

This week's Stories


**Aventura
Community in
Danger?**
CORAL GABLES
Power Play

What is noisy, not aesthetically appealing and attracts lightning? If this bill passes in the state Legislature, you'll find out, because it might move right into your backyard, Gables board members say.

MIAMI
Pay Off?

For their support of taller buildings, a Grand Avenue developer offers West Grove community groups lots and lots of funding.

SURFSIDE
The Mean Season

Eleven candidates have opted to run in Surfside's upcoming election. Yet even before the qualifying period closed things were getting kind of nasty.

The Story Matters

Grand Deal

Grove Developers Have an Agreement With a Community Coalition: If the City Approves Our Project, We Will Give You \$3 Million



Charles Byrd, right, chairman of the board of directors of the Coconut Grove Collaborative, and Jihad S. Rashid, the organization's president/CEO, pose on a median on Grand Avenue in Coconut Grove during Monday's cold snap. Photo by Mitchell Zachs / Magicalphotos.com

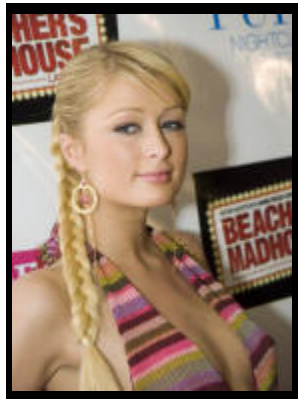
By Tiffany Rainey

It's Sunday afternoon and Grand Avenue in Coconut Grove's West Village is buzzing despite the unexpected cold. Residents congregate on stoops outside the few apartment buildings still remaining along the historical stretch that is the yellow brick road into Cocowalk, and the sounds of a particularly rowdy basketball game can be heard from the next street over. At Golden Ribs, a makeshift barbecue that serves weekend guests with ribs, chicken and the occasional seafood gumbo, a few men mill, exchanging small talk and neighborhood gossip. When a Cadillac drives by and gives a salutatory honk, one throws out, amid plastic spoonfuls of gumbo, "He's on his way to Georgia. He's moving out of here."

This is the reality of the West Village, a community established by immigrating Bahamians as early as the 1830s that struggles to remain a historically oriented stronghold for black minorities in Miami-Dade. According to some, including local community groups, the struggle is over. The West Village has been gentrified, they say; there is nothing that can be done.

It's that mentality, one warranted by the land grab of condo developers along Grand Avenue in the last few years, that spurred community leaders from several groups, including the Coconut Grove Village West Land Trust, the Village West Homeowners and Tenants Association (HOATA) and the Coconut Grove Ministerial Alliance, to accept \$3 million to file resolutions with the Miami City Commission in support of two additional floors, a jump from five to seven stories, on condominium buildings proposed by a development conglomerate that owns almost six blocks between McDonald and Douglas streets on Grand Avenue. According to the county property appraiser's office, the parcels involved are owned by limited companies controlled by Phillip

Columns


The 411
Editorial

The International Boat Show attracts the money crowd. Consider that foreshadowing. Docking boats in Miami-Dade County may soon be a right reserved for the super-rich.

Murmurs

A SunPost alumnus moves on to a new endeavor. A Broward County building official will soon get a crash course on the realities of Miami Beach building issues. And the Cirque won't be coming to town (in New York). These and other informational tidbits as interpreted by Murmurs

Wakefield

Indian burial grounds, the hazards of drinking, the Miami Performing Arts Center and other Magic City moments get Rebecca Wakefield in the mood for Valentine's Day.



MIAMI BEACH

Ships Ahoy!

Miami International Boat Show is here and its more than 100,000 attendees and their various vehicles will be too.

MIAMI

What Oversight?

The derailment of police misconduct cases investigated by the CIP is being blamed for, of all things, a lack of communication with the MPD.

MIAMI

Park This!

The Zoning Board seeks to teach the following lesson to city departments: If you don't show up don't expect to see your request approved. The result: no parking for a proposed Bryan Park tennis complex.

