

1 CITY OF CORAL GABLES
2 PLANNING AND ZONING BOARD MEETING
3 VERBATIM TRANSCRIPT
4 CORAL GABLES CITY HALL
5 405 BILTMORE WAY, COMMISSION CHAMBERS
6 CORAL GABLES, FLORIDA
7 Wednesday, October 8, 2008, 6:00 p.m.

5 Board Members Present:

7 Tom Korge, Chairman
8 Robert Behar
9 Jack Coe
10 Jeff Flanagan
11 Pat Keon
12 Javier Salman

10 City Staff:

12 Elizabeth M. Hernandez, City Attorney
Eric Riel, Jr. Planning Director
Walter Carlson, Assistant Planning Director
13 Kevin Kinney, Parking Director
Jill Menendez, Administrative Assistant

	Also Participating:	Page
15		
16	Vincent E. Damian, Jr., Esq. Salomon Kanner & Damian	4
17	On behalf of Shirley Maroon and neighbors	
18	Mario Garcia-Serra, Esq. Greenberg Traurig, LLP	6
19	On behalf of the Applicant	
20	Santiago D. Echemendia, Esq. and Bob De La Fuente, Esq.	15
	Tew Cardenas, LLP	24
21	On behalf of the Claimant	
22	Fernando Menoyo	28
	Teofilio Victoria	43
23	Maria De La Guardia	45
24		
25		

1 MS. MENENDEZ: Jack Coe.

2 MR. COE: Yes.

3 MS. MENENDEZ: Tom Korge.

4 CHAIRMAN KORGE: Yes.

5 MR. ECHEMENDIA: Thank you so much. We know
6 we're going to be able to work this out.

7 CHAIRMAN KORGE: Hopefully we'll see you in
8 November.

9 The last -- Is this the last item on the
10 agenda, the amendment to the City Code?

11 MR. RIEL: Yes. This is a -- a discussion
12 item. It's under the Planning Director's item.

13 This is an item -- It's actually an
14 ordinance for a text amendment to the City Code. As
15 you know, the Planning and Zoning Board is responsible
16 for the Zoning Code, in terms of text amendments. The
17 ordinance was presented to the City Commission. It's
18 relative to the parking requirements that are in the
19 City Code.

20 As part of the discussion, when I went to
21 the Commission, initially, I believe, about two months
22 ago, the Commission asked that the Parking Director
23 come to the Planning Board for their input regarding
24 the changes in the City Code. So we're looking for
25 recommendations, suggestions, modification to the Code,

1 that will go to Parking Director, the Parking Director
2 will make a recommendation to the City Commission, and
3 the City Commission will take your comments under
4 advisement and recommendations.

5 With that, I'll turn it over to the Parking
6 Director, Mr. Kinney.

7 MR. KINNEY: Mr. Chairman, Kevin Kinney, the
8 Parking Director here, in Coral Gables. As Eric
9 explained, I did a rewrite of the Parking Code, which
10 hadn't been touched for about 50 years, and made some
11 significant changes. And one of those changes
12 generated significant discussion at the Commission
13 level. And the end result of that was that -- present
14 that section to you, and get your comments, and see
15 where we're going to go with that.

16 The specific issue relates to Section 5 in
17 the -- in the proposed code that was distributed to
18 you. It's called a Parking Replacement Assessment. It
19 has two key components. The first component deals with
20 loss of on-street parking.

21 Currently, how the City handles loss of
22 on-street parking is, if a development causes the loss
23 of on-street parking, I calculate the lost revenue, and
24 there's an annual payment for that lost revenue, in
25 perpetuity. In other words, the focus is on getting

1 the revenue back into the system.

2 My philosophy on this is more along the
3 title of Division 5, which is Parking Replacement
4 Assessment. What I proposed was that the assessment be
5 roughly the cost of developing a public space, and that
6 that be put into a fund that can only be used to
7 develop parking infrastructure. But there's two
8 sections to this. That's the first section, the public
9 right-of-way, lost spaces.

10 There's a second section that I drafted,
11 that most of you would be more familiar with as a
12 payment in lieu system. You have established in the
13 Zoning Code, or helped establish in the Zoning Code,
14 the parking requirements for developments. The payment
15 in lieu system, and it's a limited payment in lieu
16 system because it's capped at 50 spaces, we're directly
17 targeting the smaller developments, particularly
18 redevelopment of a historic site or redevelopment of a
19 site that's landlocked and can't develop parking.

20 We're looking at allowing development and
21 redevelopment to happen, and infill to happen, and the
22 only way we can do that is to find another way to
23 provide for the parking, and a payment in lieu system
24 is perfect for that, but ours is capped at 50, so we
25 won't run into the situation where a very large

1 development comes to us and says, "I don't want to
2 build 300 spaces. Here's my \$10,000,000. Build me a
3 garage." We didn't want to get into that situation.
4 We wanted to deal with manageable numbers, and we felt
5 50 was the appropriate level.

6 And that payment in lieu system is -- is
7 what generated most of the discussion. It's a new
8 concept here. But if you look out in the real world,
9 other cities, what the cities that are looking to do
10 best practices, they generally have a payment in lieu
11 system, they have shared parking, they have
12 transportation or parking management systems put in
13 place to kind of deal with the situations that we were
14 trying to deal with in the payment in lieu.

15 In fact, in a number of cities, right now,
16 there's kind of this movement towards unbundling, which
17 means, basically, development and parking are
18 separated. And the developments happen, and through a
19 parking management system, the parking happens. We're
20 not going that way. That's not what we're interested
21 in. What we're interested in is trying to allow some
22 flexibility in how we -- how we develop the
23 relationship or develop the public parking system. And
24 the payment in lieus revenues would also go into a fund
25 that can only be used to develop public parking

1 infrastructure.

