



**City of Coral Gables
CITY COMMISSION MEETING
October 28, 2014**

ITEM TITLE:

Resolution. Waiver for remote off-street parking. A Resolution of the City Commission of Coral Gables, Florida, approving a waiver for the utilization of thirty-six (36) remote off-street parking spaces for the building located at 201 Sevilla Avenue, which is located outside of the Central Business District (CBD), pursuant to Zoning Code Article 5, "Development Standards", Division 14, "Parking, Loading and Driveway Requirements", Section 5-1408, "Common driveways and remote off-street parking"; providing for an effective date.

DEPARTMENT HEAD RECOMMENDATION:

Approval.

PLANNING AND ZONING BOARD RECOMMENDATION:

Not applicable.

BRIEF HISTORY:

On August 26, 2014 the City Commission adopted Ordinance No. 2014-20 amending Zoning Code Article 5, "Development Standards", Division 14, "Parking, Loading and Driveway Requirements", Section 5-1408, "Common driveways and remote off-street parking" establishing the application process and requirements for remote off-street parking. The Ordinance allows administrative approval of remote parking applications that comply with all of the requirements. Further, it allows the City Commission to review and approve waivers for applications where either the sending or receiving site is located outside of the Central Business District (CBD) or the separation between the sites exceeds 1,000 feet.

LSA Property Holdings LLC ("LSA") owns the property at 201 Sevilla Avenue and wishes to renovate and expand the building. The expansion will result in the need for an additional 51 parking spaces (15 spaces are provided on-site currently). LSA has submitted an application for permission to use thirty-six (36) remote off-street parking spaces it owns in the building at 357 Almeria.

The proposal does not comply with the code requirements in that 201 Sevilla is outside the CBD. As such, LSA needs a waiver of that requirement from the City Commission. The Commission has the authority, following a public hearing, to approve a waiver if it will neither "(A) harm the public interest nor (B) create parking problems in the area surrounding the applicant's project site" (Zoning Code Section 5-1408(B)(11)(a)). The Commission may also impose any conditions it deems necessary on such waiver.

Staff finds that the request will not harm the public interest nor create parking problems in the surrounding area and recommends approval of the waiver.

There is a separate but related issue with the application that Staff wishes to bring to the Commission's attention. As noted above, the applicant is requesting approval for 36 remote parking spaces. This number has been determined by zoning review of required parking for the 201 Sevilla project (51 spaces

required and 15 provided on-site). The receiving site (357 Almeria) has only 17 excess parking spaces, based on a zoning analysis prepared at the time of its approval. 357 Almeria ("Almeria") was developed under a Declaration of Restrictive Covenants in Lieu of Unity of Title ("Declaration") that unified it with the property to the east, 2695 LeJeune ("LeJeune"). LeJeune was an existing building that did not provide all the parking required by the Zoning Code (i.e., was legally non-conforming with only 14 parking spaces). The zoning analysis suggests that staff believed that by joining the properties, the LeJeune building lost its legal non-conforming status and therefore needed to have parking provided at the code required ratio in Almeria. Under this interpretation, there is thus a deficit of 19 spaces in the applicant's request (i.e., 36 spaces needed minus 17 excess spaces available at Almeria).

As an alternative viewpoint, the applicant is requesting that the receiving site be considered legal non-conforming as Almeria was not obligated to provide additional parking for the existing LeJeune building. Under this interpretation, there would be sufficient excess parking at 357 Almeria to comply with the remote parking requirements.

In conclusion, under the analysis proposed by the applicant, the receiving site would have sufficient excess parking to accommodate the request. The City Attorney is prepared to interpret Article 6 of the Zoning Code in consistent with this alternative interpretation and will be prepared to present his legal reasoning during the Commission meeting. If the Commission grants the waiver based on the alternative interpretation, the applicant will be able to proceed with the project without further action. If the Commission does not grant the waiver as to the full 36 spots, the Commission retains the option to grant a partial waiver as to a portion of the spots, with the applicant needing to find another solution as to the remainder of the parking shortfall, (e.g., a second site for remote parking).

The draft Resolution is provided as Exhibit A. The complete Application for Remote Off-Street Parking and Ordinance No. 2014-20 (draft form) are provided as Exhibits B and C, respectively.

Since the adoption of the Ordinance, the Development Services Department approved on October 7, 2014, one (1) other remote parking application for 42 spaces located in the City Garage at 51 Aragon Avenue for the Dade Medical College at 2222 Ponce de Leon Boulevard.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
N/A		




OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
	Not applicable.	

PUBLIC NOTIFICATION(S):

Date	Form of Notification
10.17.14	Advertisement of Resolution heading.

APPROVED BY:

Department Director	City Attorney (If Applicable)	City Manager
		

EXHIBIT(S):

- A. Draft Resolution.
- B. Application for Remote Off-Street Parking.
- C. Ordinance No. 2014-20 .