
3           development. We didn't have to do it, but  
4           it's still enhancing the City.

5           For example, the sidewalk that you have  
6           right now going up LeJeune is about five  
7           feet in width. It's almost a death trap.  
8           You know, you're risking your life when  
9           you're walking down there. We're giving 15  
10          feet, so as to put, you know, a good-sized  
11          sidewalk there, and on top that, putting an  
12          arcade behind there, so you literally have  
13          a pedestrian area that's probably close to  
14          between 25 and 30 feet in width, and  
15          putting the fountain in the corner,  
16          creating that plaza, too, which we could  
17          have built on, also, but we're putting that  
18          plaza. You know, those are the first ones  
19          that come to mind.

20          MR. SALMAN: All that stuff is on your  
21          property.

22          MR. GARCIA-SERRA: Correct.

23          MR. SALMAN: The fountain, the plaza.  
24          You're not deeding it back to the City.

25          MR. GARCIA-SERRA: The fountain and the

1 plaza, yes. With the wider sidewalk, part  
2 of that is probably -- is on public, public  
3 property.

4 MR. SALMAN: So you're improving that  
5 part?

6 MR. GARCIA-SERRA: Yes.

7 CHAIRMAN KORGE: In the absence -- oh,  
8 go ahead. I'm sorry, go ahead.

9 MR. SALMAN: With regards to the  
10 percentage of the overall project that this  
11 1.1 million represents, what are we arguing  
12 about? What are we talking about?

13 MR. GARCIA-SERRA: How did we get to  
14 the 1.1 million?

15 MR. SALMAN: Yeah. No, I know how you  
16 got there.

17 MR. GARCIA-SERRA: Okay.

18 MR. SALMAN: You told me very  
19 specifically, and it's the net present  
20 value of the difference between what the  
21 City is asking for and what you're willing  
22 to offer, which is between 200 and \$400 per  
23 unit, depending on the type, times the  
24 period, brought back to today --

25 MR. GARCIA-SERRA: Exactly.

1           MR. SALMAN:  -- as to what it's valued.  
2           All right.  My question is, that 1.1  
3           million represents what percentage of the  
4           cost of construction for this project?  
5           What are we arguing about?  Are we talking  
6           about two percent of the project, one  
7           percent of the project?  I mean, this is  
8           not a cheap project.

9           MR. DEL RIO:  It's over one percent.

10          MR. SALMAN:  So we're talking about  
11          over one percent.

12          MR. GARCIA-SERRA:  Yeah.

13          MR. SALMAN:  So we're sitting here  
14          arguing about one to two percent of the  
15          cost of construction.  I just wanted to  
16          make sure that I understood what we were  
17          talking about.

18          MR. RIEL:  And I'd like to clarify the  
19          record, I mean, just -- The traffic-calming  
20          and the streetscape improvements are a  
21          requirement of the Code for the mixed-use.

22          When the application previously, in  
23          2006, came forward, the City Commission  
24          asked for additional traffic calming, based  
25          upon some of the residents that attended

1 the meeting, to the west of the property.

2 Although you can't get there in a  
3 vehicle, they asked for additional, above  
4 and beyond what was in the traffic study.  
5 So, if I were to respond in terms of what  
6 are they doing above and beyond the Code,  
7 the sidewalk issue, as well as the  
8 additional traffic circles and  
9 improvements. But everything else pretty  
10 much is a Code requirement as a part of the  
11 conditional use for the mixed-use site plan  
12 review.

13 CHAIRMAN KORGE: In the absence of any  
14 attainable housing commitment by the  
15 applicant, would this project be buildable  
16 under the Code?

17 MR. RIEL: I'm sorry, I --

18 CHAIRMAN KORGE: If this project came  
19 to us as it's proposed, but without any  
20 rent restrictions, would it be approvable  
21 under the Code? Why are we imposing the  
22 restrictions?

23 MR. RIEL: This is a mixed-use project  
24 that requires conditional use review.

25 CHAIRMAN KORGE: Right.

1           MR. RIEL: This Board can impose  
2           conditions, as well as Staff, in terms  
3           of --

4           CHAIRMAN KORGE: I understand that.  
5           What I'm asking is a little bit different.  
6           No, I do understand that we have the power  
7           to impose those conditions, but I guess  
8           what I'm asking is, if those conditions  
9           were not imposed, would this project be  
10          unacceptable, as it is, in the mixed-use  
11          district, at the current size --

12          MR. RIEL: It's not unacceptable --

13          CHAIRMAN KORGE: -- and usage?

14          MR. RIEL: The mixed-use provisions  
15          allow for 10 floors and 125 feet. By  
16          right, it's 99 feet and eight floors. And  
17          this property has industrial zoning on it,  
18          and it would not be allowed to do  
19          residential, so the only way you can do  
20          residential in a mixed-use area is via this  
21          conditional. So they could build a retail  
22          commercial project with no residential  
23          units. That's what they would be allowed  
24          under right.

25          CHAIRMAN KORGE: Okay. So the

1 advantage they get --

2 MR. RIEL: The advantage they get is  
3 125 units an acre, which is zero right now,  
4 zero units per acre. They get two  
5 additional floors, because we're not  
6 counting floors, it's 10, and they get  
7 about another foot or two in terms of  
8 height.

9 CHAIRMAN KORGE: Okay. So they're  
10 getting substantial benefits in return for  
11 the affordable or attainable housing  
12 commitments?

13 MR. RIEL: In Staff's opinion, we feel  
14 they are, yes.

15 CHAIRMAN KORGE: All right.

16 MR. GARCIA-SERRA: If I could just  
17 interject, remember that the Code itself  
18 right now does not permit any sort of  
19 attainable housing requirements. What the  
20 mixed-use district does require is a mix of  
21 uses. If you want to bring residential,  
22 you also need to have at least ground floor  
23 retail and other --

24 CHAIRMAN KORGE: Excuse me for  
25 interrupting. I think you're indicating

1           that the residential is not permitted  
2           except with conditions.

3           MR. RIEL: Mixed-use.

4           MR. GARCIA-SERRA: Correct.

5           CHAIRMAN KORGE: Right.

6           MR. GARCIA-SERRA: No, I agree with him  
7           on that. You know, you have to go through  
8           a conditional use approval in order to  
9           get --

10          CHAIRMAN KORGE: Well, I guess that  
11          begs the question.

12          MR. SALMAN: I don't think you have a  
13          choice but to agree with that.

14          MR. COE: Mr. Chairman, I just have a  
15          concern. Maybe Mr. Riel can calm my  
16          concerns. This recommendation of 100  
17          percent in 15 years is a Staff  
18          recommendation, that this is not a  
19          requirement of the City Commission for  
20          this, correct?

21          MR. RIEL: Correct.

22          MR. COE: And you can adjust this on a  
23          case-by-case basis, correct?

24          MR. RIEL: The Planning Board and the  
25          City Commission -- the Planning Board can

1 recommend to the City Commission and the  
2 City Commission can -- yes, we could, with  
3 policy direction.

4 MR. COE: So there really isn't any  
5 standard.

6 MR. SALMAN: Well, we'd be setting a  
7 precedent here.

8 MR. COE: Well, that's what I'm getting  
9 at. This is a moving target.

10 MR. RIEL: There is a standard out  
11 there, and Javier can speak to that better  
12 than I can, in terms of rental units, but  
13 typically, they're 30 years, 40 years and  
14 above.

15 MR. SALMAN: Yeah, the term here, I  
16 think, is --

17 MR. COE: Mr. Riel, I'm well aware of  
18 that. I'm talking about within the City of  
19 Coral Gables. You know, if we were to --  
20 and we certainly have the power to agree  
21 with them and have 10 years and 120  
22 percent, or we can say, "No, we agree with  
23 Staff, and take it or leave it." We can go  
24 either way. I just -- if we were to say  
25 that -- Staff at 100 percent and 15 years,

1 is that going to become the standard, then,  
2 that we are to adopt? Is that what you're  
3 recommending?

4 MR. RIEL: It's going to be a  
5 precedent-setting standard, yes.

6 MR. COE: Exactly.

7 MR. RIEL: That's why we're going  
8 toward the more --

9 MR. COE: That's the standard Staff  
10 says that should be adopted on every  
11 upcoming project.

12 MR. RIEL: We're utilizing this, yes,  
13 absolutely.

14 MR. COE: And, on the other hand, if we  
15 were to say that's too onerous on this  
16 particular project and it should be 120  
17 percent and 10 years, so these folks can  
18 make what they feel is a reasonable profit,  
19 we would also be setting a standard,  
20 because then how can we go to the next  
21 project and say 15 years and 100 percent?  
22 Is that the Staff's argument?

23 MR. RIEL: Yes.

24 MR. COE: Okay.

25 MR. RIEL: You obviously have the

1 flexibility, because it's a conditional  
2 use.

3 MR. DEL RIO: And --

4 MR. RIEL: But we're -- you know, we're  
5 forging on new ground here, and we're going  
6 to have to deal with this issue as a part  
7 of our Comp Plan rewrite. This Board is  
8 going to have to deal with this issue in  
9 about the next three to six months.

10 MR. COE: And, of course, you put the  
11 Board in sort of an awkward position. I  
12 mean, I happen to like this project and I  
13 hate to see this project go without a  
14 recommendation on this one particular  
15 issue, but however, attainable housing,  
16 statewide, is an important issue, and we  
17 all recognize that.

18 For the Board then to say, 10 years,  
19 120 is fine for this project, the Board is  
20 going to almost be in a position, for the  
21 next project, to say the same thing. We  
22 certainly can't go back and say, well, the  
23 next project is going to be 15 and 100,  
24 because that wouldn't make any sense.

25 MR. RIEL: I don't see it as we're

1           putting the Board in a position. We're  
2           looking for policy direction from the  
3           Planning and Zoning Board to the  
4           Commission.

5           MR. COE: Well, you can't be arbitrary  
6           and capricious each time these projects  
7           come up, and say, "Well, this project, we  
8           would like it for 100 and 15 years, but  
9           this next project, well, that's going to be  
10          120 percent and 10 years," and maybe the  
11          third one, maybe, five years and 150  
12          percent. You can't do that.

13          MR. RIEL: Understood.

14          MR. COE: There's no rational basis in  
15          doing that.

16          MR. RIEL: Understood, and the next  
17          developer that comes in, I'm sure they're  
18          going to point to this project that was  
19          required --

20          MR. COE: Exactly.

21          MR. RIEL: -- to do this certain time  
22          frame and percentage.

23          MR. COE: So this becomes the benchmark  
24          for all this in the future.

25          MR. RIEL: Yes, it does.

1           CHAIRMAN KORGE: Well, taking what you  
2           said, Jack, further, taking it further, I  
3           mean, I don't know how to decide one from  
4           the other, even assuming that, you know,  
5           Staff has a good reason and, you know, the  
6           applicant has a good reason for their  
7           positions, I mean, how can we make such a  
8           decision on the fly like that?

9           MR. COE: Well, that's why,  
10          Mr. Chairman, I say Staff and the applicant  
11          has put this Board in a very difficult  
12          position. I don't know the answer to that,  
13          and that's the problem I have. I don't  
14          know which one is right and which one is  
15          wrong. But I do know, whatever decision we  
16          make, assuming we make a decision, we're  
17          going to be locked into on the next  
18          application.

19          CHAIRMAN KORGE: So we're going to make  
20          it harder to do something different on the  
21          next application.

22          MR. COE: Exactly.

23          CHAIRMAN KORGE: Or, more to the point,  
24          if an ordinance comes back to us for a  
25          decision on a City-wide basis, as opposed

1 to an ad hoc basis, which this is right  
2 now.

3 MR. COE: Well, until the City does  
4 something, the Commission does something,  
5 this is an ad hoc or like ad hoc situation.

6 MR. RIEL: But also understand, the  
7 condition that was written before was very  
8 vague, very general. It was done two years  
9 ago, and I commend the applicant for  
10 wanting finality. Obviously, they wanted  
11 to have finality, so we don't have to deal  
12 with this issue when the project is getting  
13 permits. So this is Staff's first attempt,  
14 and yes, we're using the Board as a testing  
15 ground. We want your policy direction.  
16 Yes, it's a challenge.

17 MR. COE: Well, how could the Board --

18 CHAIRMAN KORGE: Excuse me for  
19 interrupting --

20 MR. COE: -- possibly give a policy  
21 ground on whether 10 years and 120 percent,  
22 as the applicant wants, or 15 years and 100  
23 percent, as Staff recommends -- how can  
24 this Board possibly say, as a benchmark,  
25 which one is preferable? How can we

1 possibly do that?

2 MR. RIEL: You've got professional  
3 recommendations from your Planning  
4 Department Staff. I can't say anything  
5 more than that.

6 MR. SALMAN: To the Staff -- let me  
7 talk to the Staff for just a second. In  
8 your calculation method, is this number  
9 going to be increasing? Is it indexed for  
10 cost of living?

11 MR. BETANCOURT: It's based on the  
12 City's median income.

13 MR. SALMAN: I understand that.

14 MR. BETANCOURT: As that median income  
15 goes up, then that number goes up. So it's  
16 not tied to inflation. It's tied to median  
17 income.

18 MR. SALMAN: All right. That's my  
19 first question.

20 To the applicant, you said you changed  
21 the mix of the units. What was the change  
22 in mix from --

23 MR. DEL RIO: My name is Omar Del Rio,  
24 with Gables Residential, 777 Yamato Road,  
25 in Boca Raton, Florida.

1           Yes, when we purchased the project, it  
2           was already site plan approved, and it was,  
3           you know, to be a condo project. So it was  
4           very heavy on two-bedroom units. The units  
5           were very large. That doesn't work for  
6           rental. Rental needs to be a tighter unit,  
7           a lot more one-bedroom units, because  
8           you're going to have singles, you're going  
9           to have young couples. Two-bedroom is more  
10          of a condo product. There is no condo  
11          market right now, and Gables only does  
12          rental residential.

13          As to the attainable housing, when we  
14          purchased the property, it had this  
15          open-ended covenant, and we do affordable  
16          housing all over the country, but when you  
17          do 30 years, when you do 40 years, there's  
18          something, you get tax credits, you get  
19          impact fee reduction, and so this is what  
20          works, given the ramifications of reducing  
21          the rents in a very expensive city like  
22          Coral Gables.

23          And so to have something out there, we  
24          were the ones that proposed this whole --  
25          you know, I wrote the initial proposal. So

1           they've modified it, but it's coming from  
2           the developer, to have something out there  
3           that's bankable. Right now, it's  
4           open-ended and we run the risk that, you  
5           know, six months in construction, something  
6           could be imposed on us. So that's why we  
7           went forward and proposed this.

8           MR. SALMAN: But doesn't the Staff's  
9           recommendation put an end to that? I mean,  
10          we are setting a term --

11          MR. RIEL: For this project, yes, it  
12          does.

13          MR. SALMAN: It does, so the idea of --  
14          excuse me. The idea of finality is being  
15          given to you now.

16          MR. DEL RIO: It is being given, but  
17          it's also -- it's a bigger financial hit,  
18          already, the 1.1 million dollars, but  
19          already by doing what we're proposing,  
20          there's yet another net present value hit  
21          that we're taking, because those units,  
22          those 35 units, were to be market rate. So  
23          it's just more on top of it. Do you  
24          understand?

25          MR. COE: So are you suggesting, then,

1           that if this Board recommends Staff  
2           recommendations as written, including 100  
3           percent and 15 years, that the applicant  
4           cannot live with that?

5           MR. DEL RIO: We can't live with that,  
6           no.

7           MR. SALMAN: We're coming in at the  
8           tail end of a long negotiation, it appears  
9           to me, and --

10          MR. COE: Well, you know, in the  
11          absence --

12          MR. SALMAN: -- we're in a tough spot.  
13          You're putting us in a real tough spot --

14          MR. COE: Yeah, in the absence of a  
15          comprehensive --

16          MR. SALMAN: -- because we're setting a  
17          precedent based on a negotiation we weren't  
18          necessarily a part of.

19          MR. COE: In the absence of a  
20          comprehensive policy on affordable housing,  
21          and Staff says this is your test case and  
22          we want 15 years at 100 percent, and this  
23          Board understands that this then becomes  
24          the benchmark for future applicants, how do  
25          we not defer to Staff's recommendation on

1           this point?

2           MR. GARCIA-SERRA: We're going into  
3           uncharted territory here, and I would  
4           defer that -- I would submit that it's  
5           easier or more conducive of probably good  
6           policy to be able to set requirements that  
7           aren't as onerous as what Staff is  
8           recommending, to see how they work, and  
9           indeed, if that is what is sufficient to  
10          deliver or not, and then in the case that  
11          they aren't, because this will be sort of a  
12          test case, you could then --

13          MR. COE: Well, you see, but you can't  
14          do it the other way around. If we were to  
15          say --

16          MR. GARCIA-SERRA: Go from more onerous  
17          to less?

18          MR. COE: -- "Well, we'll try it out  
19          for 10 years and 120 percent, and see how  
20          that works," and the next month or the  
21          month after, the next applicant comes in  
22          and says, "Well, in February, you approved  
23          10 years and 120 percent, and we want 10  
24          years and 120 percent," that's the  
25          benchmark. It's not -- you don't try it on

1           like a glove and see if it fits or not.  
2           That's the benchmark, unless the City has a  
3           comprehensive affordable housing policy,  
4           and I don't see that in the next few  
5           months.

6           MR. GARCIA-SERRA: Neither do I.

7           MR. COE: So there's where we are, and  
8           I just don't see how this Board can be  
9           responsible and say to Staff, "We're going  
10          to ignore your professional recommendation  
11          and we're going to go and now have a policy  
12          of 10 years and 120 percent."

13          MR. GARCIA-SERRA: When it's affecting  
14          the viability of the project, I think  
15          that's sufficient grounds to at least give  
16          pause as to whether that is the right --  
17          those are the right numbers to use.

18          MR. COE: Well, in all due respect -- I  
19          like your project, and this is the only  
20          sticking point, obviously -- the next  
21          applicant can say, "Well, you approved 10  
22          years and 120 percent. I can't make a  
23          profit unless it's seven years and 150  
24          percent." And they can have all the  
25          statistics -- they very well may be right,

1           you know, that the profit margin may be  
2           just above seven and 150 percent, and, "We  
3           can't do affordable housing. We can't do  
4           it, we can't build this project in Coral  
5           Gables if you require us to do that." But  
6           that may just be the facts of business. I  
7           don't know how, looking at this from the  
8           City's perspective and the residents'  
9           perspective, can we do that. And the  
10          project after that may say, "Hey, we need  
11          only four years and 200 percent, because  
12          otherwise we can't make a dollar."

