

City of Coral Gables City Commission Meeting
Agenda Items F-1, F-2 and F-6
January 24, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jim Cason

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suarez

City Manager, Peter Iglesias

City Clerk, Billy Urquia

City Planner, Jennifer Garcia

Public Speaker(s)

Rip Holmes

Agenda Items F-1, F-2 and F-6 [10:51 a.m.]

F-1: An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 10, “Parking,” Section 10-109, “Payment in Lieu and Remote Off-Street Parking;” to revise remote parking and payment-in-lieu processes, requirements, and fee structure; providing for severability clause, repealer provision, codification, and providing for an effective date.

F-2: An Ordinance of the City Commission providing for text amendments to the Code of the City of Coral Gables, Chapter 74, Article III, Division 5 entitled “Parking Replacement Assessment,” providing for updates to the assessment provisions and procedures, and providing for severability clause, repealer provision, codification and providing for an effective date.

F-6: A Resolution of the City Commission amending Resolution 2013-256, to clarify Remote Parking and Payment-in-lieu fees in accordance with City Code Chapter 74 - Traffic and Vehicles,

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Agenda Items F-1, F-2 and F-6 are related – Ordinance providing for text amendments Article 10, “Parking” Section 10-109, “Payment in Lieu and Remote Off-Street Parking”

Article III - Stopping, Standing and Parking, Division 5. Parking Replacement Assessment, providing for severability and providing for an effective date.

Mayor Lago: Moving onto item F-1.

City Attorney Suarez: F-1 is An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 10, "Parking," Section 10-109, "Payment in Lieu and Remote Off-Street Parking;" to revise remote parking and payment-in-lieu processes, requirements, and fee structure; providing for severability clause, repealer provision, codification, and providing for an effective date.

City Planner Garcia: Good morning, Jennifer Garcia. Can we read all three into the record.

City Attorney Suarez: Yes. Since F-1, F-2 and F-6 are related. F-2 is An Ordinance of the City Commission providing for text amendments to the Code of the City of Coral Gables, Chapter 74, Article III, Division 5 entitled "Parking Replacement Assessment," providing for updates to the assessment provisions and procedures, and providing for severability clause, repealer provision, codification and providing for an effective date. F-6 is A Resolution of the City Commission amending Resolution 2013-256, to clarify Remote Parking and Payment-in-lieu fees in accordance with City Code Chapter 74 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 5. Parking Replacement Assessment, providing for severability and providing for an effective date. And we can consolidate the items for purposes of the public hearing.

Mayor Lago: Thank you Madam City Attorney.

City Planner Garcia: So, since first reading, we've only had one change to the actual text amendment, that's to clarify that there has to be some kind of shown feasibility or impactability of providing that remote parking and qualifying that as being able to pay the payment in lieu afterward. That was pretty common sense, but that was just clarified in the Zoning Code, and then the other thing that we put in that ordinance is for the City Code, and staff recommending that any project that has right now, like they did today, adopted that they need preliminary Board of Architects approval.

Mayor Lago: So, can I ask you a quick question in regard to that.

City Planner Garcia: Yes.

Mayor Lago: So, I got calls from three different architects, who told me, is there going to be a cut-off date for this preliminary approval? - when is it?

City Planner Garcia: Drafted right now it would be today, but I remember last time we asked how many projects are in the pipeline, there are three. One has not really applied for Board of Architects

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yet; I think they are waiting on some changes to the code that they want to take advantage of. There's two that's scheduled for this Thursday, and they want to take advantage of the remote parking.

Mayor Lago: So, my question to you is this simple. If you've gone through this whole process and you bought a piece of property, if you have bought a piece of property, you have hired an architect, hired an engineer, a litany of different consultants, you've already embarked on the process, you've submitted to the city, you've spent potentially over a million-\$2 million dollars on a project, you're moving down a certain direction. You don't have Board of Architects approval, basically your project, to me, it looks like has to take a significant step back once you've already been moving in a direction for six months to a year. I agree that there has to be a cut-off point. There should always be a bookend, a beginning and an end, alpha and omega, but there has to be, in my opinion, while you're trying to work things through, the process takes time. We all deal with residents, we all deal with business owners, they are in the permitting process; and you may have three, four. I have a resident right now I'm working on that's had five reviews in regard to one discipline. So, to get a final approval, you're under the gun, I think that it should be what they submitted for. They submitted to the Board of Architects, and they haven't gotten that approval just yet, there's been intent that that's where they are headed and I think that it should be, the cutoff point should at least be admitted to the Board of Architects.

City Manager Iglesias: But Mayor, if somebody has gone through five reviews it would still be grandfathered in, because they have submitted an application. The problem is you could submit anything and get a date.

Mayor Lago: But I'll give you my last point on that was, you can't submit everything because the cutoff point would be January 24th. So today is the last cutoff. If you haven't submitted by January 24th, you can't, so you can't go and submit. I would not want to rush, you people submitting things on a napkin, let me submit this. Your cutoff point realistic...

City Manager Iglesias: As you know that's what would happen.