2 MR. BEHAR: Mr. Kinney, let me ask you a
3 question, and I think this is a good -- good, really
4 good idea. You mentioned, when the developer comes in,
5 and as a result of the development, you lose parking
6 spaces. Therefore, the developer will pay a one-time
7 fee for the loss of those spaces. But what happens
8 when the developer loses spaces because the City is
9 imposing the bump-outs? How do we address that?

10 MR. KINNEY: Right now -- as the law is
11 right now, it doesn't matter why there's a lost space.
12 That annual payment, in perpetuity, is a liability that
13 the developer has to pay. Proposed, in my ordinance,
14 is that there would be a 50 percent discount if it's
15 because of that --

16 MR. BEHAR: The City-driven loss.

17 MR. KINNEY: -- required improvement. So my
18 proposal is that we give them a 50 percent discount.
19 And I feel that's fair, simply because that bump-out --
20 the amenity, the green space, not only benefits the
21 City and the public, but it also benefits the adjacent
22 property owner. That's my position, and --

23 MR. BEHAR: I agree with you, from the
24 aesthetic point of view, of having landscaped area, and
25 all.

1 MR. KINNEY: Right.

2 MR. BEHAR: But it's really not caused by
3 the developer, it's the City. If we could get, you
4 know, to beautify the whole City with landscaping, we
5 would lose a lot of those existing spaces.

6 MR. KINNEY: From my position, as the
7 Parking Director, though, I'm still losing a space.
8 And there will be at least one person testifying who
9 kind of shares your concern over that particular issue.
10 But that's the issue about losing spaces in the
11 right-of-way.

12 When we go back to the -- losing spa -- our
13 spaces, that a developer may want to buy down, there's
14 many reasons that's -- that's a good direction for us
15 to go.

16 When I came here, we started -- I raised the
17 issue of shared parking a couple of times, and
18 basically was told, "Coral Gables doesn't do shared
19 parking." Well, technically, that's not really true.
20 As soon as you start managing the public spaces, trying
21 to get the right people in the right space, and get a
22 wide range of users, that's the initial stages of
23 shared parking. But, definitely, we do not have the
24 program where you can come in and say, "I have these
25 five uses, so I should be able to discount my parking

1 requirement by 20 percent." We don't have that.

2 What I would say is, the payment in lieu
3 system is a -- is a baby step towards shared parking,
4 but it's not really shared parking, it's another way to
5 satisfy the parking requirement because the money is
6 dedicated to developing public parking infrastructure,
7 that is truly shared parking.

8 There is no space, in the City of Coral
9 Gables, that's privately held that is as efficient as
10 the spaces that I use. I get more vehicles per space,
11 per day, in my facilities, than any private development
12 in the City. So we're looking at an efficiency, and if
13 we can develop a good system for developing public
14 parking infrastructure, then it may be, at some point
15 in the future, that we want to re-look at what our
16 parking requirements are. Not to go to the unbundling
17 or not to go to the cities that say, "If you're under
18 50,000 square feet, you're not allowed to build a
19 space, but to move towards a lower requirement for the
20 public -- or private developments.

21 CHAIRMAN KORGE: So the payment in lieu is
22 basically a way of aggregating funds to build a public
23 space that will serve the -- the properties that have
24 contributed to it, in effect?

25 MR. KINNEY: Right.

1 CHAIRMAN KORGE: So just out of curiosity,
2 what -- how do you handle it when the properties, half
3 a dozen properties contribute, you build the spaces,
4 40 years later the properties are demolished and
5 reconstructed in different density, or whatever? Do
6 they have to pay again, or do they have to pay based on
7 an increase in the requirements for the property? Or
8 how would that work?

9 MR. KINNEY: Well, when there's a
10 redevelopment of a site that's already paid-in -- I
11 mean, there's a lot of unanswered questions there
12 because -- I mean, we don't know what -- what we're
13 going to be requiring, at that point. I mean, the
14 public system is still going to be in existence and
15 being used, so if they help build a garage and they had
16 a right to 20 permits in the garage, that would have to
17 carry -- follow through with the property, I would
18 think.

19 MR. COE: Not if the property was
20 demolished. You'd start all over again.

21 MR. KINNEY: I haven't thought about that --

22 MR. COE: You're not grandfathered in --

23 MR. KINNEY: That's true.

24 MR. COE: -- on a demolished property.

25 MR. KINNEY: That's true.

1 CHAIRMAN KORGE: Well, I would -- I would
2 suggest that you think about how that transition would
3 occur, and I can see two sides to that. And then
4 you've got to think about what happens when that garage
5 becomes obsolete and who's going to pay to replace
6 that.

7 MR. KINNEY: Well, it's a public facility,
8 so that definitely becomes the responsibility of the
9 parking management system, whatever our parking
10 management system is --

11 CHAIRMAN KORGE: No, I understand that. But
12 more to the point, that's an economic -- that facility,
13 the economic cost of that facility was borne,
14 hypothetically, by the surrounding properties, in lieu
15 of them building it on their properties. It makes a
16 lot of sense. So, at some point, that facility becomes
17 obsolete. So I guess you need to price your
18 depreciation into that, as well, so you can replace
19 them.

20 MR. KINNEY: Well, but, you see, there's
21 operational revenue that comes in, also --

22 MR. SALMAN: They charge to park there.
23 It's not a free parking.

24 CHAIRMAN KORGE: -- with that price.

25 So the -- So the fact that you pay to buy

1 down your space doesn't mean you don't have to pay your
2 permit fee monthly.

