

## Development agency seeks changes to Miami 21 code plans

BY YUDISLAIDY FERNANDEZ

Miami's Downtown Development Authority wants changes to the City of Miami's new zoning code that the agency says will protect existing properties and guarantee property owners more development rights.

The authority's directors last week passed a resolution endorsing Miami 21 – a rewrite of the existing zoning code – subject to nine conditions.

They want these demands incorporated into the code before it reaches the city commission for a vote – tentatively – next month.

The authority's conditions include:

- Providing specific details on the methods the city will use to calculate fees under Miami 21's public benefits program, whereby developers looking for development bonuses in height or capacity pay a fee for such bonuses.

- Ensuring the rights and approvals downtown developers have received for projects under the existing zoning code will not be lost.

- Extending automatic extensions for existing development permits and approvals to six years from the code's inception. The authority also wants the city to allow unlimited extensions beyond that time subject to city commission approval.

Javier Betancourt, the authority's urban planning and transportation manager, said this revision would help developers who have projects in the pipeline but can't move forward in the current economic climate.

Board member Jerome Hollo, an area developer who heads the committee, said those are modifications the group agreed were important.

Mr. Hollo is vice president of Florida East Coast Realty,

headed by his father, Tibor Hollo.

Last month, Miami's planning staff – the orchestrators of the new zoning code – attended an authority urban design committee meeting to address board members' questions and concerns.

Neisen Kasdin, board vice chairman, said the committee's discussion on Miami 21, a hot topic, was "constructive."

He said the group members focused on legitimate issues they had with the 300-plus code proposal.

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At the committee meeting authority board members identified other changes such as:

- Devising language that clarifies that the process for determining minor changes to development permits and approvals remains the same under the new code. Mr. Betancourt said it's not clear on the proposed code that the process is not changing.

For projects asking for substantial changes, Mr. Betancourt said the authority wants language that states projects have the option of following the current code – which would require city commission review.

Builders and residents also have the option of following Miami 21. Mr. Betancourt said as an incentive changes will be



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reviewed internally, skipping the city commission.

- Providing protection for existing structures from casualties such as hurricanes. If a structure built under the old code were destroyed, it would allow the owner to rebuild under the current code.

He said the way the Miami 21 reads now, improvements beyond 50% of the property's value must comply with the new code.

- Keeping downtown property uses deemed legal under the old code legal under Miami 21 as long as the structure remains the same.

- Establishing criteria the planning director would follow to review and approve changes. The proposed code would allow the director to approve or reject some changes without planning board or city commission input. The authority wants guidelines for decision-making.

"We did not see that in the [proposed] code," he said.

- Allowing structures that don't meet the existing code to be expanded as long as non-conforming elements are not expanded. This would apply to buildings that fell out of compliance as changes were made to the existing code over time.

Mr. Betancourt said these conditions help clarify some of the code's language.

"The clearer you make it in the code, the better it is," he said.

Miami's planning advisory board recently gave Miami 21 the green light after board members and the public had dissected it for weeks. The planning board held several meetings before approving the complex zoning plan.

Authority board member Nitin Motwani, managing director of Miami Worldcenter – a project that plans to revitalize Park West – agrees with some of the changes Miami 21 would bring.

For example, he said, the new zoning plan would let property owners know what their neighbors would be allowed to build in the future "so down the road, you don't get surprises."

But not everyone supported the proposed citywide blueprint.

County Commissioner Bruno Barreiro, who attended his first meeting as the county's new representative to the authority's board, opposed the resolution.

Mr. Barreiro, whose district includes downtown, said under the new zoning code, in exchange for more density the city would lose on "creativity, innovation and individuality."

"I think what distinguishes Miami is that the skyline is different," he said.

Also concerned was board member Hank Klein.

He said he feared that once the city had the authority's support, many of the issues listed wouldn't make it into the zoning plan.

Mr. Hollo shared Mr. Klein's concerns about whether the city's planning department would incorporate the changes into the code.

Luciana Gonzalez, Miami 21's project manager, said Tuesday the planning department is "comfortable" with the authority's recommendations.

"We are comfortable we've addressed many of those issues that were discussed at our meeting with the DDA," she said.

But she added that the items still require "further discussion at the first hearing."

To help strengthen its hand, the authority's Miami 21 endorsement carried a condition that it will re-open its resolution after the city commission's first hearing to check that the authority's conditions were added.

A "glitch bill" proposal was also added to the resolution, asking the city to review Miami 21 within a year of adoption to address any problems that may surface.

Mr. Motwani said it was important for the downtown authority, which represents areas often targeted for development such as the central business district and Brickell, to take a position on Miami 21 before it reached City Hall.

"We've worked hard to make sure that the board has a voice in that hearing."



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