Mayor Lago: Yes, I know, but I'm saying your cutoff point would have been yesterday. So, to me, anybody who has taken and made the effort to spend money, to hire a team of consultants and have submitted to the Board of Architects last month, six months ago, and is still working through the process for one reason or another. We all know how difficult it is right now in regard to consultants, how busy architects are, engineers, contractors, very difficult right now. Staff is overwhelmed, the amount of projects, the amount of people trying to push things through, there's a lot of things. Look at the list for review in different boards. You know this better than anybody. So, to me, I think the cutoff point should be January 24th, today or yesterday, January 23rd whatever that may be, and submission to BOA, not final approval, because people are still working through the

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*Agenda Items F-1, F-2 and F-6 are related – Ordinance providing for text amendments
Article 10, "Parking" Section 10-109, "Payment in Lieu and Remote Off-Street Parking"*

process, because when you go to BOA, honestly, how many times just a project get approval on the first time it goes to BOA?

City Planner Garcia: Very rarely.

Mayor Lago: Very rarely, right. So, you have sometimes two, three times. You take those recommendations, you make the changes, and then you move forward. That's my opinion. I don't know if anybody agrees. I'm more than willing like always to listen to people's opinions and advice.

Commissioner Menendez: Last time the first reading, I had talked about 90 days and then I understand that we do a 90 days and make it affective that folks can just throw projects in, but what the Mayor's suggestion seems a lot cleaner. My biggest concern for anything we do here and could be anybody, whatever is going on, is to tweak or change the rules when people are in mid-stream of a process and that muddies the waters, and also its an undue burden on anyone who's already filed, like the Mayor said, spent money. So, I'd like to find a clean cutoff and Madam City Attorney, whatever we pass here is it automatically affective today, or is it something that we would have to like specify?

City Attorney Suarez: Its up to you all. Typically, our ordinances are effective on the date of adoption, unless you decide to change that.

Commissioner Menendez: So, I think in terms of fairness, to have a clean cutoff where you know where everyone's stands, I think is the right thing to do.

Vice Mayor Mena: I agree. And thank you for coming back with a proposal, I think it makes sense what you're suggesting, but I also understand what the Mayor is saying in terms of they already submitted and they don't have the approval yet, they'd have to basically – hope their submission would basically be, they'd have to start all over almost. I don't want to say start all over, but they'd have to make significant changes.

City Manager Iglesias: In this case, Vice Mayor, they wouldn't start over again. This has nothing to do with a project, it's a fee. So it doesn't affect the actual project, but I think if we look at legitimate submittals up to now, I think that would be fair.

Vice Mayor Mena: You're telling me its very limited implication anyways because we're only talking about two or three applicants.

City Planner Garcia: Right.

Vice Mayor Mena: So, I'm comfortable with what the Mayor is suggesting to just make it anything that's been submitted as of today.

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Commissioner Menendez: I apologize Commissioner, just a question for the City Attorney. So, if that's the will of the Commission and I know two of our colleagues haven't spoken yet, if we would amend what's before us.

City Attorney Suarez: So there's language in the operative clauses of the ordinance that currently it says that applications for review that have received preliminary BOA approval by the adoption of this ordinance, shall be vested applications. We would have to change that, so that applications for review or projects that have been submitted. We can just tweak the language to make it submitted for BOA review, if that's appropriate Jennifer. If that's going to be the motion, we would need to change it.

Vice Mayor Mena: I would make it as of yesterday.

City Attorney Suarez: Okay.

Mayor Lago: Perfect.

City Attorney Suarez: As of January 23rd.

Mayor Lago: Perfect.

City Manager Iglesias: I just want to make sure that people understand, this does not affect the Building Code; the Building Code requires final Board of Architects approval to actually grandfather the Building Code. So, this would be strictly for the zoning aspect of the project.

Mayor Lago: Okay. Can I get a motion.

Commissioner Menendez: I'll make the motion.

Commissioner Anderson: I'll second.

City Clerk Urquia: Mr. Mayor, we have a member of the public requesting to speak, Mr. Rip Holmes.

Mayor Lago: Mr. Holmes, thank you for being with us.

Mr. Holmes: Honorable Mayor and Commission, City employees, new Commissioner Mr. Cason. First off, I want to thank you for the general tenor of, I'll just call it amendment for the lack of a better word. In the downtown, I hate to use an analogy that may seem like a stretch to you, but if its your money you can see why I would use this analogy. Let's just say, on Miracle Mile or any merchant in the city is walking through the Sahara Desert and the water necessary to life is parking and the reason that that is so, is that we have competition in South Miami, in Miami, at Dadeland, throughout the county, Aventura, depending on where people are coming in from, let's say South

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America. So, please remember actually, I know it's a stretch, but that's the thing that comes to mind. Even with my own property, no parking, no tenant, no income. Thank you for listening. I urge you to err on the side of parking. Thank you.

Mayor Lago: Thank you. So, we have a motion and a second on F-1.

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Cason: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: Moving onto F-2. Can I get a motion.

Commissioner Cason: Make a motion.

Commissioner Anderson: Second.

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Cason: Yes

Vice Mayor Mena: Point of clarification, did we need to make the same amendment to F-2?

City Attorney Suarez: Yes.

Vice Mayor Mena: I just want to specify that the motion includes the same amendment.

Mayor Lago: Very good point Vice Mayor.

Vice Mayor Mena: If so, I'm a yes.

Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: Moving onto F-3, we need a motion, we need a clarification also to amend.

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City Clerk Urquia: No, its F-6, Mr. Mayor.

Mayor Lago: I'm sorry, excuse me, F-6, I apologize.

Commissioner Cason: Make a motion.

Commissioner Menendez: Second.

Mayor Lago: Also to include the clarification in the amendment.

Commissioner Anderson: Yes

Commissioner Cason: Yes

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: Thank you for your hard work on this. Thank you so much.