3 CHAIRMAN KORGE: I see. So the permit fee
4 would build in the depreciation.

5 MR. KINNEY: And that's the responsibility
6 of parking management, to work all that out.

7 CHAIRMAN KORGE: Gotcha. That all makes
8 sense.

9 MR. SALMAN: Through the Chair, my comments
10 with regards to this -- First of all, I applaud you for
11 the effort. I think that this is long overdue. And we
12 certainly have a lot of retail properties up and down
13 Miracle Mile, for example, that will never make the
14 amount of parking that they need for the amount of
15 retail space that they have. And even as they get
16 redeveloped, the activity level of parking on the
17 street is going to be much more than what is going to
18 ever be available.

19 Having said that, the need for public
20 parking and access to public parking is very important,
21 and one way to funding it, I know the City of Miami
22 Beach does it, is that up to a certain percentage of
23 the amount of required parking is available to the
24 developer to basically buy off or purchase, as you're
25 suggesting.

1 My concern here is one of proper indexing at
2 of that price. That if we fix it, it needs to be
3 properly indexed on some sort of periodic basis, so you
4 don't --

5 MR. KINNEY: Right.

6 MR. SALMAN: -- get yourself underwater
7 before you actually get to develop it.

8 MR. KINNEY: It's actually drafted that the
9 fee -- whatever the fee is established by the
10 Commission, and my recommendation, at this time, is
11 \$25,000 per space, is -- is approved annually in their
12 fines and fees budget.

13 MS. SALMAN: Okay.

14 MR. KINNEY: So every year it could be
15 adjusted, based on whatever justification I have, if
16 they accept the justification.

17 CHAIRMAN KORGE: Well, another way to
18 approach that is if you can find an index to adjust
19 automatically, based on real cost, that would be
20 preferable, than having the Commission make that
21 decision, because then it takes it out of the realm of
22 politics and makes it --

23 MR. KINNEY: Right.

24 CHAIRMAN KORGE: -- strictly an economic
25 decision.

1 MR. COE: Yeah.

2 MS. HERNANDEZ: Right.

3 MR. KINNEY: And that -- that gets to be a
4 little problematic. You mentioned the Beach. Right
5 now the Beach is at \$35,000 a space.

6 MS. HERNANDEZ: Right.

7 MR. KINNEY: And they're not covering costs.

8 MR. SALMAN: And they were 16, not that long
9 ago, and then they discovered they were completely
10 underwater, so --

11 MR. KINNEY: But there's also another issue
12 on the pricing, is -- and I have suggested 25,000, so
13 I'm not changing that. But there's many communities,
14 including Miami, where their expectation is not to
15 recover 100 percent of the cost because they calculate
16 into it the capital value after it's built --

17 MS. HERNANDEZ: Right.

18 MR. KINNEY: -- and what the value of it is
19 at 60 years. But -- So there's some places -- Coconut
20 Grove, right now, you pay \$6,000 a space. I can tell
21 you Miami cannot build a garage for \$6,000.

22 MR. BEHAR: Anybody cannot build a garage.

23 MR. SALMAN: Nobody can build a garage.

24 MR. BEHAR: But I think you're right on a
25 realistic number, because the idea here is if the

1 developer is going to put into this bank, you know, you
2 want to encourage them to do it because at the end, the
3 City will benefit.

4 MS. HERNANDEZ: Right.

5 MR. SALMAN: And so will they.

6 MR. BEHAR: And so will they, but you don't
7 want to be going too, too high, either, where --

8 MR. SALMAN: Well, you don't want to
9 unnecessarily penalize.

10 MR. BEHAR -- you know, "It's more feasible
11 for me to build it on my garage than give it to the
12 City."

13 MS. HERNANDEZ: Right.

14 MR. KINNEY: And I will just share with you,
15 part of my vision here is, when I look at our central
16 core, I would like the public system to provide an A
17 level or B level of service from the parking to your
18 final destination. And to do that, we really have to
19 have public facilities located in key areas.

20 Right now, several of our public facilities
21 are in key areas. A couple of them are ready to fall
22 down. I mean, this fund could actually help -- help
23 the redevelopment of those sites. But a level of
24 service, A or B, it means you want to be within 500
25 feet of people's final destination. And to do that, we

1 really need to take the lead. We can't -- We can't get
2 that if -- just from what we require the developers to
3 build.

4 CHAIRMAN KORGE: Are you going to segregate
5 the funds to each location, so that -- excuse me, a
6 contributor on one end of the City, those funds can't
7 be used at the other end of the City?

8 MR. KINNEY: We're starting -- Starting off
9 manageable. Right now it reads you have to be within
10 the Central Business District or on the Ponce Corridor.
11 So basically there's going to be three districts.
12 There's going to be the North Ponce, and at some point,
13 Eric and I, when he gets the North Ponce kind of study
14 going --

15 MR. RIEL: When the City gets it going.

16 MR. KINNEY: Okay, when the City gets it
17 going --

18 MR. SALMAN: Through Eric.

19 MR. KINNEY: Through Eric, then we're going
20 to have to think about, "Okay, those funds that we
21 generate up there, what are we looking at?" I mean,
22 likely it's going to be acquiring small properties that
23 can serve both as green space and parking.

24 In the CBD, obviously, it's going to be
25 building those parking structures in those two or three

1 key locations, where we need them. If we get down
2 towards the south, it may again be just expanding
3 parking lots, or -- or if there's a need somewhere on
4 South Ponce, a structure. But right now, I don't see
5 that. And we haven't included, you know, the area next
6 to South Miami. We're not even worrying about that.
7 We're trying to deal with something fairly manageable,
8 the first time around.

9 MS. KEON: And you're looking at where this
10 would be applicable, and then the proximity near to
11 where those developments are. Do we have public spaces
12 available to build garages?

13 MR. KINNEY: We have at least four parcels
14 where I would say we need to start planning parking
15 facilities. And in the interim, in the next 10 years,
16 there may be something else that pops up, where we need
17 to deal with it, but I don't know that we can get the
18 four built in 10 years. That might be 15, 20 years
19 out, to get those four.