13                 Those are business decisions, and I  
14          don't know -- while I like this project and  
15          I'd like to see it be built in the City of  
16          Coral Gables, I don't know if that's  
17          responsible, for this Board to just ignore  
18          Staff's considered recommendation, in light  
19          of any other policy guidance from the  
20          Commission or anybody else, and I'm afraid  
21          that's where I'm stuck, unless you can help  
22          me out.

23                 MR. GARCIA-SERRA: I see -- I see --  
24          excuse me.

25                 CHAIRMAN KORGE: See, my problem is a

1           little different, from a different  
2           perspective, and that is, there is no  
3           City-wide policy at all, and so we're  
4           imposing a condition that, you know, if  
5           they just bought the land, doesn't exist,  
6           and we've just created it.

7           MR. COE:    Ah.

8           CHAIRMAN KORGE:  Wait, let me finish.  
9           Let me finish.

10          MR. COE:  They don't have to put  
11          down -- they don't have to have housing,  
12          though.  They could have commercial.  You  
13          know, it's not mixed-use.

14          CHAIRMAN KORGE:  I understand.  So it's  
15          a condition that's being imposed on an ad  
16          hoc basis, and therefore, it is really not  
17          a City-wide policy to begin with; it is a  
18          negotiated policy, because the City does  
19          not have a City-wide policy.

20          So, I mean, when they buy the property,  
21          they're buying it with a view to -- I don't  
22          know if it was just recently purchased or  
23          what happened there, but you buy it with a  
24          view to a certain type of development you  
25          have in mind, and the first thing you would

1 do is, you look at the Zoning Code and you  
2 see what are the requirements. There is no  
3 affordable housing requirement. So you  
4 maybe research it and say, "Well, there is  
5 a movement towards that and we could get  
6 stuck with something we can't predict, so  
7 we'll negotiate that up front as a  
8 condition of the approval," and you get to  
9 a point where you're stuck in the  
10 negotiation and now all of a sudden, and I  
11 think we are on the same page here, it  
12 comes to our Board, and now we're supposed  
13 to be presumably making a City-wide  
14 determination by precedent, where I don't  
15 know whether I would agree with the City's  
16 proposal or something else in between or  
17 outside of either of them. Maybe it should  
18 be 30 years and not 15. Maybe it should  
19 only be eight years.

20 MR. COE: Well, maybe we should defer  
21 this until the Commission sets up a  
22 comprehensive --

23 CHAIRMAN KORGE: No, that's a problem,  
24 because you can't defer to the others --

25 MR. COE: I'm only saying facetiously.

1           CHAIRMAN KORGE: I know. I know, but  
2           that's the dilemma we face. We can't defer  
3           this. I mean, the applicant's got land and  
4           they've got to develop it.

5           MR. COE: Of course.

6           CHAIRMAN KORGE: It doesn't work. So,  
7           I mean, I don't have a solution, except  
8           that --

9           MR. COE: Are you prepared to -- if you  
10          agree to 10 years and 120 percent, are you  
11          prepared to tell the next applicant that  
12          shows up next month that when the City  
13          wants 15, that 10 years and 120 percent is  
14          where we are?

15          CHAIRMAN KORGE: Well, I would say  
16          that, first of all, I don't know why 10  
17          years and 120 -- you explained how you  
18          arrived at your numbers, but --

19          MR. SALMAN: 1.1 million.

20          CHAIRMAN KORGE: I know, but I don't  
21          know -- I mean, I'm not privy to all the  
22          calculations, to how much they paid and so  
23          forth, and what their real tipping point  
24          is.

25          MR. COE: Well, let's assume they're

1 right.

2 CHAIRMAN KORGE: Pardon me?

3 MR. COE: Let's assume they're right.

4 MR. SALMAN: And that ain't our  
5 business.

6 CHAIRMAN KORGE: If they're right, then  
7 I would give it to them, and the reason I  
8 would give it to them has nothing to do  
9 with future precedent. It's because I  
10 think the project should be built, and  
11 based on the current economics, that works  
12 for this project, assuming that what they  
13 say is correct.

14 But the City is saying that -- the  
15 Staff is saying 15 years and 100 percent.  
16 I don't know how the Staff arrives at their  
17 number and whether they're correct, but  
18 that's what you negotiate over, and we  
19 shouldn't be the ones making that decision.

20 MR. COE: Exactly. See, my concern is,  
21 if this is done in a vacuum and we don't  
22 have to worry about repercussions, then we  
23 can decide if we want to approve it with  
24 the 10 and 120 or not. But the concern I  
25 have is, if you go to 10 and 120 on this

1 project, the next applicant is going to  
2 make a very compelling argument, with  
3 charts, that the tipping point is seven  
4 years and 150 percent, and the one after  
5 that will have all the charts to show it's  
6 four years and 200 percent. I guarantee  
7 you, that's what happens.

8 CHAIRMAN KORGE: Right.

9 MR. COE: And they very well may be  
10 correct. So the point is, what do you do?  
11 Most projects would love to throw out the  
12 affordable housing component in the first  
13 place, because that's a drag on the  
14 economics of the building, as everybody  
15 knows that, and it's being put in there  
16 because it's a statewide goal to have  
17 affordable housing, and particularly when  
18 you come into Coral Gables, there isn't any  
19 affordable housing, everybody appreciates  
20 that, and so you want to encourage these  
21 projects.

22 On the other hand, they very well may  
23 be correct that they can't make a profit if  
24 you impose these kind of restrictions, and  
25 maybe there shouldn't be affordable housing

1 in the City of Coral Gables, and seniors --  
2 and I'm getting pretty close to that -- and  
3 other people shouldn't be living in the  
4 City. I hate to say that, but maybe that's  
5 the truth of the business market right now.  
6 I don't know. But I don't know how this  
7 Board is supposed to decide whether 10  
8 years and 120 percent is the correct thing  
9 for this project, or 15 years and 100  
10 percent, that the Staff says, and  
11 presumably everyone has done their own  
12 investigation, they've done all the  
13 bargaining and negotiations, Mr. Chairman,  
14 as you suggest. What are we supposed to  
15 do?

16 CHAIRMAN KORGE: Well, again, I would  
17 indicate to you that in my view, if we do  
18 have where it's unequivocally clear that in  
19 the absence of that concession in favor of  
20 the developer, the project would not be  
21 built, then I would agree with the  
22 concession to the developer. But I don't  
23 know for a fact that that's what's going to  
24 happen if we agree with the City's  
25 recommendation.

1           MR. COE:  If it wasn't precedential, I  
2           wouldn't be concerned about one project,  
3           but if it is going to be precedential, I am  
4           concerned about one project.

5           CHAIRMAN KORGE:  Well, I think, though --

6           MR. RIEL:  The other option is, the  
7           applicant can wait until the regulations  
8           are put in place, which could be much more  
9           restrictive, and they abide by those.

10          CHAIRMAN KORGE:  But that could be  
11          years.

12          MR. COE:  They may never be put in  
13          place.  They may never be put in place.

14          MR. RIEL:  No, we have a Comprehensive  
15          Plan that requires to address the issue  
16          by -- what date?

17          MR. BETANCOURT:  By early next year.

18          MR. RIEL:  Early next year.

19          MR. COE:  Early next year.

20          MR. RIEL:  Otherwise our plan will be  
21          found in noncompliance and then no changes  
22          in land use and zoning will be processed,  
23          basically a moratorium on development,  
24          unless we deal with this issue.

25          MR. COE:  I mean, you know, there's

1 another realistic position, you know. We  
2 can say anything we want. We can go with  
3 Staff's recommendation on this and you can  
4 then not proceed. You can abandon the  
5 project. We can agree with you and it goes  
6 up to the City Commission.

7 Now, the City Commission is going to do  
8 what the City Commission wants to do,  
9 obviously. I suspect, just my hunch, that  
10 they're not going to buy 10 years and 120  
11 percent --

12 MR. SALMAN: No.

13 MR. COE: -- and then where are you?

14 MR. SALMAN: In fact, my particular  
15 problem with this is the term. By reducing  
16 it to 10 years, it becomes much less  
17 consequential, when the idea here and the  
18 goal here is to create long-term, you know,  
19 attainable housing. I would much rather  
20 see 120 and 30 years than, you know --

21 MR. COE: You're negotiating for the  
22 applicant.

23 MR. SALMAN: But I'm -- you know,  
24 that's my particular opinion. I think that  
25 you have a basis for 120, because you're

1           using old data, and when you multiply it  
2           up, you're probably close to where we're  
3           actually at, for a median point of view, so  
4           that one is fairly passable, but my problem  
5           is on the term, and by reducing the term,  
6           we're really reducing the long-term  
7           attainable housing impact of the project,  
8           that component of the project, and that's  
9           where I have a little bit of heartburn.

10           MR. COE: I also want to point  
11           something out --

12           CHAIRMAN KORGE: Let me ask you a  
13           question, if I could, Eric. If we -- if  
14           this were not to set any precedent  
15           whatsoever, that it were just the sole  
16           project, and whatever we did here would not  
17           be considered precedent for what you were  
18           going to propose and hopefully we would  
19           adopt within the next year, would the  
20           applicant's change be acceptable to you?  
21           Is your main sticking point with the  
22           applicant's change that it's setting a  
23           precedent that's going to be a problem for  
24           you?

25           MR. RIEL: It could cause us some

1 problems, yes, I mean, you know, in terms  
2 of the term, because the terms are very low  
3 compared to what other local governments  
4 do. That's a concern. Coral Gables has a  
5 higher median income than any other  
6 adjoining communities. What is the City of  
7 Miami, 45,000?

8 MS. KEON: 54. Is it 54?

9 MR. RIEL: It's relatively low. It's  
10 an issue that we have to grapple with and  
11 we have to deal with. We feel that this,  
12 in our negotiations, without having  
13 regulations in place, is a good compromise.

14 I can tell you, we will probably come  
15 back with a term that's probably 15 -- you  
16 know, 30 years on rental, if not more --

17 MS. KEON: Yeah.

18 MR. RIEL: -- as a recommendation on  
19 rental. Condominium is a different issue.

20 MR. COE: But they would be  
21 grandfathered in.

22 MR. RIEL: They would be grandfathered  
23 in. As a part of the approval, they would  
24 have to adhere to these regulations and  
25 grandfathered in, for a period of two years

1           if they don't construct the project.  If  
2           they don't construct the project within two  
3           years, they would obviously fall under  
4           those current regulations.

5           CHAIRMAN KORGE:  Right.

6           MR. RIEL:  And we have a responsibility  
7           by early next year to present regulations.

8           CHAIRMAN KORGE:  Right.  I guess what  
9           I'm trying to get at is --

10          MR. RIEL:  Do you tie it to the  
11          project?  Yes.

12          CHAIRMAN KORGE:  Do you -- Tie it to  
13          the project and all those issues, but do  
14          you accept the fact, their argument, that  
15          they're at the tipping point and that would  
16          make a difference in the outcome of this  
17          project?

18          MR. RIEL:  We don't look at it from an  
19          economic standpoint.

20          CHAIRMAN KORGE:  I understand that.

21          MR. RIEL:  We look at it from a  
22          delivery of units, addressing the issue of  
23          affordable housing.

24          CHAIRMAN KORGE:  I understand that.  I  
25          do understand that, but I'm just -- since

1           we're stuck in the middle of your  
2           negotiations, you know, I'd like to get  
3           some feel for --

4           MR. RIEL:  It's not a negotiation.  We  
5           feel that given the additional units, 125  
6           units an acre, it's a conditional use, that  
7           we're well within our bounds to ask to deal  
8           with a City-wide issue that deals with the  
9           Comprehensive Land Use Plan.

10          CHAIRMAN KORGE:  I agree you're well  
11          within your bounds.  I didn't mean to imply  
12          otherwise.  What I'm trying to figure out  
13          is whether you really think this project  
14          will die if we can't accommodate them on  
15          this request.

16          MR. RIEL:  I don't think the project  
17          will die, no.

18          MR. BETANCOURT:  If I could add, I  
19          just -- I think we're being more than  
20          reasonable and flexible in what we're  
21          asking.  The hundred percent is atypical,  
22          you know, for rental units.  If you look at  
23          cities, like San Diego, for instance,  
24          there, their median income for rental units  
25          is 65 percent of median income, okay, and

1           they're asking for 55 years for the  
2           covenant, and they don't offer any bonuses  
3           or incentives, and so I'm pretty much  
4           confident, when we come back with  
5           regulations, they're going to be a lot  
6           tougher, quite frankly, than what we're  
7           asking for today.

8           We've already taken into account the  
9           fact that we don't have standards and the  
10          fact that we're not offering bonuses and  
11          incentives. That's why we went with 100  
12          percent versus 80 percent or even lower.  
13          That's why we went with 15 years versus 50  
14          something years, or even 99. I think most  
15          programs actually, normally, have 99-year  
16          restrictive covenants, or in perpetuity.  
17          And so we're already being, I think, very  
18          reasonable, very flexible. Frankly, I  
19          think the rates that even we've come up  
20          with are a bit high.

21          Someone like myself, who I think this  
22          type of program targets, you know, a rental  
23          rate of 1,778 a month is not something I  
24          could afford, and if you look at the  
25          applicant's proposed rates, that's over

1           \$2,000 for a two-bedroom unit. I don't  
2           know how we can call that an affordable and  
3           attainable or workforce unit. It just  
4           doesn't make sense, and what it comes down  
5           to for us is that rental rate. I think  
6           ours, as it is, is already high. Theirs  
7           would be, I think, just completely  
8           unaffordable.

9           MR. COE: Eric, do they have to have an  
10          affordable housing component in this  
11          project?

12          MR. RIEL: It was part of -- As you  
13          know, they're asking for a change of  
14          approved site plan. Yes, in our opinion --

15          MR. COE: Is it your position there  
16          must be an affordable housing component?

17          MR. RIEL: Yes, absolutely.

18          CHAIRMAN KORGE: In all events? It's  
19          required by the Code?

20          MR. SALMAN: It was a condition of your  
21          conditional approval, two years ago.

22          MR. COE: I understand that, but we can  
23          get out of that. I'd rather pull the  
24          affordable housing component out of this  
25          project, so it has no precedent at all, and

1           then deal with it any way we want.

2           MS. KEON:   But then you --

3           MR. COE:    If I can't do that, well,  
4           then we're stuck where we are.

5           CHAIRMAN KORGE:  I wouldn't do that.  I  
6           mean, it doesn't make sense.

7           MR. SALMAN:  No, no, no, no.

8           MR. COE:    (Inaudible).

9           MR. BETANCOURT:  When they went through  
10          the first time for a change of land use,  
11          one of the things the Regional Planning  
12          Council and the State Department of  
13          Community Affairs -- one of the things that  
14          they required was an affordable housing  
15          component.  If there hadn't been an  
16          affordable housing component, I doubt their  
17          project would have passed at that time.

18          MR. RIEL:  If you remember, when the  
19          mixed-use provisions came through, I  
20          remember the hearing at the original  
21          Planning Council.  I got lambasted.  They  
22          said, "Don't come back and ask for any more  
23          changes until you've dealt with the  
24          affordable housing issue."

25          MR. SALMAN:  Right.

1           MR. RIEL:  And the Commission passed  
2           three resolutions, saying they were going  
3           to do this and that, in terms of  
4           inclusionary zoning.  When we go back up  
5           with our Comp Plan, in the next couple of  
6           months, you know, it's going to be an issue  
7           we have to deal with.

8           MR. COE:  I'm also convinced that the  
9           Commission is not going to accept --

10          MS. KEON:  I've got a question in that  
11          regard.

12          MR. COE:  -- 10 years and 120 percent.

13          MR. GARCIA-SERRA:  If I could  
14          interject, though --

15          MS. KEON:  Yeah, can I --

16          CHAIRMAN KORGE:  Pat, do you have some  
17          questions?

18          MS. KEON:  Yes.  In the cities and the  
19          communities that you have looked at and you  
20          just spoke to, was it San Diego or --

21          MR. BETANCOURT:  San Diego is one.

22          MS. KEON:  In those states, are there  
23          tax credit programs that -- you know, the  
24          federal tax credits that they can apply  
25          for, and those types of things, or -- you

1 know, because I think that makes a huge  
2 difference.

3 MR. BETANCOURT: There's a whole litany  
4 of affordable housing programs, and  
5 generally, inclusionary zoning is one such  
6 program. Those other programs are  
7 alternative programs. They generally don't  
8 necessarily work together.

9 CHAIRMAN KORGE: Right.

10 MR. BETANCOURT: You're not going to --

11 MS. KEON: I haven't looked at the  
12 whole issue and the policies regarding the  
13 affordable housing in probably three or  
14 four years, but I know that the ones that  
15 were most successful were programs in  
16 locations where there was a financing  
17 component, that the financing was more  
18 favorable to the developer, and in turn --  
19 I mean, that's why it was worth it to them.  
20 It was worth it to you to provide  
21 affordable housing because of the reduced  
22 financing costs that you would achieve in  
23 doing that.

24 So that's all I'll asking you, is, when  
25 you start looking at those, we don't have

1           that in this City. The State of Florida  
2           doesn't do that. So you need to look at,  
3           and you need -- in developing that program,  
4           you need to develop -- and when you're  
5           looking at other localities, you have to  
6           look at locales that have the same types of  
7           incentives that are available to someone  
8           developing in the City of Coral Gables.

9           On the other hand, the County does  
10          have, through their housing finance  
11          authority, does have -- does make use of  
12          SHIP and HOME and all those others. Can  
13          developers developing in the City of Coral  
14          Gables under an affordable program, meaning  
15          a program that you would develop with a  
16          certain amount of units set aside -- can  
17          they apply for those? Can you?

18          MR. BETANCOURT: I don't know the ins  
19          and outs of those programs, but I think if  
20          it's an affordable housing project, yes.  
21          If it's essentially a market-rate project,  
22          where you set aside some units, probably  
23          not.

