

City of Coral Gables City Commission Meeting
Agenda Item F-3
March 28, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Assistant City Manager, Peter Iglesias
Planning and Zoning Director, Ramon Trias
Deputy City Attorney, Miriam Ramos

Public Speaker(s)

Agenda Item F-3 [3:00:12 p.m.]

Discussion regarding parking and related concerns at 760 Ponce de Leon Boulevard
(Sponsored by Commissioner Keon)

Mayor Cason: Let's do F-3 and then we'll finish up with I-1. F-3 is Commissioner Keon's discussion on parking.

Commissioner Keon: At 760 and the parking lot. I understand and I don't think the police officer is here and I don't think Frank Fernandez is here either. This is a continued discussion about the parking situation in the area north of Ponce related to the 760, the MRI Center.

City Attorney Leen: Mr. Iglesias has been working on this with you.

Commissioner Keon: Yes. Maybe Peter can talk about it. We had asked them to consider that entire parcel to create enough parking spaces in that area to accommodate their use. I think one of the biggest issues that we need to resolve as a City is that when we review buildings for a change of use, we really need to be very careful in what we allow, because of the parking requirements, and certain uses have much higher parking requirements than just an office use, and I think there are a couple of instances where we haven't done that very well, and as a result the buildings really don't accommodate the number of cars that come and go from there. I think it was the same thing when we did the change of use for the rehab center along Sunset there and that's why all of those cars are parked along the swale on Sunset is the people that work there, because there is no accommodation for the people that work there in their parking. So, it was an error or an oversight and I think this probably was an oversight also. The owners of the MRI Center presented a plan, you can talk about it Peter, what they have presented to us.

Assistant City Manager Iglesias: They presented a parking facility where the area that's coming off of Ponce de Leon, to that area, what we had offered was the use of, we got a change in zoning with two parking lots, with two houses, excuse me, with two houses, which would allow the parking lot to be expanded and encompass the parking lot to the west, that will allow that westerly entrance to be removed, to be closed, and just enter the parking lot from the Ponce side. Now there wasn't going to be any change of zoning for those two homes just, they would remain residential, so that this would not be a larger site, and they refuse to do that so far, and they have provided just a parking facility on the Ponce side with an entrance from Ponce.

Deputy City Attorney Ramos: They have not promised to provide two different plans; one is kind of what they'd like, which is a parking garage that encompasses the whole area, depending on the will of this Commission, that may or may not go forward, so they are also proposing a surface lot that provides walls as our Zoning Code requires and the site...that abuts the residential or protects the residential areas, so we are waiting on those plans.

Commissioner Keon: I would really like to discourage them from even submitting a plan for a parking garage on that site next to a residential property, and I'd like you to talk about that, how you feel about it.

Mayor Cason: How big would the garage be? - What are they talking about? - How tall?

Commissioner Keon: Two-story garage.

City Manager Swanson-Rivenbark: I think that the challenge is not only the physical presents of a garage adjacent to single-family, which is an admitted conflict, but also the ability to recalculate your development rights on that site if a garage would be constructed there – a

surface lot, it can be viewed as a compatible under residential zoning. You add a parking garage there and you have a commercial use and a commercial FAR calculation. So, sometime someone could come in, bulldoze it and build a much larger development.

Commissioner Lago: Not only that, you are talking about if you build a two-story garage you'll have people in that garage overlooking a residential neighborhood; and I know this is not the time to have this discussion, but we have been dealing with this residents for a long time also, and I'm on the same page with Commissioner Keon, we have to come to some sort of resolution, but another culprit in this neighborhood is the adjacent building across the street. I just want to make sure everybody is aware here. On the corner of Eighth Street and Ponce you have a building, which every single day results in congestion down Ponce. They have vehicles that are parking on the street, left patients in and out of these vehicles, transportation vehicles; they don't have sufficient parking because again, they over-rented the building, so they don't have sufficient parking in the building.

Vice Mayor Quesada: Which building you are referring to?