MIAMI BEACH

Making Nice

Smith and Wollensky promises not only to cook good steak but to be good neighbors for those who can't help but visit South Pointe Park. And when it comes to the old SunTrust building on Lincoln Road, an investor insists redevelopment is painless and can bring on many changes

Muskat, Orlando Benitez, Rosa Marrero and Julio Marrero.

"When it comes to gentrification, I believe we missed the train on Grand Avenue," attorney Luis Navarro, representing the community groups, told the Coconut Grove Village Council, which often serves as an advisory body for the Miami City Commission, at its February 7 meeting. "We have less than 400 tenants that reside there and most of them are month to month. Now we're looking at the next step."

The Deal

The next step, according to Navarro and the organizations he represents, is the deal they hashed out with developer Julio Marrero. The agreement, signed on January 13, formed when Commissioner Johnny Winton suggested at a City Commission meeting that the developers work out something with the community if they wanted the six projects approved, Navarro said.

"The city told the developers to go back to the community and make concessions," Navarro said. "The city said this; the elected officials voted for it. We tried to come out with a compromise."

What they came up with, which was presented to the council in hopes it would follow suit with a resolution similar to those put forth by the community, was a contract that dictates "[3 million] if the city approves seven (7) stories, plus amenities on the rooftops, plus one parking space per unit."

Of the \$3 million, \$500,000 will go to the Urban Empowerment Corporation for general use and summer youth programs; \$500,000 will be granted for Displacement Funds manifested in moving vouchers; the Land Trust will receive \$1 million for affordable housing and other subsidized projects; and the remaining \$1 million will go to the Ministerial Alliance, an assembly of 12 churches, for general use and to aid displaced parishioners.

There are also time-specific bonuses and penalties – ranging from an additional \$150,000 if conditions are met within 30 days to a reduction of the same amount if the zoning is not changed within 210 days – if the groups can move the variances through the commission quickly. All bonuses received will go into escrow until the community groups can collectively decide where the money should go.

To meet the criteria, the groups must have all documents filed, including resolutions, and the city has to settle its pending litigation with Marrero and his partners. Payment will begin once building permits have been issued.

Currently Julio Marrero and partners are battling the city over what they call illegal zoning changes on the properties. Though Marrero couldn't be reached for comment at press time, Marc Sarnoff of the Coconut Grove Village Council said the lawsuit involves constitutional issues of downsizing that arose from the introduction of the West Grove's Neighborhood Conservation District (NCD) overlay established in February of last year.

"In reality, they [the city] never brought any developers in to get [our] opinion," Marrero told the council regarding discussions that led to the establishment of the overlay. "I got three minutes for five projects. Nobody listened to the economic side."

"It went before the Planning Advisory board," said Jihad Rashid, president of the Coconut Grove Collaborative. "Anybody who had reservations could have come forward and opposed it."

The Coconut Grove Collaborative, a volunteer-based organization established in 2001 to promote affordable housing and protect West Grove

Groundwork

In honor of the Boat Show, Helen Hill lists some of the area's waterfront properties with boat docking capabilities now on the market

Boat Show Guide & Map

Within our voluminous Boat Show Guide — a map! As in pointing out the places to park and catch a bus. A bonus: some of the things to do during the Boat Show invasion.

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AVENTURA

Freeze Lifted

Come on, developers, sing it: Ding-dong the building moratorium is dead, the moratorium is dead, the moratorium is dead. Ding-dong the building moratorium is dead...

CORAL GABLES

No Excuses

A City Beautiful utilities board won't accept natural disaster explanations for interruptions of service.

culture, has also filed a resolution joining those of the Land Trust, Ministerial Alliance and HOATA. Instead of receiving funds from the deal, however, the Collaborative is seeking first right on 25 percent of the units at the lowest selling price.

The residences will be marketed to people who grew up in the West Grove but left the area to pursue jobs and other opportunities. A Grove Collaborative program called Come Back Home to the Grove seeks these more affluent area offspring to continue the community's legacy. Already the group has lined up 50 bank-approved prospective buyers, Rashid said.

"We distinguish ourselves because we're not part of the financial settlement," said Rashid. "We want to make it clear that the Collaborative is not part of the economic gain. Our [gain] is principle."