24          MS. KEON: No, but I'm saying, if there  
25          is a portion of a project that is

1           affordable housing, can they apply to the  
2           County, to that affordable housing agency,  
3           for bond dollars at that reduced rate --

4           MR. RIEL: I don't think so.

5           MS. KEON: -- for a portion of the  
6           thing?

7           MR. BETANCOURT: It's only if the  
8           entire project is an affordable housing  
9           project.

10          MR. RIEL: I don't believe so. For an  
11          affordable housing project in itself,  
12          perhaps, if the City has an interlocal with  
13          the County.

14          MS. KEON: Right.

15          MR. RIEL: We don't have that in place.  
16          That's one of the things that we looked at.

17          MS. KEON: Have we looked into that?

18          MR. RIEL: Yes. We looked at --  
19          Everything you can imagine on affordable  
20          housing that's nationwide, we've looked at.  
21          We've looked at the whole litany of items,  
22          and we're going to present those when we  
23          come back.

24          MS. KEON: Because I haven't seen  
25          anything that goes to --

1 (Simultaneous voices)

2 MR. RIEL: They dealt with the issue in  
3 California and South Carolina --

4 MS. KEON: I mean, and I can understand  
5 where he's coming from, but I also think  
6 you do have to impose an affordable housing  
7 condition on some of these programs,  
8 because it has to start here in this City.

9 You know, I also think for the income  
10 level that we're dealing with, I think 100  
11 percent is -- is very, very appropriate, as  
12 opposed to 120, only because it's so high,  
13 because I think if you looked at the income  
14 in this community, and you looked at mean  
15 income instead of median income, I think  
16 you'd have a whole other set of numbers.

17 MR. BETANCOURT: And frankly, most  
18 local governments use area median income.

19 MS. KEON: That's right, and I think  
20 that the median income in this community is  
21 skewed by some exceedingly high income  
22 levels. So I don't think -- I think you --  
23 I mean, I would almost want you to look at  
24 the mean income and not the median income,  
25 in setting -- in looking at what is

1 affordable housing in this community.

2 But as long as that's the condition  
3 you're going to look at --

4 CHAIRMAN KORGE: Mean would be higher,  
5 I think than the median.

6 MS. KEON: I think the mean would be  
7 lower.

8 MR. BETANCOURT: The area median income  
9 is the County median income. It is a lot  
10 lower than the City's median income.

11 MS. KEON: Right.

12 MR. BETANCOURT: Most communities --

13 CHAIRMAN KORGE: But she's talking  
14 about the mean versus the median.

15 MR. SALMAN: Talking about the mean  
16 versus the median.

17 CHAIRMAN KORGE: Averaging.

18 MS. KEON: I think it's the mean -- I  
19 think more people would -- I think you  
20 would coalesce at a lower number than what  
21 we've got here.

22 MR. SALMAN: We don't know.

23 MS. KEON: But, anyway, I mean, so I  
24 think 100 percent is very acceptable. I  
25 think if you're at 15 years -- personally,

1 I think I would impose it for 30 years,  
2 too.

3 CHAIRMAN KORGE: Well, why don't we  
4 take --

5 MS. KEON: My concern was, if you do 10  
6 years, if you have someone that is 65 years  
7 old, you know, moves into one of these  
8 units, and you think they're going to stay  
9 there for some period of time, all of a  
10 sudden they're 80 years old or whatever, or  
11 they're 65 or 75 years old, and it no  
12 longer applies to them, what are they going  
13 to do? I mean, if you're looking at this  
14 as a means, particularly to address  
15 housing, affordable housing, for the senior  
16 population in this community, I think 10  
17 years is not a good number, not at all. It  
18 is not nearly enough, unless you impose a  
19 thing that if somebody has a lease and they  
20 are in those things, that it has to -- it  
21 stays for the duration of that person's  
22 wanting to be there, whatever that is, but  
23 I don't think 10 years is a good number at  
24 all, and I'd rather see you take fewer  
25 units for a longer period of time at the

1 100 percent that you're at.

2 CHAIRMAN KORGE: Why don't we open it  
3 for testimony from the public, if  
4 anybody --

5 MR. GARCIA-SERRA: Could I make just  
6 one last comment, before we open it up to  
7 public hearing?

8 CHAIRMAN KORGE: Yes, please.

9 MR. GARCIA-SERRA: I recognize the  
10 conundrum, of course, that all of you are  
11 in, because basically you're in a situation  
12 right now where you're being asked to make  
13 a decision and your Staff is recommending,  
14 "These are the numbers you need to use,"  
15 we're recommending, "These are the numbers  
16 that you need to use," and the -- let's say  
17 background or substantive information or  
18 expert testimony that you could possibly  
19 have to rely upon is not overwhelming, is  
20 not significant or sufficient enough so as  
21 for you to make that decision comfortably.

22 You have to recognize, also, of course,  
23 the conundrum that we're in, and that's  
24 when Eric went last time to the South  
25 Florida Regional Planning Council, and I

1           was there with him, actually, when he got  
2           lambasted by the Council over the  
3           affordable housing issue, and what they  
4           were saying at that meeting was, "City of  
5           Coral Gables, come back with a  
6           comprehensive program of how to provide  
7           affordable housing."

8           MR. COE: No one is disputing that.  
9           The fact is, tonight we don't have that.

10          MR. GARCIA-SERRA: Correct.

11          MR. COE: So we have to deal with what  
12          the facts are at hand right now, and we're  
13          still in our little quandary. So we  
14          understand what --

15          MR. GARCIA-SERRA: And we're trying to  
16          do it on a case-by-case basis, which  
17          complicates it even further and puts us in  
18          a sort of situation that my client is  
19          probably thinking right now, "No good deed  
20          goes unpunished." You know, how many  
21          people came before him, that didn't have to  
22          do any of this affordable or attainable  
23          housing, and got approval. Now we're in a  
24          different situation, but we're trying to  
25          deal with it the best we can.

1           I'm also a very practical man, and I  
2           know that I have to have four votes of this  
3           Board in order to get a recommendation for  
4           approval, and there's four of you present  
5           tonight, which means I would need a  
6           unanimous vote. I would suspect, and I'm  
7           going to have to confer with my client  
8           right now, when you open it up to public  
9           hearing, but we may be suggesting deferring  
10          or requesting a deferral of this item so we  
11          can come back to you.

12           CHAIRMAN KORGE: Well, let's take the  
13          public testimony and see where it goes.

14           MR. COE: Is there any public  
15          testimony?

16           CHAIRMAN KORGE: Is anybody here from  
17          the public who wants to testify on this  
18          project? Nobody?

19           I will close the public portion of the  
20          meeting and proceed with discussion.

21           MR. COE: Now, is the applicant going  
22          to poll us, or do you want us to vote?

23           MR. GARCIA-SERRA: We will respectfully  
24          request that you defer this so we come back  
25          at your next Planning and Zoning Board

1 hearing. We ourselves, I think, will look  
2 into the matter. We might want to retain  
3 some expert testimony, as far as affordable  
4 housing is concerned, continue to confer  
5 with Staff. Essentially, it's a question  
6 of us, I guess, probably also trying to  
7 convince Staff, a second time around, that  
8 our numbers are the appropriate ones.

9 CHAIRMAN KORGE: Before we do that, let  
10 me just see. Are we -- Could we get a  
11 consensus here at all --

12 MR. COE: No.

13 CHAIRMAN KORGE: -- or give him any --  
14 You don't think --

15 MR. SALMAN: No, it's not appropriate.

16 CHAIRMAN KORGE: You're not going to  
17 vote in favor, no matter what?

18 MR. COE: No. He's pulled the item,  
19 and it's not fair to discuss it any  
20 further. I think that's improper.

21 MS. KEON: Yeah, I do, too.

22 I'd like to tell you, Eric, now that  
23 it's been deferred, before it comes back to  
24 us --

25 MR. RIEL: It hasn't been deferred.

1 MS. KEON: Oh, okay.

2 MR. COE: We have to vote on it.

3 CHAIRMAN KORGE: Do we vote on a  
4 deferral?

5 MR. COE: He's asking --

6 MR. RIEL: Is the applicant requesting  
7 a deferral?

8 MR. GARCIA-SERRA: Well, I can give you  
9 a little bit of my knowledge of the Code.  
10 The fact of the matter is that when you  
11 have a short Board, only four members,  
12 we're entitled to a deferral.

13 MS. KEON: Yeah.

14 CHAIRMAN KORGE: I don't have a problem  
15 with deferring it. I'm just asking, do we  
16 need to have a formal vote on that?

17 MR. COE: I think you need a formal  
18 vote. That's the normal procedure. I  
19 don't think you're going to have a problem  
20 with the vote. I'll be shocked if people  
21 say we shouldn't defer it.

22 CHAIRMAN KORGE: Do I have a motion to  
23 defer?

24 MR. COE: I move to defer.

25 CHAIRMAN KORGE: Is there a second?

1 MR. SALMAN: I'll second.

2 CHAIRMAN KORGE: Is there any  
3 discussion?

4 MR. COE: Call the roll.

5 CHAIRMAN KORGE: Call the roll, please.

6 MR. BETANCOURT: Ms. Keon?

7 MS. KEON: Yes.

8 MR. BETANCOURT: Mr. Salman?

9 MR. SALMAN: Yes.

10 MR. BETANCOURT: Mr. Coe?

11 MR. COE: Yes.

12 MR. BETANCOURT: Mr. Korge?

13 CHAIRMAN KORGE: Yes.

14 MR. GARCIA-SERRA: We'll be back to see  
15 you in March. Thank you.

16 CHAIRMAN KORGE: Thank you.

17 MS. KEON: Can I -- one thing.

18 MR. COE: In March, I just recommend a  
19 more streamlined position, so we don't do  
20 an hour and 20 to get to this point.

21 MR. GARCIA-SERRA: I tried to  
22 streamline it as much as I could, but I'll  
23 try more.

24 CHAIRMAN KORGE: Well, I guess what  
25 he's suggesting is that in March, we don't

1 need to have the full-blown presentation.

2 MR. GARCIA-SERRA: No, nor do I think  
3 it's --

4 MR. COE: The only issue of  
5 controversy --

6 MR. GARCIA-SERRA: I know it's this one  
7 condition.

8 MR. COE: -- is affordable housing.  
9 There isn't anything else. You know,  
10 everything else has been presented and I  
11 don't see any --

12 MR. GARCIA-SERRA: No, the extent of  
13 the presentation should be simply what's  
14 gone on between now and then.

15 MR. COE: However, the other two  
16 missing people may need to have something.

17 MR. SALMAN: You get to do it all over  
18 again, Mario. Sorry.

19 MS. KEON: I would like to know,  
20 though, when it comes back, that the City's  
21 program that you are proposing is -- that  
22 you tell us, also, how you intend to  
23 enforce your affordable housing.

24 MR. RIEL: We will not be in a position  
25 at the next March meeting to do that, I can

1 tell you.

2 MS. KEON: To tell us how -- I mean,  
3 how do you control what those are?

4 CHAIRMAN KORGE: How are you going to  
5 enforce the condition that will be agreed  
6 to or not?

7 MR. BETANCOURT: As part of the  
8 condition, there is an enforcement  
9 provision. I believe it's the last  
10 paragraph. It essentially references the  
11 Zoning Code, in which there are already  
12 existing enforcement provisions.

13 CHAIRMAN KORGE: There are already  
14 existing enforcement provisions for  
15 affordable housing?

16 MR. BETANCOURT: No, just in general,  
17 enforcement provisions.

18 MS. KEON: No, I'm talking about, who  
19 does the means testing for the people that  
20 move in there? Who ensures that they are?  
21 Who checks that? That's all I'm asking.

22 MR. BETANCOURT: We require, as part of  
23 the condition, that there's a management  
24 plan where they spell those types of things  
25 out, that they would have to partner with

1           some kind of authority, either a nonprofit  
2           group, or if they have an in-house team,  
3           that can verify the information, and we  
4           also require that they submit --

5           MR. RIEL:  When we presented the  
6           provisions, about a year ago, we had a  
7           whole page of management criteria, so  
8           that's our intent.

9           MR. BETANCOURT:  We require an annual  
10          report.

11          CHAIRMAN KORGE:  Has the applicant  
12          already gone through that?

13          MR. RIEL:  They were a part of the  
14          approval process.

15          CHAIRMAN KORGE:  They probably  
16          understand it better than we do.

17          MR. GARCIA-SERRA:  If I could just --  
18          I'll give you a short explanation, because  
19          on this, we do not disagree with Staff.  
20          The way it would essentially be controlled  
21          or managed, let's say, there's a condition  
22          of approval requiring whatever might be, at  
23          the end of the day, the length of the  
24          restriction, the amounts and so forth.

25          That restriction will also be

1           incorporated into a restrictive covenant,  
2           which is going to be executed and recorded  
3           upon the land and run with the land for  
4           whatever term that term is, and then as far  
5           as the actual functioning of how we verify  
6           incomes and how we make sure they're still  
7           making that much and haven't won the  
8           Lottery or something like that, it would  
9           be, the initial submittal would have to be  
10          your typical rent application form, but  
11          supplemented with other information on  
12          income to verify that they are indeed  
13          making the income that they claim to be  
14          making, and then it has to be recertified  
15          on the one-year anniversary of that lease,  
16          and then, aside from that, we do a one-year  
17          report to the City, and we file with City,  
18          I think, before January 1st of every year,  
19          advising them, you know, how many units are  
20          essentially rent-controlled, who they have  
21          been rented out to, what are their levels  
22          of income, et cetera, et cetera.

23                 CHAIRMAN KORGE:  So you, the City,  
24                 generally understand it --

25                 MR. RIEL:  Yes.

1           CHAIRMAN KORGE:  -- and it should work  
2           fine.

3           MR. GARCIA-SERRA:  There's only one  
4           issue here.

5           MR. RIEL:  Again, remember --

6           MR. COE:  Move to adjourn.

7           MR. SALMAN:  Second.

8           MR. COE:  Move to adjourn,  
9           Mr. Chairman.

10          CHAIRMAN KORGE:  We're adjourned.

11          (Thereupon, the meeting was adjourned  
12          at 8:22 p.m.)

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1 C E R T I F I C A T E

2

3 STATE OF FLORIDA:

4 SS.

5 COUNTY OF MIAMI-DADE:

6

7 I, JOAN L. BAILEY, Registered Diplomate  
8 Reporter, Florida Professional Reporter, and a  
9 Notary Public for the State of Florida at Large, do  
10 hereby certify that I was authorized to and did  
11 stenographically report the foregoing proceedings  
12 and that the transcript is a true and complete  
13 record of my stenographic notes.

14

15 I, JOAN L. BAILEY, a Notary Public in and  
16 for the State of Florida at large, do hereby certify  
17 that all witnesses were duly sworn by me.

18

19 DATED this 19th day of February, 2008.

20

21

22

\_\_\_\_\_  
JOAN L. BAILEY, RDR, FPR

23

24 Notary Commission Number DD 64037  
Expiration June 14, 2011.

25

City of Coral Gables  
Planning Department Staff Report

To: Planning and Zoning Board Members

From: Planning Department

Date: February 13, 2008

Subject: **Application No. 12-07-042-P. Mixed-Use (MXD) Site Plan and Alley Abandonment and Vacation Review.** Proposed amendments to previously approved mixed-use project referred to as "Gables Gateway", located on Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida.

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**Recommendation**

The Planning Department based upon the findings of fact contained herein recommends approval subject to all conditions of approval listed herein for the project referred to as "Gables Gateway" on property legally described as Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida, which includes the following:

1. Mixed-use site plan review to amend previously approved Resolution 2006-146.
2. Abandonment and vacation review to repeal previously approved Ordinance No. 1515 (Attachment A) and provide updated conditions as a part of this approval for alley relocation.

**Conditions of Approval**

In furtherance of the Comprehensive Land Use Plan (CLUP) Goals, Objectives and Policies, Zoning Code and other applicable City provisions, the recommendation for approval of the commercial mixed-use project referred to as "Gables Gateway" is subject to the following conditions of approval:

1. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following:
  - a. Site plan, landscape plan, building elevations and building program prepared by Behar Font and Partners, P.A., dated 12.22.07.
  - b. Traffic impact study prepared by David Plummer & Associates, Inc., dated December 2005 and updated on November 2007.
  - c. All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package, and proffered by the applicant's representatives as a part of the review of the application at public hearings.
2. Restrictive Covenant. Within 30 days of approval of the adoption of the ordinance and resolution, the property owner, its successors or assigns shall submit a Restrictive Covenant

## Gables Gateway – Mixed-Use Site Plan and Alley Abandonment and Vacation Review

February 13, 2008

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for City Attorney review and approval outlining all conditions of approval required by the City Commission. Failure to submit the draft Restrictive Covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft Restrictive Ordinance is extended in writing by the City Attorney after good cause as to why the time frame should be extended has been demonstrated by the applicant.