Deputy City Attorney Ramos: The one right across Ponce.

Commissioner Keon: 727?

Commissioner Lago: 727 – yes, they are very brutal and I've gone there, I felt so bad that I even stopped one time; we've got to move the transportation vehicles. It backs up all the way to Eighth Street. Then you have people on the other side, you want to get off, it's a nightmare. So, when you have the issue across the street with this building and the building at 727 also, so it's a recipe for disaster and it's a lot of congestion that shouldn't really be happening, and that results in people having to continue to go around the block, because they can't find parking, building up more congestion, building up more frustration, and they look in the neighborhoods, they leave their cars in the neighborhoods for 15-20 minutes, I'll just park for two seconds, no one's going to find out, and then the residents are at their wits end, so they are very frustrated. I understand, we have to understand, they are just frustrated and they want an answer. So, it's not just this building, it's the building across the street, which I think that it's not just addressing this issue, its addressing the building across the street and bringing them into some sort of compliance, somehow, someday. I don't know what that compliance is, I though the City Manager was going to chime in, I don't know what the compliance is. I'm not saying we have to review their lease agreement, but there has to be some discussion with the owner of that building. We just can't continue to have all those people parking and not have parking for people who are renting in the building.

Commissioner Slesnick: Are you talking about the building to the west....

Commissioner Lago: To the east, I'm talking about to the east.

Assistant City Manager Iglesias: Northeast.

Commissioner Slesnick: North and east, but on the north side of Eighth Street.

Commissioner Keon: Yes. Well, it's my understanding that the MRI Center has two floors in the other building so they often are in the other building to see the doctor or whatever and then they send them across the street to have an MRI or whatever else they do there, and so, they are really sharing those spaces. I don't know what our regulations are with regard to providing parking on site or it doesn't make any difference.

City Attorney Leen: Typically we are not supposed to. You are not supposed to have a lot that used for commercial purpose other than parking at that site. Mr. Trias I know knows a lot about this, because we worked on the offsite parking together over the last couple of years, but if we were ever going to approve those together it would require basically an approval, there'd be conditions of approvals related to it, we would want a number of things – Mr. Trias.

Planning and Zoning Director Trias: Commissioner the basic issue here is that the building is built before 1964, so therefore it's in that loophole of the Code where it doesn't require minimum parking. So, they are taking advantage of that condition, so the only way to resolve it at this point is to try to optimize the rest of the site, avoid as much parking as we can, but in terms of the parking requirements that's what's going on.

City Attorney Leen: So what he is saying, so they don't have a parking requirement, but the fact they do have a lot, in my opinion, they shouldn't be able to use that as a commercial lot for other properties that are not tied to them in a unity of title.

Planning and Zoning Director Trias: That's not allowed, that's only allowed within CBD under very special circumstances as remote parking.

Commissioner Keon: But, how do you enforce that? You are not going to place a policeman in the neighborhood and anybody that goes across the street they would do something. It's not enforceable and it creates havoc in that neighborhood. I know that the police have been working to try and have them queue better for drop offs, but the problem is they queue and then they are waiting for the patients to finish before they take them back to the medical center or the provider that is taking them to the service, and so, the mini vans the police make them move away from

where they are supposed to queue, so what they do is go back in the neighborhood and they sit on the residential streets with their motors running, so that they can have air conditioning and they may be there for an hour, they could be there for two hours, sometimes they leave it running and run in and get coffee and come back. It really is disruptive to that single family residential neighborhood. We really need to find a way that there is some compatibility with those businesses and the single family residential area and we haven't found it. We somehow have to find an answer.

Assistant City Manager Iglesias: I think Commissioner, you have given them a good alternative, but they did not take it. We gave them, I think a good alternative; they use these residential properties for ground parking without changing the residential use, so that will allow the closure of the westerly entrance and bring all the cars through Ponce de Leon.

Commissioner Keon: Through Ponce and not onto Bobadilla, which is a residential street.