The inclusionary zoning initiative would also include retail space if the developers or a single tenant requiring the entire space doesn't occupy it.

"It's like having a big bag of diamonds and all we have to do is cut and polish them and do it right," Rashid said. "We have a gem and we have to use it to set an example."

The Devil Is in the Details

Village Council members, though holding off on a decision of supporting or rejecting the deal, were skeptical about whether its "simple" presentation really represented all the issues involved.

"There were people on the council that were negative coming in," said Navarro of the council's comments, "and there's a direct correlation to the council members that were negative throughout."

Though Navarro didn't name names, council chair Marc Sarnoff was among those on the Grove Council who questioned the validity of the deal.

"The only opinion I currently harbor is on the agreement itself," Sarnoff told the *SunPost*. "I'm not sure where I stand on everything else but I have my inclinations."

One issue raising suspicion for Sarnoff is that the Collaborative will dictate the broker hired to sell its 25 percent share of the units, a factor Sarnoff says will give them a monetary interest despite claims they will receive no funds from the deal.

"Don't think the snow is driven cleanly there, either," Sarnoff said, addressing the fact that the Collaborative's broker will earn a significant commission when the units are sold.

According to Rashid, the Collaborative has yet to declare who will broker the units and is deciding between several candidates. He also said the Collaborative hasn't ruled out using multiple brokers but wants to see how many units will be involved.

Further clouding the issue is the question of whether these groups are actively lobbying for the developer or merely receiving fair compensation in a deal they would otherwise be cut out of.

The contract states, "This Agreement is not just an agreement for payment of support – it is an agreement for payment based on support and only if results contemplated in this Agreement are obtained."

Navarro, who is working pro bono for the Grove groups, said he took over

legal negotiations after family friend Angel Arias was murdered by burglars before his suit against Marrero over a \$60,000 first right of refusal on his property could make it through the appeals process. Navarro insists the organizations are not working as lobbyists.

"These people are not lobbyists," Navarro said. "They're not registered and they're not paid to lobby. It's the same thing as [the developers] making a donation to charity and getting a tax write-off."

Grove Village Councilman Gary Hecht isn't so sure. "I feel like you're acting as a lobbyist and I don't like that feeling," he said at the meeting.

"Those are terms used by smart people looking for buzz words to disenfranchise," Navarro told the *SunPost*. "We're not lobbyists and they know that."

Another issue council members had with the agreement was whether the community would ever see the money promised, given the many provisions of the deal that rely strictly on City Commission actions.

According to the agreement, the community groups will receive no compensation if the developers do not get all three of their requests within 210 days or if anything, including faction appeals or permit recalls, prohibits the addition of a sixth and seventh floor.

"That document has been analyzed and negotiated. We're not bad attorneys. There are six attorneys at my office and it went through everyone's hands," Navarro said. "We believe it's enforceable and we don't believe the developer would want to get out."

Council concerns stem from a similar deal in 2003 with the Grovenor House, which still hasn't paid the \$600,000 developers promised to various community groups, including HOATA.

"The Grovenor was a bunch of reputable people that still say that the money is coming," Sarnoff said. "Well, so is Christmas. I still haven't seen a dime."

Also at issue is whether the \$3 million will be enough to do what the community says it will.

"If you take six blocks of a community, it's worth a lot more than \$3 million," said Village Councilman Ron Nelson. "That won't amount to a hill of beans in this community."

Navarro said negotiations started at \$5 million but since the organizations wouldn't back the original 10 or so variances that Marrero and partners wanted, including additional setbacks, the sum was reduced to its current amount.

"We could go right now and start building five stories and the Village West would get nothing," Marrero reminded the council.

Andy Parrish of Wind & Rain Properties brought up another issue he felt would keep the community and the Collaborative, on whose board he sits, from getting their returns from the deal. Parrish, who has been involved in providing affordable housing in the West Grove since 1995, is afraid the variances sought are illegal, making the deal struck between developers and the community a farce.

"If they could get the variance legally, why give the money?" Parrish postured. "Because they're so good? I don't think so."