3. Prior to the issuance of a building permit for the project, the property owner, its successors or assigns, shall adhere or agree to the following conditions:
  - a. Parking garage gates. No vehicular gates or similar devices shall be installed that prohibit public access and use of required commercial parking spaces during all hours that any commercial businesses are open.
  - b. Parking spaces. The sale or leasing of parking spaces to any person, business or entity that is not a tenant or resident of this project shall be prohibited.
  - c. Retail parking spaces. Reservation of parking spaces for retail or commercial uses is prohibited.
  - d. Public realm improvements. Provide landscaping, public realm and streetscape improvements in accordance with the City of Coral Gables Master Streetscape Plan and pursuant to the standards in Section 4-201 (D) through (M) and Article 5, Division 11 for LeJeune Road, both sides of Granello Avenue, the portion of Ponce de Leon Boulevard adjacent to the project site, and the intersection of Granello and Greco Avenues, to be reviewed and approved by the Public Works and Public Service Directors.
  - e. Underground facilities master plan. Prepare and submit an Underground facilities master plan for water, sewer, gas, electrical and other infrastructure facilities upon request by the Director of the Public Works Department for review and approval.
4. Prior to the issuance of the final Certificate of Occupancy (CO), the property owner, its successors or assigns shall complete the following:
  - a. Traffic improvements. Provide the following traffic improvements, subject to the Public Works Director's review and approval:
    - 1) Install northeast bound left turn lane on Ponce de Leon Boulevard at project alleyway.
    - 2) Extend southwest right turn lane on Ponce de Leon Boulevard at LeJeune Road.
    - 3) Install westbound left turn lane on Granello Avenue at LeJeune Road.
    - 4) Reconfigure intersection at Granello and Greco Avenues.
    - 5) Reconfigure intersection at Biltmore and Riviera Drives.
    - 6) Install roundabout at Blue Road and Riviera Drive.
  - b. Traffic calming and roadway improvements. In addition to the above traffic improvements the property owner, its successors or assigns shall provide roadway resurfacing and sidewalk reconstruction with curb and gutter along both sides of Granello Avenue and install traffic calming improvements at the intersection of Granello and Greco Avenues including reconfiguration of roadway geometry and pedestrian crosswalks, subject to Public Works Director review and approval.
  - c. Attainable (affordable) housing. The project shall provide adequate attainable (affordable) housing opportunities on-site; subject to the following:
    - 1) Priority shall be given to the City of Coral Gables' senior citizens, residents, and workforce.
    - 2) The applicant, its successors, or assigns shall provide a minimum of 15% of the residential units to be set aside exclusively to households whose income does not exceed 100% of the City's median income, based on the data and methodology established and adjusted annually (January of each calendar year) by the U.S. Department of Housing and Urban Development (HUD).
    - 3) The maximum rental rates for these attainable (affordable) units shall follow the maximum rental rates for attainable (affordable) housing established and adjusted

- annually by HUD, to be based on 30% of 100% of the City's median income. This provision shall remain in effect for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.
- 4) The management and all corresponding costs associated with this program, including, but not limited to administration, monitoring, enforcement, etc., shall be the sole responsibility of the applicant, its successors, or assigns. The property owner shall submit an annual report to the City's Planning Department by January 1st of each year advising as to compliance with these provisions. All provisions contained herein shall be controlled via a restrictive covenant that is effective for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.
  - 5) Should the project convert from rental to owner-occupied units within the fifteen (15) year timeframe, the maximum sales price of the attainable (affordable) units shall follow the maximum sales price for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income, and all other provisions herein shall continue to apply.
  - 6) Failure to satisfy any or all of these requirements shall result in enforcement measures and/or penalties as prescribed in Article 7 of the City's Zoning Code.
- d. Public access via Lot 9, Block 17, Industrial Section. Applicant shall provide perpetual public access via an easement from Granello Avenue through to Ponce de Leon Boulevard. Access shall be provided via Lot 9, Block 17, Industrial Section, in lieu of agreed upon dedication of Lot 10, Block 17, Industrial Section, as provided for in Ordinance No. 1515. All costs, including maintenance, of relocating the dedicated easement shall be at the expense of the applicant. Enforcement shall be via Restrictive Covenant and shall be subject to City Attorney review and approval. If the applicant does not exercise his right to construct the proposed project, Ordinance No. 1515 shall remain valid and enforceable.

**Request**

The "Gables Gateway" site-plan that was approved in 2006 has been revised due to new ownership. The previous approval granted mixed use approval with retail, office and 230 residential units. The new site plan still provides ground floor commercial and office uses and 230 residential "rental" units, which includes a change in unit mix with additional 1-bedroom units and fewer 2-bedroom units.

<i><b>Application</b></i>	<i><b>Request</b></i>
Change of land use	No
Comprehensive Land Use Plan text amendment	No
Zoning Code amendment	No
Change of zoning	No
Mixed use site plan review	Yes
Site plan review (other)	No
Planned Area Development	No
Subdivision Review or Tentative Plat	No
Conditional uses	No

The applicant has submitted a statement of use, contextual plan and massing study, site plan, landscaping plan, building elevations, building program/site data and other miscellaneous support documents (Attachment B).

## **Discussion**

### *Mixed Use Site Plan Review:*

The City adopted MXD zoning provisions in 2004 and 2006 and readopted the provisions with the new Zoning Code on January 9, 2007. Those MXD provisions are provided in Section 4-201, Mixed Use District (MXD). The recommendation and approval of all MXD site plans by the Planning and Zoning Board and City Commission are discretionary and subject to satisfying the site plan criterion provided in Section 3-408, "Standards for review". Staff's comments and findings of fact regarding each of the criteria and performance standards are provided in the "Compliance with the Zoning Code" section of this report. Adoption of a proposed MXD site plan is by Resolution (Attachment C).

### *Abandonment and Vacation Review:*

As a part of the site plan review, the applicant is requesting to repeal Ordinance No. 1515 (Attachment D), which was approved by the City Commission on December 7, 1965. This ordinance vacated a portion of the alley running through the property. The then owner of the property entered into an agreement with the City that the alley shall be kept open for public access but could be closed on the condition that Lot 10 of Block 17 in the Industrial Section shall be dedicated to the City for public use. The lots are owned by the applicant, not the City.

The applicant proposes to provide Lot 9 as a perpetual public access easement to the City in exchange for the previously granted Lot 10. This will allow for the realignment of the alley connecting Granello Avenue to Ponce de Leon Boulevard. Staff is in support of the applicant's proposal; however, if the applicant does not exercise his right to construct the proposed project, Ordinance No. 1515 shall remain valid and enforceable.

### *Previous City Approvals:*

On February 8, 2006 Gables Gateway received unanimous Planning and Zoning Board approval (vote: 4-0-2) subject to Staff conditions of approval with modifications. City Commission reviewed the mixed-use site plan on July 11, 2006 where it was unanimously approved (vote: 4-0) via Resolution No. 2006-146.

## **Facts – Background and Proposed Project**

The following are facts regarding the proposed site plan for the project referred to as "Gables Gateway" located in the South Industrial MXD District and were taken from the Building and Zoning Department's Preliminary Zoning Analysis, which is provided as Attachment E. That analysis indicates that the proposed project meets all applicable Zoning Code requirements for the proposed project:

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*City reviews and approvals:*

<b>City Reviews/Timeline</b>	<b>Date Scheduled/ Reviewed/Approved*</b>
Development Review Committee	12.18.07
Board of Architects	01.24.08
Board of Adjustment	N/A
Historic Preservation Board	N/A
Landscape Advisory Board	N/A
Local Planning Agency	N/A
Planning and Zoning Board	02.13.08
Street and Alley Vacation Committee	02.13.08
Public rights-of-way encroachment (City Commission)	N/A
City Commission, 1 <sup>st</sup> reading (Mixed-use site plan amendment)	02.26.08
City Commission, 2 <sup>nd</sup> reading (Vacation and abandonment review)	03.11.08

\*All scheduled dates and times are subject to change without notice.

*Existing property designations:*

<b>Applicable Designations</b>	
CLUP Map Designation	"Industrial Use" and "Commercial Use, Low-Rise Intensity"
Zoning Map Designation	"I", Industrial and "C", Commercial
Within Central Business District	No
Mixed-Use District (voluntary overlay)	Yes
Mediterranean Architectural District (citywide)	Mandatory (required for MXD projects)
Within Coral Gables Redevelopment Infill District (GRID) (Traffic Concurrency Exemption Zone)	Yes

*Surrounding Uses:*

<b>Location</b>	<b>Existing Land Uses</b>	<b>CLUP Designations</b>	<b>Zoning Designations</b>
North	One and two story commercial buildings	"Industrial Use" and "Commercial Use, Low-Rise Intensity"	"I", Industrial and "C", Commercial
South	City surface parking lot and Metrorail	"Industrial Use" and "Commercial Use, Low-Rise Intensity"	"I", Industrial and "C", Commercial
East	One story commercial buildings	"Industrial Use"	"I", Industrial
West	One and two story commercial buildings	"Commercial Use, Low-Rise Intensity"	"C", Commercial

The following tables provide a comparison of the 2006 approval versus this proposal.

*Site plan information:*

<b>Type</b>	<b>Permitted</b>	<b>2006 Approval</b>	<b>2008 Proposal</b>
Total site area	100,829 sq.ft. (2.3 ac.)	100,829 sq.ft. (2.3 ac.)	100,829 sq.ft. (2.3 ac.)
Floor area ratio (FAR)	3.5 FAR	3.42 FAR	3.26 FAR
FAR x total site area =	352,901 sq.ft.	---	---
Total square footage of building	---	344,962 sq.ft.	328,924 sq.ft.

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<b>Type</b>	<b>Permitted</b>	<b>2006 Approval</b>	<b>2008 Proposal</b>
Residential units	289 units	230 units (290,477 sq.ft.)	230 units (281,176 sq.ft.)
Office	---	0 sq.ft.	794 sq.ft.
Restaurant	---	12,633 sq.ft.	8,000 sq.ft.
Retail	---	23,514 sq.ft.	26,050 sq.ft.

*Bulk and mass:*

<b>Type</b>	<b>Permitted</b>	<b>2006 Approval</b>	<b>2008 Proposal</b>
Building height	100 ft.	10 floors/ 100 ft.	10 floors/ 99 ft.
Ground area coverage	100 %	100 %	95 %

*Setbacks:*

<b>Type</b>	<b>Required*</b>	<b>2006 Approval</b>	<b>2008 Proposal</b>
Front	0 feet	0 feet	0 feet
Side (interior)	0 feet	0 feet	2 feet
Side (side street)	0 feet	0 feet	15 feet, 1 inch
Rear	0 feet	0 feet	0 feet
Rear (abutting alley)	0 feet	0 feet	0 feet

\*permitted for buildings approved by Board of Architects for Mediterranean architectural style.

*Parking:*

<b>Uses</b>	<b>Required*</b>	<b>2006 Approval</b>	<b>Required</b>	<b>2008 Proposal</b>
Retail / restaurant	221 commercial spaces	240 commercial spaces	243 commercial spaces	243 commercial spaces
Office	N/A	---	3 spaces	3 spaces
Residential	379 spaces	435 spaces	403 spaces	403 spaces
Total on-site parking	600 spaces	675 spaces	649 spaces	653 spaces
Additional parking	---	75 spaces	---	4 spaces
On-street metered parking space(s)	27 spaces	13 spaces	27 spaces	6 spaces

\*Requirements based on 2006 approval.

*Landscaping /open space*

<b>Location</b>	<b>Required</b>	<b>2006 Approval</b>	<b>2008 Proposal</b>
Landscaping / open space (on-site)	10,084 sq.ft. (min. 50% of setback encroachment)	15,325 sq.ft. (70% of setback encroachment)	10,105 sq.ft. (50.1% of setback encroachment)
Landscaping (rights-of-way)	---	6,421 sq. ft.	---
Total landscaping / open space	10,084 sq. ft.	21,746 sq. ft.	10,105 sq. ft.

*Architectural bonuses:*

<b>Bonus</b>	<b>Permitted</b>	<b>2006 Approval</b>	<b>2008 Proposal</b>
FAR (sq. ft.)	0.5 FAR	0.42 FAR	0.26 FAR
Height of building	20 ft.	2 floors/ 20 ft.	2 floors/ 20 ft.
Multi-family residential units	289 units	230 units	230 units

*Mixed-use:*

<b>Uses</b>	<b>Required CLUP Thresholds</b>	<b>2006 Approval*</b>	<b>2008 Proposal*</b>
Commercial (retail/restaurant)	Min. 8% (26,314 sq.ft.)	10.5% (36,147 sq.ft.)	11.3 % (37,055 sq.ft.)
Residential	Max. 85% (279,585 sq.ft.)	84.2% (290,477 sq.ft.)	84.9% (279,338 sq.ft.)
Total	---	100% (344,962 sq.ft.)	100% (328,924 sq.ft.)

*\*Calculations do not include back-of-house figures.*

### **Planning Staff’s Findings of Fact**

This section evaluates the application for consistency with the Zoning Code and Comprehensive Land Use Plan (CLUP). This evaluation provides findings of fact and recommendations for compliance with the above.

#### *Compliance with the Zoning Code*

Section 3-406 of the Zoning Code requires that the Planning and Zoning Board “shall review the application for conditional use approval (site plan review), consider the recommendation of staff and the Board of Architects, conduct a quasi-judicial public hearing on the application and recommend to the City Commission whether they should grant the approval, grant the approval subject to specific conditions or deny the application. The Planning and Zoning Board may recommend such conditions to the approval that are necessary to ensure compliance with the standards set out in Section 3-408.” Section 4-201 (D) through (M) of the Zoning Code provides the requirements and performance standards that proposed MXD projects must comply with, a summary of compliance has been provided as Attachment F.

#### *Site Plan Review Criteria*

The applicant’s plans have been compared to the site plan review criteria set out in Zoning Code Section 3-408 and staff’s findings are as follows:

- A. *The proposed conditional use is consistent with and furthers the goals, objectives and policies of the Comprehensive Land Use Plan and furthers the purposes of these regulations and other City ordinances and actions designed to implement the Plan.*

*Staff Comments:* The purpose of the MXD is to provide for the planned development of the Industrial Section with the inclusion of multi-family residential units in exchange for public realm improvements and an emphasis on aesthetics and architectural design. This project satisfies those objectives and furthers the unified design of the landscaping/streetscape improvements and encourages further mixed-use redevelopment in the entire area south of the Village of Merrick Park.

- B. *The available use to which the property may be put is appropriate to the property that is subject to the proposed conditional use and compatible with existing and planned uses in the area.*

*Staff Comments:* The subject property is located within the MXD South Industrial District which allows and is intended to encourage the development of this property as a mixed-use project.

- C. *The proposed conditional use does not conflict with the needs and character of the neighborhood and the City.*

*Staff Comments:* The proposed project is bordered by commercial and industrial uses with the Metrorail running directly to the south. The redevelopment of this property will provide a mixed-use building with commercial uses and residential units.

- D. *The proposed conditional use will not adversely or unreasonably affect the use of other property in the area.*

*Staff Comments:* The project will transform the area for future mixed-use development and provide necessary landscaping and streetscape improvements along the public rights-of-way surrounding the property, as well as provide intersection improvements for the residential neighborhood nearby.

- E. *The proposed use is compatible with the nature, condition and development of adjacent uses, buildings and structures and will not adversely affect the adjacent uses, buildings or structures.*

*Staff Comments:* The planned redevelopment of this property as an MXD project is compatible and complies with the MXD Overlay District provisions and design criteria, and is consistent with the existing uses, scale and massing of the surrounding commercial buildings.

- F. *The parcel proposed for development is adequate in size and shape to accommodate all development features.*

*Staff Comments:* The proposed development is sculpted with a mid-rise portion along LeJeune Road and increases in scale as it advances into the center of the MXD South Industrial District. A plaza is provided on the corner of LeJeune Road and Ponce de Leon Boulevard which provides openness adjacent to a major intersection.

- G. *The nature of the proposed development is not detrimental to the health, safety and general welfare of the community.*

*Staff Comments:* This proposal is designed utilizing mixed-use development standards and promotes pedestrian activity in a multi-modal transportation area which is beneficial to the health of the community. Additionally, this project will provide 15% of its rental units at below market rate prices, assisting City of Coral Gables seniors, residents and workforce, which will support the general welfare of the community.

- H. *The design of the proposed driveways, circulation patterns and parking is well defined to promote vehicular and pedestrian circulation.*

*Staff Comments:* Proposed arcade will greatly improve pedestrian circulation and safety along LeJeune Road. Project will connect Granello Avenue to Ponce de Leon Boulevard for both pedestrian and vehicular circulation via a public alleyway with a paved sidewalk running parallel. All service access is provided from the alley, which also serves as a connection to the internal residential drop-off area.

- I. The proposed conditional use satisfies the concurrency standards of Article 3, Division 13 and will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonable or disproportionate manner.*

*Staff Comments:* The Building and Zoning Department reviewed the project for concurrency and determined that there is adequate infrastructure available to support the project.

*Compliance with Comprehensive Land Use Plan Goals, Objectives and Policies*

Planning Department has reviewed the CLUP and finds the following CLUP Goals, Objectives and Policies are applicable and the following table provides determination/findings of fact to the consistency and inconsistency thereof.

Consistent CLUP Goals & Objectives and Policies are as follows:

<b>Ref. No.</b>	<b>CLUP Goal, Policy and Objective</b>	<b>Basis for consistency</b>
1.	<i>OBJECTIVE 1-1.2: CONTROL BLIGHT AND PROMOTE REDEVELOPMENT. Efforts shall be made to control blighting influences, and redevelopment shall be encouraged in areas experiencing deterioration. This Objective shall be achieved through the implementation of the following policies.</i>	This redevelopment project will transform an underutilized property and remove an existing used car sales parking lot from the area. This transformation will assist in further redevelopment and promote the area as a viable mixed use district with residential components.
2.	<i>OBJECTIVE 1-1.3: ACHIEVING COMPLIANCE WITH FUTURE LAND USE MAP AND PLAN. By the year 2010 the City shall endeavor to reduce the number of inconsistencies between the Future Land Use Map and the actual land uses from 70 to 35.</i>	The property is currently used for auto sales, repair and a used car parking lot. The redevelopment of this site as a mixed use project is consistent with the City's objective to promote residential components.
3.	<i>POLICY 1-1.3.2: APPLICATION OF BUFFERING TECHNIQUES. Uses designated in the plan which cause significant noise, light, glare, odor, vibration, dust, hazardous conditions or industrial traffic, shall provide buffering when located adjacent to or across the street from incompatible uses such as residential uses.</i>	The proposed project sculpts the development from ten (10) stories on the portions of the building located within the Industrial Section to six (6) and ten (10) stories for the portion of the building adjacent to LeJeune Road and across the street from existing low-rise commercial buildings. The applicant is also required to install the six (6) traffic improvements identified in the traffic study to improve traffic circulation around the project, and resurface and provide improvements along Granello Avenue and the Granello and Greco Avenue intersection. Landscaping and street trees are required around the entire perimeter of the site.
4.	<i>POLICY 1-1.3.3: LIMITATIONS OF POTENTIALLY DISRUPTIVE USES. Normally disruptive uses may be permitted on sites within related districts only where proper design solutions are demonstrated and committed to in advance which will be used to integrate the uses so as to buffer any potentially incompatible elements.</i>	This proposal internalizes all building service facilities and the pick-up/drop-off location with the use of private drives and the alleyway.