20 And the other thing I was remiss is, I want
21 to make sure everybody understands that the way it's
22 written is, if you're redeveloping the site on the
23 Mile, that's going to need five or ten spaces, the
24 level of review is going to be fairly low because I
25 have lots of space available. I will probably require

1 a parking demand study, but it -- it's not going to
2 have to be that -- it's not going to have to be a
3 50-page document.

4 If a large developer comes in and says, "I
5 want to buy down 50 spaces, then they're going to have
6 to show me, they're going to have to hire parking and
7 traffic engineers to give me the information that I
8 need to say, "Yes, this is feasible." Because if it's
9 not an area where we have supply, then, obviously, I
10 can't approve a buy-down, if it's going to create a
11 parking problem.

12 MR. SALMAN: The other -- Through the Chair,
13 the other issue that you may want to look at is that
14 these parcels are significant, and I know that the City
15 has looked at developing air rights over them, to look
16 at that, also, in the future, to keep something in your
17 mind, because some of these lots are located in very
18 prime locations and the co-development of those lots
19 might be something to the City's benefit, for expanding
20 not only public parking, but also adding to them.

21 MR. KINNEY: We're looking at two options.
22 One is air rights, giving, you know, the 30 feet on
23 top, or the other one is, if we have an adequate sized
24 parcel, maybe what we sell off or what we lease out
25 is --

1 MR. SALMAN: The front portion.

2 MR. KINNEY: -- an adjacent piece that fits
3 onto the parking structure.

4 CHAIRMAN KORGE: Like the CenTrust Building.

5 MR. KINNEY: And -- And the reason that's so
6 important is, right now, if we just build a parking
7 garage, I could probably charge the rates to make it
8 pay for itself, but everybody would hate me.

9 MR. SALMAN: Because you'd have the parking
10 garage on the street --

11 MR. KINNEY: Because of the cost.

12 MR. SALMAN: -- and it would kill the
13 street.

14 MR. KINNEY: Right. So -- So if we have
15 this piece that we can lease out or sell off, it can
16 help fund the public parking infrastructure --

17 MR. FLANAGAN: Mr. Chair --

18 MR. KINNEY: -- as well as the payment in
19 lieu system.

20 MR. FLANAGAN: Mr. Kinney, I think I heard
21 you say that you would only approve a buy-down if it
22 wouldn't create a parking problem, which -- and I was
23 going to ask the question, if there's any concern about
24 a lag time if several developers came and wanted to buy
25 down 50 spaces apiece or 40 spaces or 30 spaces apiece,

1 do we then end up with a parking problem between the
2 development of those projects, collecting the money and
3 then going and building a new parking structure. What
4 happens -- And then you said that you may not approve
5 the buy-down, which then says, okay, maybe, you know,
6 it's not, maybe it's not something that somebody could
7 take advantage of unilaterally, it has to be only what
8 I may call on a space available basis.

9 MR. KINNEY: It's on the approval and
10 recommendation of the Parking Director, so -- I mean,
11 it goes through a couple of steps. I -- I reviewed
12 whatever the parking study, parking demand requirements
13 are, and then if I approve that, that doesn't
14 necessarily mean the project is going to be approved, I
15 mean, it still has to go through the process.

16 MS. KEON: Mr. Kinney, in meeting your --
17 This issue that up to 50 spaces, is all that -- Do
18 you -- Is there -- There's not a percentage of the
19 required, up to 50 spaces, or whatever, you just upped
20 it to 50 spaces. What if only 100 are required, and so
21 they can buy up to 50. There's not a percentage here.

22 MR. KINNEY: I can tell you, there's nothing
23 magic to the 50. I was looking at a number that was
24 manageable for our system.

25 MS. KEON: Right, but, I mean --

1 MR. KINNEY: There is systems out there
2 where it's a percentage, like 20 percent of whatever
3 the requirement is, is what you can buy down.

4 MS. KEON: I would feel more comfortable,
5 personally, with a percentage as opposed to a finite
6 number.

7 MR. SALMAN: To a maximum number.

8 MR. KINNEY: But the issue we run into there
9 is that if you have somebody with a thousand space
10 garage, they can buy down 200 spaces.

11 MS. KEON: No, but you can limit --

12 MR. SALMAN: But you can limit it to an up
13 set amount, a certain amount.

14 MS. KEON: -- up to, with a cap on the
15 number.

16 MR. BEHAR: Well, you can --

17 MR. SALMAN: You take 20 percent of the 50.

18 CHAIRMAN KORGE: There's another side of
19 this. There may be areas where you don't want any
20 parking because you don't want to have breaks in the --
21 in the facade, you don't want cars pulling in there. I
22 mean, there are lots of --

23 MS. KEON: Yeah, but that -- that -- Well, I
24 mean, that would be difficult. I would assume that
25 this is only applicable to projects where parking is

1 required. I mean, so --

2 CHAIRMAN KORGE: Yes, but all I'm saying is,
3 you may want a project, where parking is required, not
4 to have any parking, at all, but instead to have the
5 parking next door or a couple of doors down, in a -- in
6 a garage --

7 MS. KEON: But they --

8 CHAIRMAN KORGE: -- separate from that
9 project.

10 MS. KEON: But then they could --

11 MR. KINNEY: The smaller projects, I would
12 agree completely --

13 CHAIRMAN KORGE: Right.

14 MR. KINNEY: -- if their requirement is 10
15 to 20.

16 MR. BEHAR: But you also have to contemplate
17 something else. I think -- I don't -- If you have a
18 mechanical lift in a project to meet, you know, your
19 requirements and now you have to do a buy-down, they
20 wouldn't -- You know --

