

Friday, October 23, 2009, 9:28am EDT

Commissioners give thumbs up to Miami 21

South Florida Business Journal - by [Oscar Pedro Musibay](#)

After some five hours of debate, Miami city commissioners on Thursday voted 4-1 to approve Miami 21, a sweeping overhaul of the city's zoning code.

The plan, which has been in the works for more than four years, is designed to scale development from large to small, and make neighborhoods more walkable and retail more accessible.

Miami Downtown Development Authority Vice Chairman Neisen Kasdin said commissioners were setting a precedent that would soon be followed by other municipalities. He said they were enacting the best in contemporary urban planning principles.

"What you are starting today by adopting Miami 21 is of national significance," Kasdin said. "Many cities around the country will be following your example."

Miami Mayor Manny Diaz, the plan's biggest champion, said it would set the city on the road to sustainability and good planning.

"History will judge us right," said Diaz, who remarked that he was likely speaking before the city commission for the last time as mayor.

But, not everyone favors the zooming overhaul. Commissioner Tomás Regalado, who was the lone "no" vote, raised concerns that Miami 21 was significantly diminishing public input through the hearing process.

Commission Chairman Joe Sanchez Marc Sarnoff, Michelle Spence-Jones and Angel Gonzalez voted for the plan.

The plan eliminates some of the opportunities for hearings that would have allowed for public input. Miami 21 consolidates two boards that hear zoning and planning issues, and gives authority to the zoning and planning departments to approve or reject some permits.

"It's very convenient for future elected officials not to have the pressure of the public and the voters," Regalado said. "I'm very, very troubled that we are part of reducing the public input, where, now in the United States, the people are engaging more and more in the business of government."

Javier Fernandez, Diaz's chief of staff, argued that there are still many opportunities for public input. He noted that citizens will get public notice on administrative decisions that would have

gone without notice under the old code and the public can appeal decisions made by the administration.

Public sentiment was mixed during Thursday's discussion.

Some supported the plan, but worried that it would allow buildings to be constructed much higher than nearby single-family homes. Some real estate attorneys sought longer lives for existing development permits. A few property owners argued that their assets would lose existing development rights, undercutting their value.

Some real estate attorneys had a more pragmatic strategy, seeking zoning changes in the new code that would allow their property-owner clients to develop to similar heights allowed in the old code.

Santiago Echemendia and Bob De La Fuente, of the law firm Tew Cardenas, convinced planners to modify proposed zoning for the **East Coast Fisheries** site on the Miami River from a minimum of eight stories to a minimum of 36. Without the change, De La Fuente said, the property would have lost its value.

Elizabeth Plater-Zyberk, dean of the school of architecture at the **University of Miami** and one of the most renowned visionaries of new urban planning, has served as consultant on Miami 21. The city has been working on the plan for about four years and has held many public hearings to get public input, a fact both Diaz and Plater-Zyberk heralded as one of the most important accomplishments of the vetting Miami 21 has undergone.

Despite all the meetings and debate, some long-festering controversies remain – and bubbled over at Thursday's meeting.

One of the most controversial issues debated involved a 35-foot height limit Sarnoff proposed and which would be voted on separately. The limit was to be imposed on the Miami Modern district on the north portion of Biscayne Boulevard.

Nancy Liebman, onetime chairwoman of the Urban Environment League and an activist in Miami Beach during the Art Deco revival, called the 35-foot limit the "death knell" of Biscayne Boulevard and declared that the historic district in Miami would die. She and others, including some property owners in the district, wanted to cap height at 53 feet.

In the separate vote on the measure that included the height limit, Sarnoff, Spence-Jones and Regalado voted for the 35-foot cap and Sanchez and Gonzalez voted against it.