City Attorney Leen: Well the issue for them is that if they build this lot and then they end up parking three one after the other, like they've been doing, stacking them in the lot or if they are having people going back and forth and using that basically as a commercial lot for the other building, they would get cited, Cathy will and Peter will have Code Enforcement cite them. From our perspective, we'll issue a cease and desist and we've told them that, we've all told them that, that they cannot continue doing this. So, once this – we are just hoping that they'll agree to some sort of settlement agreement, which will come to the Commission in a quasi-judicial approval and would resolve this matter. Laura Russo is their attorney and she seems to have the same view, she's representing a client, but she seems to want to try to work it out. I think the point we've made and I want you to know it's been all of us, is that we are not going to tolerate this anymore once this is done. They are going to get cited if they continue doing this or they are going to get a cease and desist, the City Manager and I will be working on it. Peter you have any thoughts?- because Peter has been very involved in all of these meetings. He's been very clear with them about what they have to do.

Mayor Cason: When are they supposed to come with a solution?

Assistant City Manager Iglesias: I completely concur with the City Attorney. We will look into this if they take the current option.

Mayor Cason: When are they supposed to come to say, here's what we want to do.

Deputy City Attorney Ramos: I spoke to Ms. Russo yesterday, she wanted to be here today; her son had a nine hour surgery yesterday, so she's unable to be here, but she does expect it to come

at one of the May meetings, so that in April at some point they submit the plans, staff can review them and give their recommendation and then we'll be here, have the neighbors come, and then have a full hearing and see how we can resolve the issue.

Commissioner Keon: But, we know that just paving the existing place where they now use for parking is inadequate parking for that facility. They are still spilling onto the street, they are still parking in the residential neighborhood, they are still blocking the street, they are at Ponce and Eighth. So, to have them come with just a plan that paves that existing gravel lot isn't an answer.

Commissioner Lago: Would that include demolishing any home that's there?

Deputy City Attorney Ramos: That was the proposal.

Commissioner Keon: What we had suggested to them is that, did we ever gain access to those homes?

Assistant City Manager Iglesias: No.

Deputy City Attorney Ramos: I asked for the information that you requested and have not yet received it.

Assistant City Manager Iglesias: We have not gained access, but we haven't seen anything that has been deemed....

Commissioner Keon: One supposedly is rented as residents for someone and the other one just stays vacant.

Deputy City Attorney Ramos: That's what it looks like. I have asked for the lease agreement.

Commissioner Keon: OK. But, what we had suggested to them is that they are not being used as residential properties that they demolish the homes that are on there, we would make them retain the residential zoning on those two lots, but we can do an agreement, a settlement agreement, we would allow them to use that to expand the parking lot as long as they built a wall and had shrubs that would separate them, landscaping that would separate them from the residential neighborhood across the street and from Bobadilla, but they haven't responded to that at all.

Assistant City Manager Iglesias: In other words have a conditional use for the two lots when the houses came down, provide a wall with a landscaped area, so you could block the noise and the lights, combine that parking area into one large parking area, remove the westerly entrance and

create the entrance through Ponce and now they've got the large area. We've got to change the zoning for residential to create a multi-level site.

Deputy City Attorney Ramos: To be clear, the two properties we are talking about, they own two residential properties.

Mayor Cason: So, presuming they could charge to park and make up for the revenue they lose from the rentals or appreciation of the property.

Commissioner Lago: If I may Mayor, one of the properties and I haven't talked to the residents in a few weeks, but one of the properties require use for a meeting area for lunch for the employees. They would go there and they would eat and have lunch. That's what the residents are telling me.

Commissioner Keon: That's what the residents say, but the owner said, no, that's not the case. They are not using it that way and we don't have the lease agreements and we haven't had entry into the home, so we really don't know, we don't really know, but the traffic situation up there is terrible and the effect on that residential area is also terrible, so we need to find a real solution to that problem, and if someone parks there and walks across the street is that a code violation?

City Attorney Leen: It could be. It's not just an isolated incident, but if they have, basically, you could tell that they have a plan whereby they are using the lots interchangeably, at some point, yes, we would issue them a cease and desist or a Code Enforcement ticket and we would take it to the Special Master.