21 MS. KEON: They'll have no parking.

22 MR. BEHAR: Right.

23 MS. KEON: Yeah, I think that there -- I
24 mean, I think the program itself is a good thing. It's
25 a good way to develop some --

1 MR. SALMON: Revenue.

2 MS. KEON: -- a trust fund, to be able to
3 develop parking garages, but I do -- I have some
4 concern with the numbers. I'm more comfortable if it
5 is a percentage. I'm more comfortable if those other
6 issues are sort of addressed, with mechanical, so that
7 it's not -- you know, that you can do --

8 MR. BEHAR: One of the two.

9 MS. KEON: -- one or the other, but you
10 can't do --

11 MR. BEHAR: Both.

12 MS. KEON: You can't combine all these
13 programs.

14 MR. KINNEY: What if -- And I'm just
15 thinking out loud, right now. What if a project that
16 was, say, up to 20 spaces required, to do 100 percent,
17 and once you get past 20 spaces, then you could only do
18 a smaller percentage?

19 MS. KEON: Well, possibly, but I think, you
20 know, when it's an absolute number and it's not
21 relative to --

22 MR. KINNEY: The size.

23 MS. KEON: -- the greater number, or any
24 other number, it just --

25 MR. BEHAR: Because if the project requires

1 75 spaces, and you could buy up to 50, then, you know,
2 you're going to have a parking problem in that project,
3 to begin with.

4 MR. KINNEY: Right.

5 MR. BEHAR: I think that we've got to look
6 at it -- I agree, on a percentage, up to a maximum.

7 MR. KINNEY: Okay.

8 MS. KEON: And I know that it's in your
9 discretion, but I would not like it.

10 CHAIRMAN KORGE: With an exception for small
11 projects.

12 MR. KINNEY: Yes, I would like to have an
13 exception for small projects because we have a number
14 of them that come through that can't provide any
15 parking onsite.

16 MR. BEHAR: You're right, on the Mile, you
17 know, you can't provide any parking on the site, and,
18 you know, those should be given a different --

19 CHAIRMAN KORGE: We don't want parking
20 there.

21 MR. BEHAR: No, you don't. You have no
22 choices. So those you may have an exception to.

23 MR. KINNEY: Yeah --

24 MS. KEON: Right.

25 MR. KINNEY: -- we'll do an absolute

1 buy-down on a certain number and then, above that, a
2 percentage.

3 MR. BEHAR: And definitely, I mean, my
4 opinion, you should not be able to use the mechanical
5 lifts provision with a buy-out.

6 MR. COE: Absolutely right.

7 MS. KEON: I don't think we should combine
8 all those kinds of things to reduce the amount of
9 parking.

10 MR. BEHAR: I mean, I'm sure our clients
11 would not be very --

12 MR. KINNEY: Now we're mixing --

13 MR. BEHAR: Happy.

14 MR. KINNEY: But now we're mixing the
15 Parking Code and Zoning Code, so we'll have to -- have
16 to figure out how we can --

17 MS. KEON: Right.

18 MR. RIEL: Well, it's going to be a
19 challenge because, you know, not -- I mean, you're
20 understanding that not every project in the City comes
21 to this Board. So the Board of Architects, as a part
22 of their review, is going to have to deal with this
23 issue because that is the authority that provides site
24 plan rules.

25 MR. BEHAR: And this may be the time, Eric,

1 where a revision of some sort to --

2 MR. SALMAN: General parking requirements.

3 MR. BEHAR: You may have to go through it
4 and modify the Code to anticipate, maybe, those issues.

5 MR. RIEL: Are you saying --

6 CHAIRMAN KORGE: At the same time or --

7 MR. BEHAR: Do you see what I'm saying? I
8 mean --

9 MR. RIEL: I think I understand. Are you
10 saying more projects should come to Planning Board
11 or -- I mean --

12 MR. BEHAR: Well, if the projects don't come
13 here, and you said all projects don't come here.

14 MR. RIEL: Ninety-five percent don't.

15 MR. COE: Are you saying we want to get
16 parking?

17 MR. BEHAR: No, no, we don't want to get
18 parking, but my point is, you could get -- you would be
19 able to get the benefit of the mechanical lifts,
20 correct, and we would never see those projects, and I
21 don't want to see those projects. But in addition,
22 you're not going to be able to get the benefit of a
23 buy-down. Now, those projects may go straight to the
24 Board of Architects, and there was no provision to --

25 MR. KINNEY: Possibly --

1 MR. BEHAR: -- control that.

2 MR. KINNEY: Possibly, what we could do is
3 in the payment in lieu section is just state that if
4 you use this section, you're not allowed to use any
5 other --

6 MR. BEHAR: Provisions that will reduce your
7 parking requirement.

8 MR. RIEL: Such as variances, such as this,
9 such --

10 MR. BEHAR: Right. Right.

11 MR. SALMAN: I agree with you 100 percent.

12 MS. KEON: Yeah, yeah.

13 MR. SALMAN: Otherwise they're going to be
14 cherry picking all the way around.

15 MS. KEON: You'll end up like the
16 Mediterranean Ordinance.

17 MR. BEHAR: I hope our clients are not
18 looking today.

19 MS. KEON: Yeah.

20 MR. KINNEY: I do think there's at least one
21 public --

22 MR. BEHAR: And by the way, I really will
23 commend you. I like the idea of the shared parking,
24 because I am doing projects that the shared parking
25 provision is there, especially when we have multiple

1 uses, such as office and residential, and it works very
2 well, if it's done with the right percentages of the
3 required parking.

4 MR. KINNEY: And I think that's something we
5 will look at more and more, as we move along. This
6 is -- This is to give us a manageable -- manageable
7 step towards that concept.