Parrish said though he doesn't claim to be a zoning expert, his understanding is that for variances to be handed down by the Miami City Commission there has to be a certain amount of site control, plans advanced beyond the theoretical and the presence of hardship, none of which he feels the Marrero group has.

"If the community wants to go back and change the law, then there's a legal process," Parrish said. "It's usually the people with the most money [that get variances]. I, for one, am fed up with it. If you want to change the zoning then do that."

If the variances are deemed illegal, the Collaborative will have to reconsider its support since the organization has guidelines to only support legal projects, said Parrish.

"We do have a resolution that overrides this one," Rashid agreed. "So at the end of the day if it doesn't pass legality, then we can't support it."

The Canyon Effect

In addition to concerns over the terms of the agreement, the council also worried what effect a jump from 62 feet, at five stories, to 80 feet, at seven stories, would have on the appearance of Grand Avenue and the future of the Grove's NCD overlay.

"My concerns really transcend this situation," said Village Councilwoman Michelle Niemeyer. "I feel like every time we let a developer go bigger and better, we set a precedent. This is about Mercy Hospital, the Playhouse and even Home Depot." (Many Coconut Grove residents have been fighting to keep Home Depot out of the neighborhood while campaigning to designate the Coconut Grove Playhouse historic property.)

Parrish suggested taking out paper and rulers to get a true idea of what the avenue would look like if the additional height passed through the commission.

"Take a piece of paper and draw two seven-inch lines to represent Grand Avenue," Parrish said, equating one inch to 10 feet. "Then hold up rulers at five inches and you have the current height. Six and one-fourth [inches] would be the NCD height. Now try eight inches, the proposed seven stories, and you'll see what a big difference it is. There'll be no sunlight."

The canyon effect was also a huge concern for Village Councilman Hecht.

"I think your objective is wonderful but then there are realities," he said. "Grand [Avenue] went from four lanes to two lanes. It would become a cement canyon driving into the Grove and would be so out of character with what the Grove is."

"Another reality is that if they go to seven stories without us, people like me won't be able to live there," retorted Dr. Rick Holton, representing HOATA at the council meeting.

Holton's argument, backed by Navarro, Marrero and Rashid, is that building five stories will make the units much more expensive, resulting in prices higher than an estimated starting price of \$300,000. This amount is necessary if the Collaborative has any chance of getting federal subsidies available for units \$239,000 or less, an amount they hope to negotiate down to since they'll be paying the lowest market value on their share of the units.

"Our idea was to stay at five stories," Rashid said, "but it's a situation where

we'll end up getting forced out because of costs."

Grove Village Councilwoman Yvonne McDonald, also on the board for HOATA, argued that the overlay should be protected but this situation was different from other projects that may follow.

"The NCD is in place and we need to fight to preserve five stories," McDonald said, "but this will have an unprecedented effect on the black residents. We need to preserve as many black residents as we can in this community."

Decisions, Decisions

So with the last Village Council meeting ending in intense emotion on both sides but no verdict as to whether the council will join the groups in filing a resolution, developers will have to wait until Tuesday, February 21 to get a concrete answer. The council moved to postpone its decision until that meeting to mull over the agreement and issues.

"That was the least-heated meeting and it wasn't the first time [the council heard of the deal]," Navarro said. "They've know what's going on for years. Now they're waiting until the 11th hour to say something."

"I think we have to read this thing carefully," Sarnoff said. "There's a disconnect here and I'm not going to listen to someone tell me what someone else said."

Councilman David Collins, one of the few who voted against postponing, felt that backing the community in its decision trumped any hesitation the council was feeling.

"I've seen this community do something like this before," Collins said. "And I want to know how we can say, 'No, you can't do it.'"

McDonald, speaking for HOATA, told fellow council members that, with or without their support, the resolutions would be going to the Miami City Commission.

"We've made our decision in the Village West and we'll be moving forward with or without the Village Council," McDonald said. "It's the best solution we have right now to support the African-American community that lives there."

Navarro's response to the meeting's outcome was similar.

"I hate to see an opportunity go by for the community," Navarro told the *SunPost*. "It would be devastating to lose this opportunity because of politics and a handful of people's notion of what looks good."

Comments? E-mail tiffany@miamisunpost.com.