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Ref. No.	CLUP Goal, Policy and Objective	Basis for consistency
5.	<p><i>OBJECTIVE 1-1.7: DISCOURAGE URBAN SPRAWL. Discourage the proliferation of urban sprawl by amending the land development regulations to include a regulatory framework for encouraging future infill and redevelopment within existing developed areas. In drafting the infill/redevelopment program, the City shall coordinate public and private resources necessary to initiate needed improvements and/or redevelopment within these areas</i></p>	<p>This development encourages infill development and redevelopment while providing needed public realm improvements for the South Industrial MXD.</p>
6.	<p><i>POLICY 1.1.7.1: DEVELOPMENT OF EMPLOYMENT CENTERS. Encourage effective and proper development of employment centers of high quality which offer potential for local employment in reasonably close proximity to protected residential neighborhoods.</i></p>	<p>This mixed use development will further assist in developing this area as an employment center as it will provide for additional employment opportunities for residents of the building and surrounding neighborhood.</p>
7.	<p><i>POLICY 1-1.7.2: DEVELOPMENT OF UNDEVELOPED LAND. Encourage development of remaining undeveloped and vacant isolated parcels of developable property through identification and staff assistance in providing information as to appropriate uses permitted by Code and proper procedures to be undertaken to obtain the proper development orders.</i></p>	<p>A majority of this site is currently used as a surface parking lot for the storage of used cars for sale. The proposed mixed use project would result in the planned redevelopment of the site to the property's development potential.</p>
8.	<p><i>POLICY 1-1.7.5: REDEVELOPMENT OF THE INDUSTRIAL DESIGN CENTER. By January 2000, the City shall adopt land development regulations which encourage the development of the Industrial Design Center as a mixed use village (3243).</i></p>	<p>This project was designed in accordance with the MXD provisions and proposes a mixed use project including a residential component, which was an objective of the "village" concept.</p>
9.	<p><i>OBJECTIVE 1-1.8: ADEQUATE INFRASTRUCTURE FOR NEW DEVELOPMENT. Ensure land and resources area made available which are suitable for utility facilities and other infrastructure required to support proposed development.</i></p>	<p>The Concurrency Impact Statement (CIS) issued by the Building and Zoning Department indicates that the necessary levels of public service are currently available.</p>
10.	<p><i>OBJECTIVE 1-1.9: INNOVATIVE DEVELOPMENT REGULATIONS. Encourage sound innovation in development regulations which provide a continuing process to respond to community needs</i></p>	<p>This project utilizes the Code's MXD provisions available for the development of a commercial mixed use project containing multi-family residential units that would otherwise not be permitted by the underlying land use and zoning designations.</p>
11.	<p><i>POLICY 1-1.9.1: MIXED USE DOWNTOWN DEVELOPMENT. Encourage balanced mixed use developments in the downtown, which promote pedestrian activity and provide for specific commitments to design excellence and long term economic and cultural vitality.</i></p>	<p>This project proposes a commercial mixed use project including both retail and residential components, and pedestrian amenities such as arcades, plazas, paseos and water features.</p>
12.	<p><i>POLICY 1-2.17 MIXED USE OVERLAY DISTRICT 3 (MXD3): The general intent of the MXD3 is to include a number of places to go and things to do within walking distance, including an assortment of uses including the following:</i></p> <ul style="list-style-type: none"> <li>• Residential;</li> <li>• Retail/Commercial;</li> <li>• Office;</li> <li>• Industrial; and</li> <li>• Public Open Spaces.</li> </ul> <p><i>Provide a strong emphasis on aesthetics and architectural design through the use of the regulations and the planned mixing of uses to establish identity, diversity and focus to promote a pedestrian environment.</i></p>	<p>This project was designed in accordance with this policy.</p>

Ref. No.	CLUP Goal, Policy and Objective	Basis for consistency															
	<p><i>Utilization of a variety of architectural attributes and street level pedestrian amenities to create a sense of place, including the spatial relationship of buildings and the characteristics created to ensure attractive and functional pedestrian areas.</i></p> <p><i>Properties assigned the MXD3 overlay, have the option of developing their property in accordance with the underlying land use.</i></p> <p><i>No single use may comprise of more than 85% of the MXD3 floor area ratio.</i></p> <p><i>Land development regulations shall determine the MXD3 location and area; residential densities up to 125 units per acre; height up to a maximum of 125 feet, which includes up to a maximum of 100 feet of habitable space and up to 25 feet for rooftop architectural elements; floor area ratio up to 3.5 maximum; providing specific design criteria; and public realm improvements to promote street level pedestrian activity including, but not limited to public open space, landscaping, street lighting, right-of-way and streetscape improvements; pedestrian, transit, and bicycle access; and other regulations deemed necessary.</i></p> <p><i>Mix of Uses</i></p> <p><i>The proportionate mix of uses of uses shall be reviewed per development application. The following table establishes minimum and maximum thresholds based upon the FAR of the building.</i></p> <table border="1" data-bbox="284 1218 787 1444"> <thead> <tr> <th>Type of Use</th> <th>Minimum % of FAR</th> <th>Maximum % of FAR</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>0%</td> <td>85%</td> </tr> <tr> <td>Retail/ Commercial</td> <td>8%</td> <td>40%</td> </tr> <tr> <td>Office</td> <td>0%</td> <td>85%</td> </tr> <tr> <td>Industrial</td> <td>0%</td> <td>5%</td> </tr> </tbody> </table> <p><i>A MXD may be permitted in Commercial Low Intensity (CL), Commercial Medium Intensity (CM), Commercial High Intensity (CH) and Industrial (I) land use categories.”</i></p>	Type of Use	Minimum % of FAR	Maximum % of FAR	Residential	0%	85%	Retail/ Commercial	8%	40%	Office	0%	85%	Industrial	0%	5%	
Type of Use	Minimum % of FAR	Maximum % of FAR															
Residential	0%	85%															
Retail/ Commercial	8%	40%															
Office	0%	85%															
Industrial	0%	5%															
13.	<p><b>POLICY 2-1.7.3: CONTROLLING THROUGH TRAFFIC MOVEMENTS.</b> <i>The City shall discourage through traffic in neighborhoods by use of traffic management techniques, including signage, landscape design and roadway design.</i></p>	<p>The applicant is required to install the six (6) traffic improvements identified in the traffic study to improve traffic circulation around the project, resurface and provide improvements along Granello Avenue and improve the Granello and Greco Avenue intersection.</p>															
14.	<p><b>POLICY 2-1.8.1: PROVIDE ROADWAY LANDSCAPING.</b> <i>The City shall provide landscaping along roadways to serve as visual and sound buffers and to maintain the quality of the environment within the City.</i></p>	<p>The proposed development provides streetscape improvements and landscaping, including street trees, around entire perimeter of the project and along both sides of Granello Avenue in accordance with the City's Master Streetscape Plan.</p>															
15.	<p><b>POLICY 3-1.2.6: COMPATIBILITY OF NEW DEVELOPMENT.</b> <i>New development shall be compatible with adjacent established residential areas.</i></p>	<p>The proposed project is not adjacent to any existing development that contains a residential component.</p>															

Ref. No.	CLUP Goal, Policy and Objective	Basis for consistency
16.	<i>OBJECTIVE 3-1.1: PROVIDE ADEQUATE AND AFFORDABLE HOUSING. Provisions for adequate and affordable housing for existing and future residents shall be made.</i>	The applicant has requested modification to the original affordable housing condition which staff has provided as a condition of approval.

*Staff Comments:* Staff's determination that this application is "consistent" with the CLUP Comprehensive Plan's goals, objectives and policies that are identified is based upon compliance with conditions of approval recommended by Staff and site plan provisions incorporated by the applicant which address the City objectives for encouraging mixed use development in the Industrial Section, and the creation of an Industrial Design Center Village.

*Traffic Study*

The applicant's updated traffic study has been submitted to and reviewed by the Public Works Department. The Public Works Department, in conjunction with the applicant's traffic consultant, have agreed that the applicant shall provide the following traffic improvements:

- 1) Install northeast bound left turn lane on Ponce de Leon Boulevard at project alleyway.
- 2) Extend southwest right turn lane on Ponce de Leon Boulevard at LeJeune Road.
- 3) Install westbound left turn lane on Granello Avenue at LeJeune Road.
- 4) Reconfigure intersection at Granello and Greco Avenues.
- 5) Reconfigure intersection at Biltmore and Riviera Drives.
- 6) Install roundabout at Blue Road and Riviera Drive.

Improvements located on Riviera Drive are located in the residential neighborhood to the west and are not directly accessible from the project. These improvements have been proposed to provide a benefit to the neighbors whose commute times could see an impact from the proposed development.

The traffic improvements listed above are conditions of approval. A copy of the traffic study including the study's findings and conclusions is on file and available for review.

*Attainable (affordable) housing*

Pursuant to State statues, regional priorities, and the City's Comprehensive Land Use Plan (CLUP), the City is mandated to address its attainable (affordable) housing needs. The City of Coral Gables completed an Affordable Housing Study as analysis and background (staff has renamed the program "attainable housing" in order to better encompass the moderate income thresholds not typically associated with "affordable" housing). Accordingly, City staff has previously proposed and continues to strive for various attainable (affordable) housing strategies, including inclusionary zoning, linkage fees, and other programs, to meet the City's attainable (affordable) housing needs. In advance of a formal citywide program, the City is requiring that major residential developments dedicate a portion of their units to attainable (affordable) housing as part of the conditional site plan and review approval process.

The applicant has requested modification of the original affordable housing condition contained in Resolution No. 2006-146 in order to better define their obligations vis-à-vis attainable (affordable) housing. The original language, provided below, represents a standard condition tying applicable developments to future attainable (affordable) housing regulations.

*Section 1(e)(5). Affordable housing. The applicant agrees to comply with all legislation adopted by the City Commission, prior to or within one (1) year after the issuance of a building permit, to promote the provision and/or retention of affordable housing, as defined by the City Commission, related to the findings of the City’s Affordable Housing Study (April 2006).*

Staff has provided for the replacement of the condition above by recommending the following, more specific language:

- c. *Attainable (affordable) housing. The project shall provide adequate attainable (affordable) housing opportunities on-site; subject to the following:*
  - 1) *Priority shall be given to the City of Coral Gables’ senior citizens, residents, and workforce.*
  - 2) *The applicant, its successors, or assigns shall provide a minimum of 15% of the residential units to be set aside exclusively to households whose income does not exceed 100% of the City's median income, based on the data and methodology established and adjusted annually (January of each calendar year) by the U.S. Department of Housing and Urban Development (HUD).*
  - 3) *The maximum rental rates for these attainable (affordable) units shall follow the maximum rental rates for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income. This provision shall remain in effect for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.*
  - 4) *The management and all corresponding costs associated with this program, including, but not limited to administration, monitoring, enforcement, etc., shall be the sole responsibility of the applicant, its successors, or assigns. The property owner shall submit an annual report to the City's Planning Department by January 1st of each year advising as to compliance with these provisions. All provisions contained herein shall be controlled via a restrictive covenant that is effective for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.*
  - 5) *Should the project convert from rental to owner-occupied units within the fifteen (15) year timeframe, the maximum sales price of the attainable (affordable) units shall follow the maximum sales price for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income, and all other provisions herein shall continue to apply.*
  - 6) *Failure to satisfy any or all of these requirements shall result in enforcement measures and/or penalties as prescribed in Article 7 of the City’s Zoning Code.*

Application of the modified attainable (affordable) housing condition to the Gables Gateway project as recommended by Staff would result in the following:

<b>Gables Gateway Attainable (Affordable) Housing Program</b>			
	<b>Result</b>	<b>Methodology</b>	<b>Source</b>
<b>City of Coral Gables Median Household Income, 2006</b>	\$79,033	N/A	City of Coral Gables Development Department
<b>Total number of units</b>	230 units	N/A	Gables Gateway Site Plan
<b>Estimated rental rates for market units</b>	1br: \$1,940/month 2br: \$2,520/month	Local Market Comps range from \$1.9/ft to \$2.25/ft	Applicant analysis based on rental rates at other local rental developments of similar quality

<b>Gables Gateway Attainable (Affordable) Housing Program</b>			
<b>Number of attainable units</b>	<b>35 units</b>	15% of 230 total units	Gables Gateway Site Plan
<b>Maximum rental rates for attainable units</b>	<b>1br: \$1,482/month 2br: \$1,778/month</b>	30% of 100% median household income for 1 and 2 bedroom units	Applicant analysis based on 100% of City's median income
<b>Difference between market and attainable rates</b>	1br: \$458 2br: \$742	Market rate minus attainable rate	See above sources
<b>Maximum sales price for attainable units</b>	N/A	Gables Residential only owns rentals developments and does not sell individual units or convert rental units into the condominium form of ownership. Any sale of the project to a condominium converter would be subject to the restriction that the sales price for the attainable housing units be based on 30% of 100% of the City's median income at the time of sale, and any such conversion would require City staff and City Commission review and approval.	

Staff finds that the modified attainable (affordable) housing condition would help the City in meeting its affordable housing needs, and therefore recommends approval of Staff's proposed modification.

*Concurrency Management*

This project has been reviewed for compliance with the City's concurrency program. The Concurrency Impact Statement (CIS) issued by the Building and Zoning Department for the proposed development indicated that there is adequate infrastructure available to service the proposed project.

*DRC Comments*

This project was presented and reviewed by the Development Review Committee (DRC), at which time the applicant was provided the City's comments. Comments which were provided by those Departments have subsequently been satisfactorily addressed by the applicant.

**Summary of Findings of Fact**

The findings of fact that support the approval of the application include the following:

1. This proposal satisfies the Zoning Code's review criterion for an MXD project.
2. The proposed MXD project is "consistent" with the CLUP Goals, Policies and Objectives, as identified and presented in this report.
3. A commercial or industrial building of approximately the same size and massing could be constructed on this property as-of-right with Mediterranean design bonuses.
4. This proposal adds a residential component to support the adjoining commercial uses, and provides and promotes a "walkable" pedestrian environment.
5. The applicant has proffered off-site public ROW improvements including roadway resurfacing, reconstruction of sidewalks and landscaping along both sides of Granello Avenue and traffic calming improvements for the following intersections: Granello and Greco Avenues, Biltmore and Riviera Drives, and Blue Road and Riviera Drive.

**Gables Gateway – Mixed-Use Site Plan and Alley Abandonment and Vacation Review**

**February 13, 2008**

**Page 15 of 15**

6. Public ROW/public realm improvements shall be provided on all streets surrounding the property in compliance with the City Master Streetscape Plan.
7. The attainable (affordable) housing condition would help the City meet its affordable housing needs.
8. The applicant has satisfactorily addressed all comments provided by City Departments via the DRC process.

**Public Notification/Comments**

The following has been completed to solicit input and provide notice of the application:

<b>Type</b>	<b>Explanation</b>
Neighborhood meeting	Completed 01.03.08
Courtesy notification of all property owners within 1,500 feet of the South Industrial MXD boundary	Completed 01.31.08
Newspaper ad published	Completed 01.28.08
Posted property	Completed 01.31.08
Posted agenda on City web page/City Hall	Completed 01.25.08
Posted staff report on City web page	Completed 02.08.08

697 public notices were mailed, including notices to all property owners inside the South Industrial Mixed Use District and within 1,500 feet of the South Industrial Mixed Use District. Notice was also provided advising of Planning and Zoning Board and City Commission hearing dates to those that attended and signed-in for the applicant's neighborhood meeting (Attachment G). The listing of property owners who returned the notification/comment form, including the date received, property owner's name, address, object/no objection/no comment and verbatim comments is provided as Attachment H.

Respectfully submitted,

Eric Riel, Jr.  
Planning Director

**Attachments:**

- A. Ordinance No. 1515.
- B. Applicant's submittal package.
- C. Draft Resolution – MXD Site Plan Review.
- D. Draft Ordinance – Alley and Abandonment and Vacation Review.
- E. Building and Zoning Department's Preliminary Zoning Analysis.
- F. Planning Department's MXD Compliance Table.
- G. Gables Gateway 01.03.08 Neighborhood Meeting sign-in sheet and minutes.
- H. Synopsis of comments received from property owners within 1,500 feet.

## ORDINANCE NO. 1515

AN ORDINANCE VACATING A CERTAIN PORTION OF THE ALLEY IN BLOCK 17, "INDUSTRIAL SECTION"; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE PORTION OF SAID ALLEY SHALL BECOME EFFECTIVE; AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That that portion of a so-called "Alley" lying in Block 17, "Industrial Section", Coral Gables, Florida, according to the map or Plat thereof, recorded in Plat Book 28 at Page 22 of the Public Records of Dade County, Florida, which lies West of the East boundary line of Lot 76 in said Block 17, extended and projected to the South boundary line of Lot 9 of said Block 17, be and the same hereby is vacated, abandoned and discontinued for public use, effective, however, as set forth hereinafter.

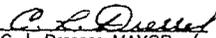
SECTION 2. That the vacation of the portion of the "Alley" in Section 1 hereof shall become effective, when, as, and if the following things have been done and conditions have been met, namely:

- (a) The owners of Lots 1 to 18, inclusive, and Lots 76 to 88, inclusive, Block 17, "Industrial Section", Coral Gables, Florida, according to the map or Plat thereof recorded in Plat Book 28 at Page 22 of the Public Records of Dade County, Florida, shall enter into an agreement with the City of Coral Gables, Florida, which agreement in substance and form shall be approved by the City Attorney, and agreeing that said "Alley" shall be kept open, paved and maintained in first class condition with the public permitted to use the same to the same extent as the public may use any legally dedicated street, alley or highway.
- (b) That the owners of said property may, at their desire, close the vacated portion of said "Alley" as described in Section 1 hereof, provided they have made available for public use by a deed of dedication, Lot 10 in said Block 17, "Industrial Section", and have paved and otherwise in all respects made it available for public use as a method of ingress and egress, to the same extent as are all public streets and highways.
- (c) That said agreement shall provide that the relocation or removal of any utilities, lines or pipes and any and all other expenses necessitated in connection with the vacation of the area hereinbefore mentioned, as well as readying and maintaining the substitute therefore as a means of ingress and egress, shall be at the expense of the owners of the properties hereinbefore set forth and described.
- (d) That a strip, twelve feet in width, within the property vacated herein and described in Section 1 hereinabove, shall be reserved to the City of Coral Gables for utilities purposes, including, but not limited to, storm and sanitary sewers.