8 One of the things I had mentioned to the
9 Commission, when I spoke with them, is the bank right
10 behind my off -- or the building right behind my
11 office, which is the Regions Bank building, it's never
12 more than 50 percent full, never, and it's a
13 100 percent occupied building.

14 MR. BEHAR: Not only that, after 6:00 p.m.
15 you have a lot of structures that are completely empty,
16 over 90 percent empty, and it's -- it's just there,
17 which if you're doing a mixed use project to benefit
18 from --

19 MR. KINNEY: Right. And one of the
20 provisions that was not necessarily sent to you from
21 the Commission, in the rewrite of the Parking Code, is
22 a provision to allow valet companies and restaurants to
23 go to private developers, private garages, and
24 negotiate valet storage in private garage, across the
25 board, in the evening, but even in the daytime, if they

1 could show me that there was capacity, that I would
2 approve valet storage during the day. That is an issue
3 that the Commission is not sure about, but that was one
4 of my proposals.

5 CHAIRMAN KORGE: Thank you for your time.

6 MR. BEHAR: Thank you.

7 CHAIRMAN KORGE: There's nothing else on the
8 agenda, correct?

9 MR. SALMAN: I think Mario's got something
10 to say.

11 MS. KEON: He wants to speak.

12 CHAIRMAN KORGE: Oh, okay. I'm sorry.

13 MR. GARCIA-SERRA: Mr. Chairman, if you'll
14 excuse me, I know this isn't a public hearing item, per
15 se, but if I could just provide a few comments on the
16 proposed ordinance?

17 CHAIRMAN KORGE: Sure.

18 MR. GARCIA-SERRA: Okay. Mario
19 Garcia-Serra, 1221 Brickell Avenue. I'm not
20 representing any client, in particular, I'm just
21 speaking from my experience as a zoning attorney.

22 Both the concept of the payment in lieu
23 program and the reduction -- the loss of on-street
24 parking fee, I think, are good ideas. I don't have any
25 comments on the payment in lieu program, as proposed.

1 On the loss of on-street parking section,
2 which starts on page 14 of the draft ordinance, I do
3 have some comments, two significant ones and two less
4 significant.

5 On page 15, you'll notice, in Section
6 (b) (1) (a), there is a credit or an exception given for
7 any on-street spaces that are lost as a result of
8 ingress or egress to the site, but that is limited to
9 22 feet of curb space. What my comment would be is
10 that 22 feet of curb space might be appropriate for a
11 fairly small size lot, but once you get into bigger
12 development sites, which, you know, might be
13 20,000 square feet or greater, 22 feet isn't exactly an
14 adequate amount of curb-cut in order to provide
15 sufficient ingress and egress, or reasonable ingress
16 and egress to the site.

17 My other significant comment would be on
18 (b) (1) (3), which deals with a credit that's given when
19 there are parking spaces lost as a result of
20 streetscape or traffic improvements. As you can see,
21 the credit is 50 percent, essentially, of what the fee
22 is. And I would submit that the fair thing to do here
23 would be 100 percent of what the fee is because
24 remember, we are losing that on-street parking space,
25 not because of perhaps any preference of our project,

1 but because of a streetscape plan or traffic
2 improvement that's being required by the City or some
3 other government agency. The City is requesting for us
4 to put the landscape bulb-out there, or whatever other
5 improvement, or putting up the cost of putting the
6 improvement, but then also being penalized for the loss
7 of the same on-street parking space, which we're
8 losing, because the City is asking us to put something
9 over it. The other --

10 CHAIRMAN KORGE: More to that -- More to
11 that point, the City owns the parking space and the
12 City has decided it wants to landscape it as part of
13 the development, the developer's agreeing to incur the
14 cost for the landscaping, but the developer is
15 basically incurring a cost to develop, if you will,
16 some green space that belongs to the City, that the
17 City chooses to give up its parking because it prefers
18 the additional green space, it's really not a choice
19 being made by the developer.

20 MR. BEHAR: Exactly.

21 MR. GARCIA-SERRA: It's actually required by
22 the Code.

23 MS. KEON: But it's there to enhance the
24 quality of the experience of the downtown.

25 MR. BEHAR: And you're absolutely --

1 Anywhere, City-wide, I mean, you're absolutely correct,
2 but I agree with Tom. Why should --

3 MS. KEON: Should we ask the developer to
4 have a setback instead, so that you can.

5 MR. BEHAR: No, it's not a setback.

6 MS. KEON: -- so that they can put some --

7 MR. SALMAN: Green space.

8 MS. KEON: -- green space on their property
9 or do you trade it for a bump-out. I'd rather trade it
10 for a bump-out and, you know what, in the process of
11 your developing, I'm -- I'm certain that it is not a
12 charitable contribution, that development. I think
13 you're there to make money, and if you give up a little
14 to enhance the public experience, I think that's a --

15 MR. BEHAR: But you know what --

16 MS. KEON: -- wonderful thing that you're
17 doing.

18 MR. BEHAR: Pat, you're absolutely right,
19 but if I had a setback and then I am required to put a
20 bump-out --

21 MS. KEON: Well, but I think we've really
22 diminished that. I mean, I think that's where you
23 should look into diminishing the setback.

24 MR. BEHAR: But it's not.

25 MS. KEON: So that you can then provide that

1 space in the street.

2 MR. BEHAR: But this is -- This is as --

3 the -- Dan Keys --

4 MR. GARCIA-SERRA: Public Service
5 Department.

6 MR. BEHAR: Yes. They -- They're requiring
7 that any development, whether you have setback of zero
8 or 15 feet, you've got to improve the right-of-way and
9 you have to incorporate the bump-outs, to incorporate
10 landscaping on the right-of-way, in addition to
11 whatever setback, in addition to whatever landscaping
12 you're providing on your site.