Commissioner Keon: And how would we determine if that's what they are doing?

Deputy City Attorney Ramos: We'll have to have someone surveil it, stand there a couple days and look at it and see what's happening.

Mayor Cason: Stand there and watch – like they watched at Starbucks.

Commissioner Lago: This is just me talking, just being reasonable. I really think that eventually once we sit down and have a real thorough discussion about what are the options for those two parking lots, those two residential lots, excuse me, and they realize that there is no other option outside of demolishing those two homes and building a surface parking lot, which again Commissioner Keon said, has a wall, necessary vegetation, to be a good buffer from the residential neighborhood, I think they are going to comply, because at the end of the day these are professionals. You have a lot of individuals there who are conducting business, accountants,

lawyers, and there are a few doctors. So at the end of the day, I just think that they are going to comply, because they don't want to have an issue with the City, they don't want to get into a legal issue with the City. I've seen them several times come here and meet with the City and I have a feeling that if they are having conversations that they are going to have no other choice, but to comply. What are they going to do? You think they are going to make an investment and build a parking garage there? You know what the cost of building a parking garage is? This is me talking; I don't have any information at all. I'm just saying, the final result of designing and building a parking garage, when you can just demolish two homes and build a surface parking lot; build a wall, its peanuts.

Mayor Cason: And plus you lose the parking while you are building the garage, so you have worse parking, so that's not going to work.

Commissioner Lago: And there is no other answer, there is no other answer. I go by there the other day thinking maybe the owners of this building could rent a surface parking lot from the old gym that's on Eighth Street and walk and have their employee's park there and have them walk a block and then they could use the current parking situation for their clients. But, I thought to myself, that property would probably be leased soon so it won't be available, you know which one I'm talking about, the one on Eighth Street.

Assistant City Manager Iglesias: Yes, the old Gold Gym.

Deputy City Attorney Ramos: I know there was a property nearby, I don't know if that was the one that Ms. Russo spoke to, to try to get them to do employee parking and they did not want...

Commissioner Lago: They don't want to tie themselves up that way, eventually they want to lease that building.

Commissioner Keon: And the option has been presented to them to demolish those homes and they rejected that.

Mayor Cason: So, you guys know the concern, there is nothing else we can gain by this discussion now. We don't want a garage.

Commissioner Keon: No, you don't want a garage and if we don't get compliance then...

Mayor Cason: Move forward....

City Attorney Leen: The City's action has caused progress though. Remember they used to have a gravel lot, which was causing a lot of problems, that's going to change.

Commissioner Lago: If I may, and I don't want to steal the conversation from Commissioner Keon.

Commissioner Keon: No, no, no, please go ahead.

Commissioner Lago: Let's also have a discussion with the owners of the property across the street, because if we are going to resolve one issue, let's resolve the other one, at least attempt to resolve the other one, because there has got to be another staging area for drop off and pickup. You can't have a transportation van at all times of the day in the middle of the street on Ponce.

Deputy City Attorney Ramos: Well and the stacking issue, I think if they would have moved, and we discussed this with police actually, if they would have moved the pay, those do charge, there is a little ticket you get on the way in the building across the street, its right up, when you just turn its right there. If they move that back a certain amount of feet then the stacking is occurring inside the garage and not onto Ponce and Eighth Street, so that's something else they need to look at.

Commissioner Lago: Madam City Manager can we give you directive to have a conversation, thorough discussion with the owners of that building to find a resolution, whatever steps it takes, but we need to address it. I don't think its fair we have these discussions with property owners across the street and not have it with this building, because this building is blatantly not following the rules on multiple fronts. There is a lot of turnover there, because there are a lot of doctors' offices in that building, a lot, so there is a lot of turnover.

Mayor Cason: Anything else on this?

Commissioner Keon: No. That's all. Thank you.

Mayor Cason: Thank you.

[End: 3:20:26 p.m.]