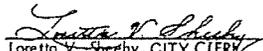
SECTION 3. That all ordinances or parts of ordinances inconsistent or in conflict herewith hereby are repealed, but only insofar as there is conflict or inconsistency.

PASSED AND ADOPTED THIS SEVENTH DAY OF DECEMBER, A.D. 1965.

APPROVED:

  
C. L. Dresser, MAYOR

ATTEST:

  
Loretta V. Sheehy, CITY CLERK

**CITY OF CORAL GABLES, FLORIDA****RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA APPROVING AN AMENDMENT TO A MIXED USE SITE PLAN, FOR THE PROPOSED MIXED-USE PROJECT REFERRED TO AS "GABLES GATEWAY", LOCATED ON PROPERTY LEGALLY DESCRIBED AS LOTS 1-23 AND LOTS 76-88, BLOCK 17, INDUSTRIAL SECTION (INTERSECTION OF LEJEUNE ROAD, GRANELLO AVENUE AND PONCE DE LEON BOULEVARD), CORAL GABLES, FLORIDA; AND INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Application No. 12-07-042-P was submitted requesting a mixed-use (MXD) site plan and alley abandonment and vacation review for proposed amendments to a previously approved mixed-use project referred to as "Gables Gateway", located on Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida; and,

**WHEREAS**, Application No. 05-05-346-P was granted approval for MXD3 site plan review on July 11, 2006 (Resolution No. 2006-146); and,

**WHEREAS**, the property known as "Gables Gateway" has, since approval, changed ownership and due to market conditions the current owner is proposing to provide rental residences; and,

**WHEREAS**, after notice of a public hearing being duly published and a courtesy public notice was mailed to all property owners of record within a one thousand five hundred (1,500) foot radius from the boundary of the Southern Industrial Mixed-Use District (MXD), a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on February 13, 2008, at which hearing all interested persons were afforded the opportunity to be heard; and,

**WHEREAS**, at the February 13, 2008 Planning and Zoning Board meeting, the Board recommended approval of the proposed site plan and alley abandonment and vacation review subject to Staff conditions of approval (vote: \_-); and,

**WHEREAS**, As a part of the site plan review, the applicant is requesting to repeal Ordinance No. 1515, which was approved by the City Commission on December 7, 1965; and,

**WHEREAS**, the conditions of approval required for the previously approved "Gables Gateway" project remain in effect, with minor revisions, and with revised plan references; and,

**WHEREAS**, after notice of public hearing was duly published, a public hearing was held before the City Commission on February 26, 2008, at which hearing this item was presented, and all interested persons were afforded the opportunity to be heard; and,

**WHEREAS**, after notice of public hearing was duly published, a public hearing was held before the City Commission on \_\_\_\_\_, this item was presented and heard as a public hearing item and was approved by the City Commission (vote: \_-\_) subject to conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CORAL GABLES THAT:

In furtherance of the Comprehensive Land Use Plan Goals, Objectives and Policies, Zoning Code and other applicable City provisions the Gables Gateway Mixed Use Development shall be approved subject to all of the following conditions:

**SECTION 1.** The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Resolution upon adoption hereof.

**SECTION 2.** That a request for review for an approval to permit the construction of a mixed-use project consisting of ground floor retail and multi-family residential units on Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida. The application shall be and it is hereby granted subject to the following conditions:

- a. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following documents:
  - 1) Site plan, landscape plan, building elevations and building program prepared by Behar Font and Partners, P.A., dated 12.22.07.
  - 2) Traffic impact study prepared by David Plummer & Associates, Inc., dated December 2005 and updated on November 2007.
  - 3) All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package, and proffered by the applicant’s representatives as a part of the review of the application at public hearings.
- b. Restrictive Covenant. Within 30 days of approval of the adoption of the ordinance and resolution, the property owner, its successors or assigns shall submit a Restrictive Covenant for City Attorney review and approval outlining all conditions of approval required by the City Commission. Failure to submit the draft Restrictive Covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft Restrictive Covenant is extended in writing by the City Attorney after good cause as to why the time frame should be extended has been demonstrated by the applicant.
- c. Prior to the issuance of a building permit for the project, the property owner, its successors or assigns, shall adhere or agree to the following conditions:
  - 1) Parking garage gates. No vehicular gates or similar devices shall be installed that prohibit public access and use of required commercial parking spaces during all hours that any commercial businesses are open.
  - 2) Parking spaces. The sale or leasing of parking spaces to any person, business or entity

- that is not a tenant or resident of this project shall be prohibited.
- 3) Retail parking spaces. Reservation of parking spaces for retail or commercial uses is prohibited.
  - 4) Public realm improvements. Provide landscaping, public realm and streetscape improvements in accordance with the City of Coral Gables Master Streetscape Plan and pursuant to the standards in Section 4-201 (D) through (M) and Article 5, Division 11 for LeJeune Road, both sides of Granello Avenue, the portion of Ponce de Leon Boulevard adjacent to the project site, and the intersection of Granello and Greco Avenues, to be reviewed and approved by the Public Works and Public Service Directors.
  - 5) Underground facilities master plan. Prepare and submit an Underground facilities master Plan for water, sewer, gas, electrical and other infrastructure facilities upon request by the Director of the Public Works Department for review and approval.
- d. Prior to the issuance of the final Certificate of Occupancy (CO), the property owner, its successors or assigns shall complete the following:
- 1) Traffic improvements. Provide the following traffic improvements, subject to the Public Works Director's review and approval:
    - i. Install northeast bound left turn lane on Ponce de Leon Boulevard at project alleyway.
    - ii. Extend southwest right turn lane on Ponce de Leon Boulevard at LeJeune Road.
    - iii. Install westbound left turn lane on Granello Avenue at LeJeune Road.
    - iv. Reconfigure intersection at Granello and Greco Avenues.
    - v. Reconfigure intersection at Biltmore and Riviera Drives.
    - vi. Install roundabout at Blue Road and Riviera Drive.
  - 2) Traffic calming and roadway improvements. In addition to the above traffic improvements the property owner, its successors or assigns shall provide roadway resurfacing and sidewalk reconstruction with curb and gutter along both sides of Granello Avenue and install traffic calming improvements at the intersection of Granello and Greco Avenues including reconfiguration of roadway geometry and pedestrian crosswalks, subject to Public Works Director review and approval.
  - 3) Attainable (affordable) housing. The project shall provide adequate attainable (affordable) housing opportunities on-site; subject to the following:
    - i. Priority shall be given to the City of Coral Gables' senior citizens, residents, and workforce.
    - ii. The applicant, its successors, or assigns shall provide a minimum of 15% of the residential units to be set aside exclusively to households whose income does not exceed 100% of the City's median income, based on the data and methodology established and adjusted annually (January of each calendar year) by the U.S. Department of Housing and Urban Development (HUD).
    - iii. The maximum rental rates for these attainable (affordable) units shall follow the maximum rental rates for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income. This provision shall remain in effect for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.
    - iv. The management and all corresponding costs associated with this program, including, but not limited to administration, monitoring, enforcement, etc., shall be the sole responsibility of the applicant, its successors, or assigns. The property owner shall submit an annual report to the City's Planning Department by January 1st of each year advising as to compliance with these provisions. All provisions contained herein

- shall be controlled via a restrictive covenant that is effective for fifteen (15) years from the date of issuance of a Certificate of Occupancy for all units.
- v. Should the project convert from rental to owner-occupied units within the fifteen (15) year timeframe, the maximum sales price of the attainable (affordable) units shall follow the maximum sales price for attainable (affordable) housing established and adjusted annually by HUD, to be based on 30% of 100% of the City's median income, and all other provisions herein shall continue to apply.
  - vi. Failure to satisfy any or all of these requirements shall result in enforcement measures and/or penalties as prescribed in Article 7 of the City's Zoning Code.
- 4) Public access via Lot 9, Block 17, Industrial Section. Applicant shall provide perpetual public access via an easement from Granello Avenue through to Ponce de Leon Boulevard. Access shall be provided via Lot 9, Block 17, Industrial Section, in lieu of agreed upon dedication of Lot 10, Block 17, Industrial Section, as provided for in Ordinance No. 1515. All costs, including maintenance, of relocating the dedicated easement shall be at the expense of the applicant. Enforcement shall be via Restrictive Covenant and shall be subject to City Attorney review and approval. If the applicant does not exercise his right to construct the proposed project, Ordinance No. 1515 shall remain valid and enforceable.

**SECTION 3.** That the applicant shall further be required to comply with all applicable zoning regulations and any changes to the submitted plans in connection with the site plan herein granted shall require a recommendation from the Planning and Zoning Board and approval by the City Commission.

**SECTION 2.** That this resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2008.

APPROVED:

DONALD D. SLESNICK II  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ  
CITY ATTORNEY

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**CITY OF CORAL GABLES, FLORIDA****ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA REPEALING ORDINANCE NO. 1515, VACATING A CERTAIN PORTION OF THE ALLEY IN BLOCK 17, INDUSTRIAL SECTION; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Ordinance No. 1515 was passed and adopted on December 7, 1965, providing for the owners of Lots 1-18, inclusive, and Lots 76 to 88, inclusive, Block 17, Industrial Section, Coral Gables, Florida, in agreement with the City of Coral Gables, to vacate a portion of the alley located within Block 17, provided the owner makes available for public use by a deed of dedication, Lot 10 of Block 17, Industrial Section; and,

**WHEREAS**, the applicant of the project referred to as “Gables Gateway” proposes to provide Lot 9 of Block 17, Industrial Section, as an easement in exchange for Lot 10 of same; and,

**WHEREAS**, at the February 13, 2008 Planning and Zoning Board meeting, the Planning and Zoning Board recommended approval of “Gables Gateway” site plan, with conditions, which includes the condition that the owner shall provide Lot 9, Block 17, Industrial Section, for public access (vote: \_-); and,

**WHEREAS**, after notice of a public hearing being duly published, the City Commission on February 26, 2008 approved on First Reading the proposed “Gables Gateway” site plan, with conditions, which includes the condition that the owner shall provide Lot 9, Block 17, Industrial Section, for public access (vote: \_-); and,

**WHEREAS**, after notice of a public hearing being duly published, the City Commission on \_\_\_\_\_ approved on Second Reading the proposed “Gables Gateway” site plan, with conditions, which includes the condition that the owner shall provide Lot 9, Block 17, Industrial Section, for public access (vote: \_-); and,

**WHEREAS**, it is the City’s desire that if the owners of Lots 1-18, inclusive, and Lots 76 to 88, inclusive, Block 17, Industrial Section, Coral Gables, Florida, do not develop the property in accordance with the site plans dated 12.22.07, and approved at the public hearings referenced above, that Ordinance No. 1515 shall remain valid and enforceable.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT:

**SECTION 1.** The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** Ordinance No. 1515, an ordinance vacating a certain portion of the alley in Block 17, Industrial Section, is hereby repealed and all City Staff conditions included with the site plan are granted via Resolution.

**SECTION 3.** If the owners of Lots 1-18, inclusive, and Lots 76 to 88, inclusive, Block 17, Industrial Section, Coral Gables, Florida, do not develop the property in accordance with the site plans dated 12.22.07, and approved at the public hearings referenced above, that Ordinance No. 1515 shall remain valid and enforceable.

**SECTION 4.** It is the intention of the City Commission that each provision hereof be considered severable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other portion of this Ordinance, the Coral Gables Comprehensive Land Use Plan, the Coral Gables Zoning Code, or the Coral Gables City Code.

**SECTION 5.** All rights, actions, proceedings and Contracts of the City, including the City Commissioners, the City Manager, or any of its departments, boards or officers undertaken pursuant to the existing code provisions, shall be enforced, continued, or completed, in all respects, as though begun or executed hereunder.

**SECTION 6.** All ordinance or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

**SECTION 7.** If any section, part of session, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 8.** This ordinance shall become effective \_\_\_\_\_, 2008.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2008.

DONALD D. SLESNICK II  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

**ELIZABETH M. HERNANDEZ  
CITY ATTORNEY**

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***Building and Zoning Department - Preliminary Zoning Analysis  
MXD use Review Sheet – all mix use project require commission approval***

Project Name: Gables Gateway

Project address: 4585 Ponce de Leon Blvd  
(Le Juene and Granello)

Project Architect: Behar/Font Architects

Phone: 305-740-5442 phone

Fax: 305- 740-5443

BOA preliminary approval:

BOA Final approval:

MED bonus approval: Table 1:

Table 2:

Table 3:

DRC level 1:

DRC level 2:

Date of review: January 24, 2008

<b><i>CODE SECTION</i></b>	<b><i>REQUIRED</i></b>	<b><i>PROVIDED</i></b>
	Legal Description	Lots 84-88, Blk. 17, Coral Gables Industrial Section Lots 76-83, Blk. 17, Coral Gables Industrial Section Lots 1-23, Blk. 17, Coral Gables Industrial Section
	Zoning	“C” - Lots 84-88 – Blk 17 “I” – 76-83 and 1-23 – Blk 17
	Comprehensive Land Use Plan	Commercial - Low Rise Intensity 4 stories / 3.0 FAR – Lot 84-88 – Blk 17 Industrial – lots 76-83 and 1-23 – Blk 17
	Total Site area	100,845 sq. ft. need sq. ft verified and written on survey
Section 4-63 and Section 4-201 A-7-	Site specific standard do not apply if MXD is approved Section 4-201 A-7-e-3	Commercial – 6 stories / 72’-0” all Blk 17 Manufacturing – 3 stories / 45’-0” – lots 1-83 Blk 17

e-3		
	Off Site Parking	Yes (within the MXD district) N/A
	Distance from Principle Site	N/A
	Off Site Area	N/A
	Off Site Zoning	N/A
	Off Site Land Use	N/A
	Total of Site Areas	N/A
	Overlay Districts	Mediterranean , MXD
4-201-D-1 4-201-D-2 4-201-D-3	Minimum MXD site area 20,000 sq. ft. MXD district or MXD buildings. Minimum site area for an MXD project/building with North and South Industrial MXD as defined in the zoning map 10,000 sq. ft. and 100' frontage	100,845 sq. ft. put sq. ft. on survey
4-201-D-4	Lot Coverage	No minimum / No maximum
4-201-D-5	Minimum mixed use 8% of building or entire ground floor which ever is greater.	8% of building (FAR only) = 26,313 sq. ft. Ground floor = 100,845 sq. ft. Area of permitted ground floor uses = 37,849 sq. ft.
4-201-D-6	Mediterranean Architecture <b><u>(Overlay district only)</u></b>	<b><u>Mandatory for overlay districts only to be determined by city architect and BOA</u></b>
4-201-E-1	Bridges over right of way <b><u>(Overlay district only)</u></b>	Permitted if both side have same ownership. Only in an overlay district / N/A
4-201-E-2	Balcony and awning encroachment	Subject to applicable regulations
4-201-E-3	Permitted FAR	100,845 x 3.0 = 302,535 sq. ft.
	Med. Bonus FAR Max .05 / <b><u>Must comply with table 1 – table 2 and table 3 of MED bonus –</u></b>	100,845 x .05 = 50,422 sq. ft. Must be granted by BOA and city architect – show approval on preliminary and permit

	<u><i>this must be approved by BOA and city architect</i></u>	plans for table 1, 2 table 3 for setback relief
	Total Permitted FAR	352,957 sq. ft.
	Proposed FAR	328,924 sq. ft.
	Proposed area of ground floor uses.	Building 37,849 sq. ft. Retail
4-201-E-4	Permitted No. of Floors	No minimum or maximum for MXD – <u><i>CLUP governs stories / floors</i></u>
4-201-E-5	Floor to floor height	As per the FBC
4-201-E-6	Permitted Height	Industrial up to 100'-0" CLD up to 75'-0" Manufacturing 45'-0" Commercial up to 100'-0"
CLUP	Land Use Height	Commercial - Low Rise Intensity - 50'-0" / 77'-0" with MED . Industrial – 72'-0" / 99'-0" with MED
CLUP	Land Use No. of Stories	Commercial - Low Rise Intensity - 4 stories or 6 stories with MED Industrial – no stories stated
	Proposed Height	Building - 99'-0" "I" use / 72'-2" "C" use
	Proposed No. of Stories	Building - 10 stories "I" use / 6 stories "C" use
4-201-E-7	Height of Arch Element Permitted CLD up to 15'-0" - N/A Commercial and Industrial up to 25'-0" Manufacturing up to 10'-0" - N/A	Below allowable height 77 + 25 = 102 / proposed 99'-0" 99 + 25 = 124 / proposed 116'-0"
4-201-E-8	Height adjoining residential <u><i>(Overlay district only)</i></u>	45'-0" for 100'-0" feet of the adjacent right of way line + 10'-0" for arch elements / N/A
4-201-E-9	Number of building per site	No minimum or maximum required
4-201-E-10	Retail street frontage Minimum 50% of frontage on front street	(Ponce.) Proposed = 145 ln. ft. (Granello) Proposed = 356 ln. ft.