13 MS. KEON: But have we done that here in the
14 City of Coral Gables? Is that the case? I thought we
15 changed -- I thought we dealt with the setback issues.

16 MR. BEHAR: I don't believe --

17 MR. GARCIA-SERRA: Every project has to
18 provide whatever its landscape/open space requirement
19 is onsite and then, aside from that, there's another
20 section of the Code that says on your abutting
21 right-of-way you have to install --

22 MS. KEON: But it's --

23 MR. BEHAR: I'll give you an example. Case
24 in point, the project I'm doing, the townhomes I'm
25 doing on Valencia. On the north -- on the south side

1 of Valencia there's a setback, and we're providing the
2 required landscaping on our side. In addition, we're
3 doing the bump-outs to do the desired landscaping that
4 the City wants us to do, an improvement of the
5 right-of-way.

6 So we're -- Why should the developer pay for
7 those losses that is not benefiting my landscaping?
8 Yes, it's going to beautify the streetscape, I agree
9 100 percent, but it's not something that we're asking
10 to benefit our project. I don't have one egress point
11 on that street. Everything is through the alley,
12 through the back, yet we're being penalized.

13 CHAIRMAN KORGE: Another way -- Another way
14 you can look at it, Pat, what if the City moves forward
15 with its master plan for a streetscape, regardless of
16 whether development occurs, and simply starts building
17 bump-outs wherever they want it to be, as part of the
18 master plan? Certainly, in that situation, the current
19 property owner wouldn't be charged for the loss of
20 parking space due to the bump-outs because they didn't
21 create that -- that change. All they're really
22 doing is, because of the development, they're getting a
23 contribution from the developer to help incur the cost
24 of that bump-out, which you could even argue is really
25 a City cost, not a development cost because it's the

1 development of the City property, but, apparently, that
2 is a pretty common practice. I don't know. I mean,
3 you could do it -- You could argue whatever way.

4 MR. SALMAN: You can argue it both ways.

5 But there's a fundamental concept here, is who owns the
6 City? The people who own the property. So they're
7 going to pay, one way or the other, either through the
8 taxes, through a special assessment or through a direct
9 grant during development. So it's going to come out of
10 whoever is doing something.

11 CHAIRMAN KORGE: But, you know, let's go --
12 Let's take that one step further. What's the
13 purpose of --

14 MS. KEON: (Inaudible).

15 CHAIRMAN KORGE: What's the purpose of the
16 charge for parking? It's to regulate traffic, it's
17 not -- As a matter of law, you can't charge for parking
18 on the street as a revenue source. The reason for
19 charging for parking is to regulate the use of the
20 parking space, so it's not monopolized by the same car
21 all the time.

22 Consequently, I mean, the idea that -- that
23 the revenues that the City receives for lost space that
24 is caused by a streetscape plan set by the City, to be
25 imposed on a particular property owner, as opposed to

1 being charged to the entire tax base, seems, to me, to
2 be, maybe pushing a little bit, but that's just the way
3 I view it.

4 MR. SALMAN: And we can go around and around
5 on that.

6 MS. KEON: (Inaudible) the developer --

7 CHAIRMAN KORGE: No, they didn't.

8 MR. SALMAN: Have you got enough input?

9 CHAIRMAN KORGE: No, they didn't. The City
10 took it. The City -- That's part of the City's plan.

11 MS. SALMAN: Mr. Serra, do you have any
12 other points?

13 MR. GARCIA-SERRA: Two more minor comments.

14 CHAIRMAN KORGE: It wasn't the development
15 plan.

16 MR. SALMAN: Mr. Serra has two more points.

17 MR. GARCIA-SERRA: Two relatively minor
18 comments.

19 CHAIRMAN KORGE: I don't know why we're
20 debating this. It's not going to be decided.

21 MR. GARCIA-SERRA: On section --

22 MS. KEON: (Inaudible).

23 MR. GARCIA-SERRA: (Inaudible).

24 On Section (b)(3), the same one we've been
25 talking about, the term "traffic calming" is used. I

1 think a better term to use would be "traffic
2 improvement" because sometimes we're required to do
3 certain improvements, such as increasing a turning
4 radius on an intersection or something, which causes
5 you to lose a parking space, which isn't necessarily
6 probably traffic calming, but it's traffic improvement,
7 nonetheless, that --

8 CHAIRMAN KORGE: Rather than calming, yes.

9 Yeah.

10 MR. SALMAN: Okay.

11 MR. GARCIA-SERRA: And then the other
12 comment was, it says, "required by the City," and I
13 would add, "or other government regulatory agency,"
14 because in some cases we're doing -- we're losing
15 parking spaces because of FDOT or because of Miami-Dade
16 County Public Works. Those are my comments.

17 CHAIRMAN KORGE: Thank you.

18 MS. KEON: That's very good.

19 MR. BEHAR: Can I ask Mr. Kinney a question?
20 On that curb-cut of 22 feet, what is presently allowed,
21 20 -- 24?

22 MR. KINNEY: Well, no, 22 is --

23 MR. RIEL: I'm sorry, for on-street or --

24 MR. BEHAR: Yeah.

25 MR. KINNEY: The curb-cut -- Basically, a

1 minimum curb-cut is 22 feet.

2 MR. COE: Twenty-two.

3 MR. KINNEY: And the reason I chose that
4 number is just because within the CBD, I wanted to
5 discourage curb-cuts.

6 MR. BEHAR: I understand, but have you
7 thought of what happens if you have a service truck
8 coming out of your development?

9 MR. COE: It's tight.

10 MR. KINNEY: That's -- That's a bigger
11 development and there, if they need 44 feet, if they
12 need 50 feet, they can buy a space and get their
13 50 feet.