	Required $949 \times .50 = 474$ ln. ft.	Total = 501 ln. ft.
4-201-E-11	Retail or public street frontage Minimum 40% of frontage on side street Required $221 \times .40 = 88'-4''$ ln. ft	Required $221 \times .40 = 88'-4''$ ln. ft. (Salzedo) Proposed = 230 ln. ft.
4-201-E-12	Retail frontage on alleys	None required
4-201-E-13	Density Permitted 125 units per acre $100,845/43560 = 2.31$ acres $\times 125 = 289$ units	Units – 230
4-201-E-14	<b>Setbacks</b>	
	Required	Proposed
	Front (Ponce and Granello)	
	0'-0" up to 45'-0" above 45'-0" high 10'-0"	0'-0" up to 43'-0" / 10'-0" after 43'-0"
	Side Street (Le Juene)	
	15'-0"	15'-1"
	Interior side 0'-0"	2'-0"
	Rear Alley 0'-0"	0'-0"
4-201-E-15	Setback relief requested	No
4-201-E-15	Amount of building in required setback area	N/A
4-201-E-15	Required open space (50%) (setback encroachment $\times$ 50%) Minimum required area (500 sq. ft)	N/A
4-201-E-15	Setback relief / Vertical Building Stepback Required <b><u>10'-0" after 3 stories or 45'-0" whichever is less on all facades</u></b>	N/A

4-201-E-16	Setback adjoining residential uses All property abutting a residential land use or district shall be 15'-0". No reductions may be requested	N/A
4-201-E-17	Street frontage - No minimum or maximum in the overlay district / 100' for industrial north-south overlay with 10,000 sq. ft lot	N/A – 609 provided
4-201-F-1	Maximum linear length of arcade or loggia <b><u>(required for overlay district only)</u></b> 80% of the length of the building or as per approved site plan (1,193 lf x 80% = 954 ln. ft.)	Proposed length of arcade or loggia 967 lf – <b><u>(required for overlay district only) / over by 13 sq. ft. requires site plan approval</u></b>
4-201-F-2	Architectural Relief Elements on all sides of the Building	<b><u>To be determined by BOA and city architect</u></b>
4-201-F-3	All support services located within the building	Yes
4-201-F-4	Facade breaks at 100 foot intervals	<b><u>To be determined by BOA and city architect</u></b>
4-201-F-5	Decorative street lighting provided ( max 35'-0" in height)	Show on plans <b><u>(to be approved by public works)</u></b>
4-201-F-6	Building lighting	<b><u>Requires Planning, Planning and zoning board and Commission approval – indicate if this is being used</u></b>
4-201-F-7	Landscape lighting	Is encouraged
4-201-F-8	Storage - Prohibited outside the building	Not outside storage provided
4-201-F-9	Overhead doors - Shall not face residential	N/A
4-201-F-10	Paver treatment included at driveway entrances, crosswalks and (sidewalks a minimum of 25 % of the paved surface)	<b><u>To be determined and approved by public works and public services</u></b>
4-201-F-11	Parking Garage - Shall include exterior	<b><u>To be determined by BOA and city architect</u></b>

	architectural treatment compatible with building	
4-201-F-12	Pedestrian access orientation - Main entrance oriented towards front property line	Pedestrian access on Granello and Ponce
4-201-F-13	Required pedestrian amenities (All elements must be provided)	
	Benches	10 shown
	Information Kiosks	1 shown
	Lighting	Shown
	Bike racks	3 shown
	Refuse Containers	0 shown
	Sidewalk pavement treatment	Shown
	Statuary	1 shown
	Street crosswalk paver treatment	<b><u>To be coordinated with public works</u></b>
	Wall mounted fountains	6 shown
	Water fountains / water features	2 shown
4-201-F-14	Pedestrian design features at street level only Display windows Landscaping Architectural building design features	<b><u>To be determined by BOA and city architect</u></b>
4-201-F-15	Pedestrian pass through for each 250 feet of building frontage. 10'0" minimum 20'0" combined $681 / 250 = 2.7$ 3 required	1 provided – 10'-0" 1 provided – 20'-0"
4-201-F-16	Porte cochere on front property line (prohibited)	
4-201-F-17	Roof top screening	Yes
4-201-G-1	Landscape improvements in right of way as per Article 5 Division 11 , sec 5-1104 and sec 5-1105 A and C C districts – 10% min 10'-0" wide 75% may be paved with pervious material 28 large shade trees per acre and 224 shrubs per acre 1 palm or medium shade tree in the alley for every 35'-0" (25% may be palms) and 1 shrub per every 3 linear	<b><u>Must be approved by Public Works and Public services</u></b>

	feet of alley	
	Right of way planting requirements if no City Streetscape Master Plan One tree per 35 feet of right of way frontage. $(1,193)/35 = 34$ 1 shrub per 1 lf of right of way frontage = 1,193 25% may be palm trees.	<b><u>Must be approved by Public Works</u></b>  27 shade (Oaks) - <b><u>5 short</u></b> 2 palms <b><u>Shrubs not shown</u></b>
	Median planting must comply with 5-1105-A-4 - Is a median possible?	Is a median possible? <b><u>Must be determined and approved by Public Works and public services</u></b>
	General Landscaping requirements to comply with Section 5-1104 A 1 thru 11	To comply at permit
MED BONUS Table 1	MXD landscape requirement – 10% of site = $100,845 \times 10\% = 10,084$ sq. ft.	<b><u>Provide landscape plan to be able to calculate – must comply or be mitigated</u></b>
4-201-H-1	Bicycle storage 1 ten foot rack per 250 parking spaces Required: 3	3 provided
4-201-H-2	Boats and trailer shall be parked with an enclosed garage	N/A
4-201-H-3	A 6” curbing required on all streets abutting the project?	indicated
4-201-H-4 5-1409-D 5-1402-B	Loading spaces / non residential floor area Less than 100,000 sq ft – 0 100,000 – 199,999 – 1 200,000 – 299,999 – 2 300,000 – 399,999 – 3 Each additional 100,000 – add 1 10 x 25 x 14 high 0 required	3 provided
4-201-H-5 5-1409-B-1	Parking	
	1/250sq. ft. Office / 794	3.1 spaces

	1/250 sq. ft. retail 29,055 retail + 11,707 BOH = 40,762 / 250 = 163.0 spaces	163.0
	1/100 sq. ft. restaurant - 8,000 / 100 sq. ft	80.0
4-201-H-9 5-1409-B-1	Residential units Eff, 1 bed, 2 bed x 1.75(230) = 402.5	402.5
	Total Required Parking 402.5 + 80 + 163 + 3 = 649	653 <b><u>(30 spaces in alley must be approved by public works)</u></b>
	<b><u>Surplus</u></b> / Deficit	4 spaces
4-201-H-6	On street parking	<b><u>Must be determined and approved by Public Works</u></b>
4-201-H-7	Parking garages No ground floor parking is allowed fronting a primary street	Complies
4-201-H-8	Parking space may be assigned	N/A
4-201-H-10	Surface parking Prohibited on front primary streets	N/A
4-201-H-11	Valet parking <b>(required for overlay district only)</b> Valet drop off must be on site. In overlay districts tandem and stacking prohibited	No tandem or lifts provided for valet
4-201-I-1	Trash room location A/C Fully enclosed and lockable	In the building - <b><u>Must be approved by waste management</u></b>
4-201-J-1	Signs As per Article 5 Division 19	Under separate permit
4-201-K-1	Alley and street vacation	<b><u>Must be determined and approved by Public Works</u></b>
4-201-K-2	Driveways – Access must be from a side street or	<b><u>Access from front street – does not comply 4 curb cuts provided</u></b>

	alley	
4-201-K-3	Sidewalks Min. 4'-0" Connect to one another/ separated from vehicular traffic	<b><u>Must be determined and approved by Public Works</u></b>
4-201-L-1	Underground utilities All utilities must be installed underground as per Article 5, Division 22	<b><u>Must be determined and approved by Public Works</u></b>
4-201-L-2	Above ground utilities Must be screened and comply with Division 5, Article 11 and 18	<b><u>Must be determined and approved by Public Works</u></b>
4-201-M-1	Configuration of land Parcel shall be contiguous	<b><u>Alley – To be determined by planning</u></b>
4-201-M-2	Easement – City may request them as a condition for approval	N/A
4-201-M-3	Encroachment into public right of way	<b><u>Light on arcade- Must be determined and approved by Public Works</u></b>
4-201-M-4	Live work units	N/A
4-201-M-5	Public Realm improvements <b>(required for overlay district only)</b>	N/A – <b><u>To be determined by planning</u></b>
	Notes	
		<p>1. Commercial requirements 4-302 – FOR REFERENCE ONLY</p> <ul style="list-style-type: none"> <li>• FAR 3.0</li> <li>• Minimum parcel less than 45'-0" high 2500 sq. ft</li> <li>• Minimum parcel over 45'-0" high 200 street frontage and 20,000 sq. ft.</li> <li>• Minimum parcel dimension 25w x 100d</li> <li>• Setback</li> <li>• Front 15'-0" or less 0'-0" above 15'-0" 10'-0" at cornice line/parking pedestal or 40'-0"</li> <li>• Interior Side 45'-0" or less 0'-0" above 45'-0" – 15'-0" + 1' for each 3' above 45'-0"</li> </ul>

		<ul style="list-style-type: none"> <li>• Side street -15'-0"</li> <li>• Rear – alley 0'-0" no alley 10'-0"</li> <li>• Canal 35'-0"</li> <li>• Height – as per comp land use plan or site specific</li> <li>• Height within 100'-0" of SFR or MF1 3 stories 45'-0"</li> <li>• Mix use – 8% commercial</li> <li>• Parking - office 1/ 300 – retail 1/250 /</li> </ul>
		1. Further review required
		2. MED bonus to determined by City Architect and Board of Architects - MXD must satisfy all of table 1 and 8 out of 12 on table 2/ C must satisfy all of table 1 and 8 out of 12 on table 2.
		<ol style="list-style-type: none"> <li>3. Provide legal description and survey</li> <li>4. Have block put on survey</li> <li>5. Coordinate total land and provide on survey</li> <li>6. Have lots put on survey</li> <li>7. Provide a large size original survey</li> <li>8. Survey shows university concourse instead of Ponce de Leon</li> <li>9. Provide restrictive covenant in lieu of unity of title</li> <li>10. Provide documentation of alley vacation</li> <li>11. Parking of alley requires approval from public works</li> <li>12. Indicate all mechanical rooms and stairs in roof this counts in FAR</li> <li>13. Indicate height to the highest part of the roof</li> </ol>
		14. Refer to highlighted area in review for additional information required

**Planning Department MXD Compliance Table  
Zoning Code Section 4-201 D Thru M  
Application No. 12-07-042-P, “Gables Gateway”**

Table 1.

<i>Reference</i>	<i>Individual building(s)</i>	<i>Overlay District</i>	<i>Type</i>	<i>Requirements</i>	<i>Compliance Determination</i>	<i>Comments</i>
D. Performance standards.						
1.		✓	Minimum site area for an MXD District.	Twenty-thousand (20,000) square feet.	N/A	Designation of an MXD District is not proposed.
2.	✓		Minimum site area for an MXD project/building.	Twenty-thousand (20,000) square feet.	Complies	Project is located in South Industrial MXD, and has street frontage of 950 feet and a site area over 100,000 square feet.
3.	✓		Minimum site area for an MXD project/building within North and South Industrial MXDs as defined on the Official Zoning Map.	Greater than forty-five (45) feet in height shall provide a minimum of one-hundred (100) feet of primary street frontage and a minimum site area of ten-thousand (10,000) square feet.	N/A	Provision is only necessary for projects with less than 20,000 square feet.
4.	✓	✓	Lot coverage.	No minimum or maximum.	Complies	
5.	✓	✓	Mixed use percentages.	Provide a minimum of eight (8%) percent of the total square footage of the building square footage (not including parking garage square footage) or the entire ground floor, whichever is greater, of permitted ground floor uses. Remaining portions of the building may be uses permitted in the underlying zoning designations as modified by these regulations.	Complies	Entire ground floor, representing 11.3% of entire project is provided.
6.		✓	Mediterranean architecture.	Mandatory for MXD overlay districts only.	Complies	Approved by Board of Architects on 01.24.08.

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
E. Building regulations.						
1.		✓	Encroachments of bridges over rights-of way.	Bridges traversing a public right-of-way are permitted, however, only if properties on both sides are under same ownership.	N/A	No bridges proposed.
2.	✓	✓	Encroachments for balconies, awnings, etc.	Subject to applicable regulations.	Complies	Shall be subject to all required regulations.
3.		✓	Floor area ratio.	Up to 3.5 with Mediterranean architecture.	Complies	3.26 FAR proposed.
4.	✓	✓	Floors.	No minimum or maximum required.	Complies	
5.	✓	✓	Floor-to-floor height.	The minimum floor-to-floor height shall be permitted as regulated per the Building Code.	Complies	Required to comply with the Florida Building Code (see zoning analysis).
6.		✓	Height.	<p>The permitted heights for habitable space for the following underlying zoning designations shall be as follows:</p> <ul style="list-style-type: none"> <li>• Up to a maximum of one hundred (100) feet in an Industrial District.</li> <li>• Underlying Commercial Limited District. Up to a maximum of seventy five (75) feet.</li> <li>• Manufacturing uses shall be limited to forty-five (45) feet.</li> </ul> <p>Commercial District up to a maximum of one hundred (100) feet.</p>	Complies	<p>Proposed heights:</p> <p>Underlying Industrial District – 99'-0"</p> <p>Underlying Commercial District – 72'-2"</p>
7.	✓	✓	Heights of architectural elements, etc.	<p>The permitted height of architectural elements, spires, bell towers, elevator housings or similar non-habitable structures for the following underlying zoning designations shall be as follows:</p> <ul style="list-style-type: none"> <li>• Commercial Limited District: up to a maximum of fifteen (15) feet.</li> <li>• Industrial and Commercial Districts: up to a maximum of twenty-five (25) feet.</li> </ul> <p>Manufacturing uses shall be limited to ten (10) feet.</p>	Complies	<p>Proposed heights with architectural elements:</p> <p>Underlying Industrial District – 116'-0"</p> <p>Underlying Commercial District – 99'-0"</p>

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
8.		✓	Height adjoining residential uses.	Properties which are adjacent to residential district designations shall be limited to a maximum height (habitable space) of forty-five (45) feet within one hundred (100) feet of the adjacent right-of-way line. Ten (10) additional feet are permitted for roof top architectural elements, etc. above the habitable height.	N/A	Property is not adjacent to residential zoning district.
9.	✓	✓	Number of buildings per site.	No minimum or maximum required.	Complies	
10.	✓	✓	Retail frontage on streets.	Minimum of fifty (50%) percent of the linear street frontage shall include retail use frontage.	Complies	
11	✓	✓	Retail frontage on side streets.	Minimum of forty (40%) percent of the linear street frontage shall include retail use frontage or public realm land area (i.e. plazas, courtyards open space, etc.).	Complies	
12	✓	✓	Retail frontage on alleys.	No minimum or maximum required.	Complies	
13.		✓	Residential density.	Up to a maximum of one hundred and twenty-five (125) units per acre.	Complies	230 units proposed, which is 100 units per acre.
14.	✓	✓	Setbacks (buildings).	Front: Up to forty-five (45) feet in height: None. If over forty-five (45) feet in height: Ten (10) feet Side: Interior side: None. Side street: Fifteen (15) feet. Rear: Abutting a dedicated alley or street: None. No abutting dedicated alley or street: Ten (10) feet. Balconies: Cantilevered open balconies may project into the required setback areas a maximum of six (6) feet. Applicants and property owners desiring to develop pursuant to these regulations may not seek a variance for relief or reduction in building setbacks. Reductions are only permitted subject to the below listed regulations.	Complies	See Zoning Analysis.

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
15.	✓	✓	Setback reductions.	<p>Reduction in setbacks. Setbacks may be reduced subject to the following standards:</p> <p>Minimum percentage of open space. A minimum of fifty (50%) percent of the total ground floor square footage received from the setback reduction is provided as publicly accessible street level open space and landscape area on the private property. The open space is subject to the following:</p> <ul style="list-style-type: none"> <li>• Types of open space. Types of open space shall be in the form of courtyards, plazas, arcades/loggias, pedestrian pass-throughs and open atriums adjacent/contiguous to the adjacent rights-of-way.</li> <li>• Minimum area. Minimum square footage of allowable open space (i.e., plazas) shall be five hundred (500) square feet.</li> <li>• Include both hard and softscape landscape improvements and pedestrian amenities.</li> <li>• Vertical volume. As a minimum include a vertical volume of space equal from street level to the first floor height or a minimum of thirteen (13) feet. Additional height may be recommended.</li> <li>• Restaurant seating. This area may be used for outdoor restaurant seating subject to approval as provided for in these regulations.</li> </ul> <p>Vertical building setbacks. A vertical setback of a minimum of ten (10) feet shall be provided above the height of three (3) floors or forty-five (45) feet (whichever is less) on all façades. Additional setbacks may be requested to further reduce the potential impacts of the building bulk and mass.</p>	N/A	Reductions not being requested.

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
16.		✓	Setbacks adjoining residential uses.	Residential districts. All property lines abutting a residential land use or district shall be a minimum of fifteen (15) feet. No reductions in setbacks may be requested or granted.	N/A	Property does not abut a residential zoning district.
17.		✓	Street/lot frontage.	No minimum or maximum.	N/A	
F. Design regulations.						
1.		✓	Arcades and/or loggias.	Arcades, loggias or covered areas may accommodate up to eighty (80%) percent of the entire linear length of the building based upon the site plan review criteria listed herein. Encroachment of the entire length or one hundred (100%) percent may be requested subject to review and approval at the time of site plan consideration. Limitations of encroachments on corners of buildings may be required to control view corridors and ground floor building bulk and massing.	Complies	
2.	✓	✓	Architectural relief and elements.	Architectural relief and elements (i.e., windows, cornice lines, etc.) shall be provided on all sides of buildings and include similar architectural features as to those provided on the front façade. No blank walls shall be permitted unless required pursuant to applicable Fire and Life Safety Code requirements.	Complies	Proposal was reviewed by the City Architect and preliminarily approved by the Board of Architects on 01.24.08.
3.	✓	✓	Building support services.	All mechanical, electrical and other associated support service areas shall be located entirely within the structure.	Complies	
4.	✓	✓	Facades.	Facades in excess of one hundred and fifty (150) feet in length, shall incorporate design features with the use of, but not limited to the following items: (a) Breaks, setbacks or variations in bulk/massing at a minimum of one hundred (100) foot intervals. (b) Use of architectural relief and elements.	Complies	Proposal was reviewed by the City Architect and preliminarily approved by the Board of Architects on 01.24.08.