14 MR. COE: That's correct. Absolutely right.
15 That's the way it is.

16 MR. KINNEY: But I want to discourage it.
17 If they can live with 22 feet, I want them to live with
18 22 feet.

19 MR. COE: You're right. That's absolutely
20 correct.

21 MR. BEHAR: But this is to provide ingress
22 and egress from the property, from our development,
23 from the development, you're limiting the curb-cut to
24 22 feet.

25 MR. KINNEY: Right. And -- And --

1 MR. BEHAR: Or you're proposing to.

2 MR. KINNEY: But -- But -- No, the Zoning
3 Code, this number came right out of the Zoning Code,
4 the 22 feet, so if that number changes, then I would
5 change the number here.

6 MR. BEHAR: And this is what we presently
7 have in the Zoning Code?

8 MR. COE: Yeah.

9 MR. KINNEY: Yeah.

10 MR. COE: At the max.

11 CHAIRMAN KORGE: You can even cross
12 reference the Zoning Code here, if you wanted to, so it
13 would change automatically if the Zoning Code changed.

14 MR. KINNEY: If the Zoning Code changed.

15 MR. COE: That's -- That's a good idea.

16 That should be cross referenced, I think you're right.

17 MR. SALMAN: I don't think you can do in
18 22 feet, but that's okay, not an ingress and an egress,
19 not and make the turn.

20 MR. FLANAGAN: You get one for free.

21 MR. BEHAR: That's very tight.

22 MR. FLANAGAN: You get one free, and you pay
23 for the other one.

24 MR. COE: Make sure you get a lot of
25 insurance.

1 CHAIRMAN KORGE: Is there anything else?

2 MR. KINNEY: I would just say that some --

3 the two minor comments that were -- Mario made about
4 Section 3, I agree, and I'll make those changes.

5 Obviously, I don't necessarily agree that the cost
6 should be zero.

7 MR. COE: We would think not.

8 MR. BEHAR: Thank you.

9 MR. COE: Is that it, Mr. Chairman? Are we
10 adjourned?

11 MR. RIEL: I need 30 seconds of your time --

12 MR. COE: Eric, go.

13 MR. RIEL: -- to update you on one City
14 project.

15 As you know, the Department is undertaking
16 the rewrite of the Comp Plan. I will tell you, right
17 now, we are behind a month or two. I'm telling you
18 this in advance because at the November 12th meeting we
19 will have scheduled the first review of the Comp Plan.
20 And we have to do that because in April we have to
21 submit it. It has to be in the State by April, so I'm
22 just letting you know, it potentially could be a long
23 meeting that evening.

24 MR. COE: However --

25 MR. RIEL: I had this originally

1 scheduled --

2 MR. COE: As you know -- As you know, Eric,
3 the City requires that we adjourn at nine o'clock, so
4 all this --

5 MR. RIEL: That's why I'm letting you know.

6 MR. COE: All this is going to be done in
7 three hours, right?

8 MR. RIEL: I'm letting you know in advance
9 because this is a City project --

10 CHAIRMAN KORGE: How much will that take, do
11 you think?

12 MR. RIEL: Well, it depends on how many
13 questions you have. I mean, our presentation, probably
14 about 30 minutes. We want to roll it out to you, but,
15 you know, we're on a specific timeline. Unfortunately,
16 two agenda items got continued tonight, but we have a
17 timeline when we have to get this to the State, so I'm
18 just letting you know we're in line, so --

19 MR. COE: If you had told us before we
20 continued to November, maybe we would have continued
21 these other things to the December meeting.

22 MR. RIEL: I'm just letting you know --

23 MR. COE: Because those others --

24 MR. RIEL: -- that we might go beyond 9:00
25 p.m. that evening.

1 MR. COE: -- those others are flexible.

2 But, see, this one is not flexible, you're correct.

3 That has to be done.

4 MR. RIEL: It's not. It's not flexible.

5 MR. COE: Yeah.

6 CHAIRMAN KORGE: Well, we could go beyond

7 9:00 p.m. with a vote --

8 MS. KEON: Right.

9 CHAIRMAN KORGE: -- a majority vote.

10 MR. RIEL: Yes. Yes, you can. I'm must
11 letting you know in advance.

12 CHAIRMAN KORGE: Thank you.

13 MR. BEHAR: How many people -- people do we
14 expect from the public on one of those items next
15 month?

16 MR. RIEL: Seventy people, I believe. I
17 don't know.

18 MR. COE: There were mobs outside. You
19 didn't see them all. There were mobs outside. And
20 then the people -- there's probably another 20 that
21 couldn't show up tonight.

22 MS. HERNANDEZ: But it was two different
23 matters.

24 MR. SALMAN: With clubs and pitchforks, and
25 everything.

1 MR. BEHAR: We've got to make sure we keep
2 our time --

3 MR. COE: Well, you're forgetting all the
4 people that couldn't show up.

5 MS. HERNANDEZ: Right.

6 MR. RIEL: That's all I have, Mr. Chairman.

7 MR. SALMAN: Move to adjourn.

8 CHAIRMAN KORGE: Meeting adjourned.

9 (Thereupon, the meeting was adjourned at
10 7:40 p.m.)

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2 CERTIFICATE

3

4 STATE OF FLORIDA:
5 SS.
COUNTY OF MIAMI-DADE:

6

7 I, MERCY C. BORROTO, Shorthand Reporter and
8 Notary Public for the State of Florida at Large, do
9 hereby certify that I was authorized to report the
10 proceedings had and taken before the City of Coral
11 Gables Planning and Zoning Board on October 8, 2008,
12 and the within pages represent a true excerpt record of
13 my stenographic notes taken at that time.14 DATED at Miami, Miami-Dade County, Florida
15 this 13th day of October, 2008.

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