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
5.	✓	✓	Lighting (street).	Decorative street lighting shall be provided and located on all streets/rights-of-way subject to the following: <ul style="list-style-type: none"> <li>• Light fixtures/poles up to thirty-five (35) feet in height.</li> <li>• Subject to all other applicable City code provisions.</li> </ul>	Complies	Shown on proposed site plans (See Zoning Analysis).
6.	✓	✓	Lighting (building).	External illumination and lighting of buildings shall require Planning Department and Planning and Zoning Board review and recommendation with approval of the City Commission.	Complies	
7.	✓	✓	Lighting (landscaping).	Lighting in the form of uplighting of landscaping is encouraged.	Complies	Provision is not a requirement.
8.	✓	✓	Outdoor storage.	The storage of materials, goods, merchandise, and equipment for the purpose of display and/or sales outside the confines of any buildings or structures is prohibited.	Complies	Shall be required to comply with this provision through Code Enforcement.
9.	✓	✓	Overhead doors.	Overhead doors shall not face or be directed towards residential properties and/or adjacent rights-of-way abutting residentially zoned properties.	N/A	Property is not abutting any residential zoning district.
10.	✓	✓	Paver treatments.	Paver treatments shall be included in the following locations: <ul style="list-style-type: none"> <li>• Driveway entrances.</li> <li>• Crosswalks.</li> <li>• Sidewalks. Minimum of twenty-five (25%) percent of paving surface.</li> </ul>	Complies	To be determined and approved by public works and Public Services (See Zoning Analysis).
11.	✓	✓	Parking garages.	Parking garages shall include exterior architectural treatments compatible with buildings or structures which occupy the same development and/or street.	Complies	Proposal was reviewed by the City Architect and preliminarily approved by the Board of Architects on 01.24.08.
12.	✓	✓	Pedestrian access orientation.	All buildings, except accessory buildings, shall have their main pedestrian entrance or entrances oriented towards the front property line.	Complies	Shown on proposed site plans.
13.	✓	✓	Pedestrian amenities.	Pedestrian amenities shall be provided on both private property and/or public open spaces including	Complies	Shown on proposed site plans (See also Zoning Analysis).

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
				<p>but not limited to the following:</p> <ul style="list-style-type: none"> <li>• Benches.</li> <li>• Information kiosks.</li> <li>• Lighting.</li> <li>• Bike racks.</li> <li>• Refuse containers.</li> <li>• Sidewalk pavement treatments.</li> <li>• Statuary.</li> <li>• Street crosswalk paver treatments.</li> <li>• Wall mounted fountains.</li> <li>• Water fountains and other similar water features.</li> </ul> <p>All pedestrian amenities shall be permanently secured to the ground surface. Above amenities shall be consistent in design and form with the applicable City Public Realm Design Manual.</p>		
14.	✓	✓	Pedestrian design features for building frontages (street level only).	<p>On any front property line or primary street, where an adjoining pedestrian sidewalk is located, the following design features shall be included:</p> <ul style="list-style-type: none"> <li>• Display windows or retail display area;</li> <li>• Landscaping; and/or,</li> <li>• Architectural building design features.</li> </ul> <p>The intent is to create pedestrian and shopper interest, preclude inappropriate or inharmonious design, preclude blank walls of building faces, and prohibit windows from being permanently obstructed.</p>	Complies	Shown on proposed site plans.
15.	✓	✓	Pedestrian pass-throughs/ paseo.	<p>Pedestrian pass-throughs shall be provided for each two hundred and fifty (250) linear feet or fraction thereof of building frontage provided on the primary street. The pass through shall be subject to the following:</p>	Complies	2 pedestrian pass-throughs are proposed; 1 – 20' in width and 1 – 10' in width (See also Zoning Analysis).

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
				<ul style="list-style-type: none"> <li>• Minimum of ten (10) feet in width.</li> <li>• Include pedestrian amenities as defined herein.</li> </ul> In lieu of providing one (1) pass through of ten (10) feet every two hundred and fifty (250) feet of building frontage, two (2) pass-throughs can be combined to provide one (1), twenty (20) foot wide pass-through.		
16.	✓	✓	Porte-cocheres.	Porte-cocheres are prohibited on front property line or primary street.	Complies	None proposed.
17.	✓	✓	Rooftop screening.	All mechanical, electrical, cellular antennas and other similar roof top building support services shall be entirely screened from public view subject to applicable requirements of these regulations.	Complies	Shown on proposed site plans.
G. Landscaping.						
1.	✓	✓	Landscape open space.	Landscape open space requirements are satisfied pursuant to the rights-of-way planting requirements listed in Article 5, Division 11.	Complies	Must be approved by Public Works and Public Services (See Zoning Analysis).
H. Parking/vehicle storage.						
1.	✓	✓	Bicycle storage.	To encourage the use of bicycles, etc., a minimum of one (1) ten (10) foot bicycle rack for each two hundred and fifty (250) parking spaces or fraction thereof shall be provided. The location shall be convenient to users and shall be subject to review as a part of the site plan review.	Complies	3 bike racks provided (See Zoning Analysis).
2.	✓	✓	Boats, trailers, etc.	Boats and recreational vehicles, or similar accessory vehicles. These vehicles shall be parked and/or stored within an enclosed garage, area or structure.	N/A	None proposed.
3.	✓	✓	Curbing.	Raised curbing. Six (6) inch raised curbing shall be provided on all streets abutting this use. Curb cuts and	Complies	Shown on proposed site plans.

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
				ramps for handicapped access shall also be provided at all street intersections and points of pedestrian crossing.		
4.	✓	✓	Loading/unloading areas.	<p>Off-street loading standards and requirements shall conform to the requirements as set forth in Article 5, Division 14.</p> <p>All loading/unloading areas and/or facilities shall be within fully enclosed areas with overhead doors. Overhead doors shall remain closed when not in use and after hours.</p>	Complies	Shown on proposed site plans.
5.		✓	Nonresidential uses.	<p>Off-street parking requirements shall be calculated utilizing a blended parking of one (1) space per two hundred and fifty (250) gross square feet.</p> <p>Restaurants shall require one (1) space per one hundred (100) gross square feet.</p>	Complies	See Zoning Analysis.
6.	✓	✓	On-street parking.	<p>On-street parking must be provided on both sides of the street on all primary streets, unless encroachments for arcades/loggias are requested. Evaluation as to the amount of on-street parking provided shall be evaluated on a case-by-case basis.</p> <p>On-street parking shall not be included as satisfying the required parking requirements.</p> <p>On-street parking is encouraged on alleys.</p> <p>Removal of on-street parking shall be subject to compensation to the City based upon established City provisions.</p>	Complies	Must be determined and approved by Public Works (See Zoning Analysis).
7.	✓	✓	Parking garages.	Ground floor parking that is located and fronting on a primary street is prohibited. Ground floor parking is permitted on secondary streets and shall be fully	Complies	

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
				enclosed within the structure and shall be surrounded by retail uses. Ground floor parking is permitted on alley frontages.  Parking facilities shall accommodate pedestrian access to all adjacent street(s) and alleys.		
8.	✓	✓	Parking space limitations.	Restricting and/or assignment of off-street parking spaces for individual tenant or users with the use of signage, pavement markings, etc., are permitted.	Complies	
9.	✓	✓	Residential uses.	Off-street parking requirements shall conform to the requirements as set forth in Article 5, Division 14.	Complies	
10.	✓	✓	Surface parking areas.	Surface parking lots and/or similar vehicle use areas are prohibited to front on primary streets.	Complies	
11.		✓	Valet parking areas.	If valet parking is desired, the valet parking drop-off areas shall be provided on private property. Tandem and/or stacking of parking are prohibited.	Complies	Residential drop-off area provided in the interior of the building.
I. Sanitation and service areas.						
1.	✓	✓	General.	In accordance with Article 5, Division 17	Complies	Shall be required to comply.
J. Signs.						
1.	✓	✓	General.	In accordance with Article 5, Division 19.	Complies	Shall be required to comply.
K. Streets and alleys.						
1.	✓	✓	Streets and alleys.	Property owner(s) may request the vacation and/or abandonment of a public right-of-way subject to the criteria and procedure in Article 3, Division 12.	Complies	Applicant has requested alley abandonment and vacation review.
2.	✓	✓	Driveways.	Vehicular access to parking garages shall be from a side street or alley. Vehicular egress/ingress, including	Complies	Garage entrances are accessed via Granello Avenue and all other vehicular

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
				<p>but not limited to driveways, service drives, drive-throughs, etc., may be permitted from a primary street and shall be evaluated as part of site plan review based upon the project design in relation to existing surrounding circulation. Valet access points are exempt from these provisions.</p> <p>Vehicular entrances for drive-through facilities, garage entrances, service bays and loading/unloading facilities should be consolidated into one (1) curb cut to reduce the amount of vehicular penetration into pedestrian sidewalks and adjoining rights-of-way.</p>		access is provided via public alleyway.
3.	✓	✓	Sidewalks.	<p>Pedestrian pathways and/or sidewalks shall connect to one another to form a continuous pedestrian network from parking garage entrances, parking areas, primary and secondary pedestrian entrances, etc. Wherever possible pathways shall be separated from vehicular traffic.</p> <p>Sidewalks shall be located on both sides of all streets with a minimum of four (4) foot unobstructed clear area. The clear area shall be unobstructed by utility poles, fire hydrants, benches, trash receptacles, newspaper stands, light poles, planter boxes, telephone booths or other similar temporary or permanent structures (traffic signage shall be exempt from the above regulations).</p> <p>Sidewalks at points of street intersections or pedestrian crossing shall be sloped in such a manner as to accommodate handicapped access with the use of two (2) curb cuts and/or ramps at each street intersection.</p>	Complies	Shown on proposed site plans.

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
L. Utilities.						
1.	✓	✓	Underground utilities.	All utilities shall be installed underground in accordance with the provisions of Article 5, Division 22.	Complies	Shall be required to comply.
2.	✓	✓	Above ground utilities.	Above ground, façade, roof, mechanical and electrical facilities shall be appropriately screened to entirely hide the facility in accordance with the provisions of Article 5, Divisions 11 and 18. Screening materials may include landscaping, walls, fencing, etc., to achieve one hundred (100%) percent opacity. Approval of type of screening shall be determined at time of site plan review.	Complies	Shown on proposed site plans.
M. Miscellaneous						
1.	✓	✓	Configuration of land.	The parcel proposed for development shall be a contiguous unified parcel with sufficient width and depth to accommodate the proposed uses. Public rights-of-way or other public lands shall not be considered as a separation.	Complies	Entire property is contiguous.
2.	✓	✓	Easements.	The City may, as a condition of approval, require that suitable areas for easements be set aside, dedicated and/or improved for the installation of public utilities and purposes which include, but shall not be limited to water, gas, telephone, electric power, sewer, drainage, public access, ingress, egress, open space, recreation and other public purposes which may be deemed necessary by the City Commission.	Complies	Applicant is relocating easement via alley abandonment and vacation review and MXD provisions require undergrounding of all utilities.
3.	✓	✓	Encroachments into public rights-of-way.	Any encroachments, construction and penetration into the rights-of-way shall be subject to the following: <ul style="list-style-type: none"> <li>The property owners shall be responsible for all</li> </ul>	N/A	None proposed.

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
				<p>maintenance of all encroachments and/or property of all surrounding public rights-of-way, including but not limited to the following: landscaping (hard and softscape); benches; trash receptacles; irrigation; kiosks; plazas; open spaces; recreational facilities; private streets, etc. subject to all the provisions for which the development was approved as may be amended.</p> <ul style="list-style-type: none"> <li>• The property owners shall be responsible for liability insurance, local taxes, and the maintenance of the encroachment and/or property.</li> </ul>		
4.	✓	✓	Live work units.	<ul style="list-style-type: none"> <li>• Live work units shall satisfy all applicable building code and fire and life safety code requirements at time of completion.</li> <li>• Each live work unit, including the garage (if applicable), shall be separated by walls from other live work units or other uses in the building, and shall have the ability to construct separate entrances to each use in the future.</li> <li>• The nonresidential space of a live work unit may be expanded to include the nonresidential space of an abutting live work unit if the applicant meets all applicable building codes.</li> <li>• Changes in use to allow for nonresidential uses shall be required to pay impact and water fees, meet the applicable building codes, and the parking requirements.</li> <li>• Operation of live work unit. <ul style="list-style-type: none"> <li>○ Prior to the issuance of an Occupational License for a nonresidential use, the applicant shall apply for a change in use permit if the unit was previously designated as a live work unit as part of</li> </ul> </li> </ul>	N/A	

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
				<p>a development approval.</p> <ul style="list-style-type: none"> <li>o Deliveries for nonresidential uses in the live work unit shall be limited to the hours of 8:00 AM to 8:00 PM.</li> <li>o Live work units shall not be used for storage of flammable liquids, or toxic hazardous materials which means any and all materials, substances, waste or chemicals classified under applicable governmental laws, rules or regulations as hazardous or toxic substances, materials, waste or chemicals.</li> </ul>		
5.		✓	Public realm improvements.	<p>Responsibility. All property owner(s) that desire to develop pursuant to these regulations shall be required to fund, install, and maintain all public realm improvements required herein on private property as well as those required from the property boundary to the centerline of all contiguous public rights-of-way. A property owner may also provide public realm improvements up to the property line on the far side of rights-of-way abutting his/her property. These improvements as identified in the "Master Streetscape Plan" and "Underground Facilities Master Plan" include, but are not limited, to the following: landscaping; paving; signage; street furniture; public right-of-way improvements; and undergrounding of all utilities.</p> <p>Any other abutting property owner who subsequently develops property abutting an improved public realm area pursuant to these provisions shall reimburse the property owner who funded the improvements the pro rata share attributable to his property based on street or alley frontage along with the amount of interest</p>	Complies	Applicant is providing various public realm improvements, required in the conditions of approval, which are shown on proposed site plans.

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
				<p>permitted by this provision. Per annum simple interest as established and authorized by Section 687.01, Florida Statutes will accrue from the date of full payment for all improvements.</p> <p>Property owners who develop property abutting already improved public realm areas shall restore the public realm areas to their condition prior to the commencement of construction. The costs of such restoration shall not affect the total amount of reimbursement which another abutting property owner may be entitled to under this section.</p> <p>Administration of improvements. Prior to issuance of a building permit for construction, the property owner(s) shall provide surety equating to one hundred (100%) percent of the costs for completion of all improvements. The monies shall be deposited into a "Mixed Use District Public Realm Improvements Fund" (hereinafter referred to as the "Fund") and disbursed by the City according to this section. The pro rata share of each property owner's contribution to the fund shall be based on its street frontage measured in linear feet or other means of equitable distribution. Per annum simple interest as established and authorized by Section 687.01, Florida Statutes will accrue from the date of full payment for all improvements. The City shall also collect an administrative fee as authorized by Florida Statutes for the administration and implementation of the Fund. Invoices submitted by the developer to the City in connection with the public realm improvements shall be paid by the City from the Fund. The City's Public Works Department shall monitor construction and disperse the monies from the Fund based upon completion of work and</p>		

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements	Compliance Determination	Comments
				<p>in compliance with the Master Streetscape Plan and Underground Facilities Master Plan.</p> <p>Underground utility provisions. Underground utilities shall be installed pursuant to an Underground Facilities Master Plan which will be prepared by the Public Works Department in cooperation with the Planning Department. The necessary support facilities for the installation of all underground utility facilities, including but not limited to utility vaults and transformers shall be located on private property. Property owners will receive an FAR credit equivalent to the amount of space occupied by the necessary utility facility.</p> <p>Easements. The property owners shall provide easements to all applicable utility companies for the installation and maintenance of underground utilities.</p> <p>Alternative funding mechanism. A Special Taxing District or Special Assessment District may be created pursuant to Florida Statutes to fund the installation and maintenance of underground utilities and all public realm improvements.</p>		
6.	✓	✓	Transfer of density and floor area ratio within the site plan.	The density and floor area ratio may be transferred throughout the contiguous unified parcel.	Complies	

Gables Gateway  
Neighborhood Meeting  
Sign In

<u>Name</u>	<u>Address</u>
Lucille McKey	4615 PONCE DE LEON
Victor Rossinsky	ORR 4573 Ponce
Alfonso Jimenez	461 Loretto AVE CORRAL GABLES FL 33146
John Forbes	4565 Ponce de Leon #100 CG 33146
Ann Duncan	4750 Jefferson
Elizabeth Stone	425 Cadagua Ave
Bob Dwan	604 Cadagua Ave
<del>John</del> John Morahan	4720 Jefferson
Ike Fisher	4601 Ponce #300

# Greenberg Traurig

## Memorandum

**TO:** Mr. Eric Riel  
Coral Gables Planning Director

**FROM:** Mario J. Garcia-Serra, Esq.

**DATE:** January 22, 2008

**RE:** Gables Gateway / January 3rd Neighborhood Meeting

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The Neighborhood Meeting to discuss the new proposed Gables Gateway project was convened at approximately 6:10 p.m. on January 3, 2008, at the office of the project architects, Behar Font and Partners, located at 4533 Ponce de Leon Boulevard. Approximately 12 neighboring property owners were in attendance and the following individuals were in attendance on behalf of the applicant: Omar del Rio (Gables Residential), Robert Behar and Patrick Valent (project architects), Mario Garcia-Serra (land use / zoning counsel), Sonia Schreffler Bogart (traffic engineer). Scot Bolyard, of the City of Coral Gables Planning Department, was also in attendance on behalf of the City.

After a short introduction of the project team by Mr. Garcia-Serra and an explanation as to why the meeting was being held, Mr. Behar gave a presentation of the proposed project. In response to questions and comments by the neighboring property owners, Mr. Behar emphasized the reduced height of the project on the Le Jeune Road side of the property as well as the various pedestrian amenities being proposed. Mr. del Rio responded to questions regarding the ownership of the project and potential retail tenants while Mr. Garcia-Serra responded to questions regarding the necessary zoning approvals as well as the “attainable housing” component of the project.

To: Mr. Eric Riel  
Coral Gables Planning Director  
From: Mario J. Garcia-Serra, Esq.  
Date: January 22, 2008  
Re: Gables Gateway / January 3rd Neighborhood Meeting

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The majority of the comments and questions by the neighboring property owners regarded traffic impacts so Ms. Schreffler Bogart made a presentation regarding the various traffic improvements proposed as part of the project. The meeting attendees expressed support in particular for the traffic calming circles proposed for the single family neighborhood to the west of the project site and one of the commercial property owners requested that the median extension along Le Jeune Road not block the ability of northbound motorists to make a left hand turn into this property.

All of the neighboring property owners in attendance expressed their support for the project with the exception of one gentleman who refused to provide his name or sign the sign in sheet. The meeting concluded at approximately 7:30pm.

February 8, 2008

City of Coral Gables - Planning Department

Letters Received from Property Owners

Application No. 12-07-042-P- Mixed-Use (MXD) Site Plan and Alley Abandonment and Vacation Review  
Gables Gateway

	Date Received	Name and Address	Object	No Objection	No Comment	Comments (Verbatim)
1.	02/07/08	John C. Nordt 4720 Le Jeune Road Coral Gables, FL 33146		X	X	
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						