

March 8, 2021

VIA HAND DELIVERY

Miriam Ramos, City Attorney
City of Coral Gables
405 Biltmore Way
Coral Gables, FL 33134

Re: Biltmore Development, LLC's ("Biltmore") Statement in Support of its Claims of Takings and Vested Rights on 701-711 Valencia Avenue ("the Property")

Dear Ms. Ramos:

Introduction

Biltmore files this Statement to support its Claims of Takings and Vested Rights. It describes Biltmore's long engagement with City of Coral Gables Staff ("City Staff") and its reliance on written City Staff confirmations of the Property's allowable height of 150 feet and a potential density of 75 units an acre. The Statement also provides Biltmore's good faith but *preliminary* estimates of its out of pocket reliance at approximately \$3,897,000.00 and takings losses estimated at \$1,000,000.00 for the loss of height and \$2,643,500.00 for the loss of density.

Facts and Procedure

As you know, on March 23, 2007 City Staff issued a zoning confirmation letter that stated the Property had a permissible height of 150 feet under the City Zoning Code's Site Specific provisions for Biltmore Section found at §A-12(B)(2)(e). Please See Tab A In reliance on that confirmation and other City Staff representations, in February 2015, Biltmore commenced purchasing the lots that constitute the Property for an amount in excess of \$2,850,00.00 Please see Tab B Biltmore thereafter, retained a number of professionals to design a building that conformed to the City's Zoning Code. Please see Tab C

On March 8, 2018, the City's Board of Architects approved Biltmore's proposed plans for an 11 story, 124 foot building. Nevertheless, City Staff questioned their earlier 2007 height

determination such that Biltmore retained additional counsel to assist in resolving that dispute. On July 2, 2018, you confirmed a series of prior City Attorney Opinions that the site specific entitlement of 150 feet governed.

On August 1, 2018, the David William challenged that approval, arguing the City Attorney opinions regarding the 150 foot height allowance were incorrect. To explore a possible compromise, in March 2019, you and City Staff hosted a series of meetings between Biltmore and the David William. These meetings resulted in a proposed tradeoff whereby the 701 Valencia building height was reduced to only 75 feet in exchange for an increase in the floor area ratio from 2.0 to 2.7.

On March 12, 2019, the City Commission approved the Settlement under the City's Article 3, Division 17 "Protection of Landowner's Rights; Relief from Inordinate Burdens."

In reliance on the new Settlement parameters, Biltmore directed its professional to re-design its proposed building and in July 2019 submitted a revised site plan consisting of **25 units**. The City's Board of Architects again approved. Please see Tab D. However, City Staff determined that independently of the height and FAR limitations, the Property was also subject to a density limitation of 60 units per acre which only allowed for **23 units**.

Biltmore rejected that interpretation and demonstrated its reliance on a May 2, 2017 City Staff written confirmation that the Property qualified for the Mediterranean Design Bonus. Please see Tab E. In September 2019, you determined that prior City Staff advice, on which Biltmore relied, was incorrect and not legally binding.

Argument

City reversal of its written Staff opinions and Board of Architects' two approvals regarding the Property's height and density limitations would be inconsistent with the express provisions of the City's Code and black letter land use law.

I. Biltmore's Vested Rights Claim

As explained by the Florida Third District Court of Appeals in *Monroe County v. Ambrose*, 866 So. 2d 707 (Fla. 3d DCA 2003):

Florida common law provides that vested rights may be established if a property owner or developer has (1) in good faith reliance, (2) upon some act or omission of government, (3) made such a substantial change in position or has incurred such extensive obligations and expenses (4) that it would make it highly inequitable to interfere with the acquired right. *See Hollywood Beach Hotel Co. v. City of Hollywood*, 329 So.2d 10 (Fla. 1976); *Sakolsky v. City of Coral Gables*, 151 So.2d 433 (Fla. 1963); *Equity Res., Inc. v. County of Leon*, 643 So.2d 1112 (Fla. 1st DCA 1994); *Harbor Course Club, Inc., v. Dep't of Cmty.*

Affairs, 510 So.2d 915 (Fla. 3d DCA 1987); *Dade County v. United Res., Inc.*, 374 So.2d 1046 (Fla. 3d DCA 1979).

...

The theory behind vested rights is that “a citizen is entitled to rely on the assurances and commitments of a zoning authority and if he does, the zoning authority is bound by its representations.” *Town of Largo v. Imperial Homes Corp.*, 309 So.2d 571, 573 (Fla. 2d DCA 1975).

Monroe County and the cases it cites provide the basic paradigm for a vested rights claim. A property owner seeks and obtains properly issued entitlements from a local government to develop his or her property and in turn expends significant time and energy on the development when that approval is thereafter revoked, either by direct governmental action or by general change to the applicable land development regulations. This is precisely what would happen if the City modifies or reverses Board of Architects approval of Biltmore's proposed 25 unit plans.

A. Biltmore has acquired vested rights in the City's Approvals.

It is beyond dispute that Biltmore has in good faith relied on various City written representations, and Code provisions to purchase the Property. It thereafter it has worked with City Staff *for over five years* to secure positive approvals for its proposed development. This was not an easy task, and Biltmore expended considerable time and money in *twice* securing it. In so doing Biltmore can document that it expended at least Biltmore Developers can document that since 2015 it has out of pocket expenses of approximately **\$2,850,000.00** to acquire the Property and over **\$1,047,000.00** in expenses to professional services and permit fees. These professionals successfully designed two different building plans that each met the criteria of the Zoning Code and received all required approvals with the exception of the density issue.

Biltmore's extensive and expensive efforts to work with City Staff to secure its approvals are the sort of efforts that Courts often recognize as a basis for claims of equitable estoppel or vested rights. For example in *Metropolitan Dade County v. Lutz*, 314 So.2d 815 (Fla. 3d DCA 1975) the Third District found for the developer where it has expended similar extended energy in securing its entitlements as follows:

The record in the subject case establishes that Petitioners incurred extensive financial obligations and expenses in reliance upon rezoning of their property which zoning was granted only after Petitioners had negotiated, planned and fulfilled county requirements in activities lasting over one year. In a day and age when governmental restrictions and requirements pertaining to land development are extraordinarily extensive and zoning classifications allowing development are granted grudgingly and after exhaustive efforts by a developer, government may not casually ignore the individual landowner's rights when formulating large-scale zoning plans.

Under the particular facts of this case, it would be inequitable and unjust to deny the

relief sought.

See also, 4 Rathkopf's The Law of Zoning and Planning § 70:28 (4th ed.), § 70:19. Intermediate view: Expenditures before issuance of permit.

II. Biltmore's Takings Claim

The Fifth Amendment to the United States Constitution prohibits the government from taking private property “for public use without just compensation.” Notably, even where the government does not take physical control of property it may nevertheless effectuate an inverse condemnation, which is defined as “a cause of action by a property owner to recover the value of property that has been *de facto* taken by an agency having the power of eminent domain where no formal exercise of that power has been undertaken.” *Ocean Palm Golf Club P'ship v. City of Flagler Beach*, 139 So.3d 463, 471 (Fla. 5th DCA 2014). A regulatory taking can be either total or partial. In a “total” or “*per se*” taking, the government's regulations effectively deny *all* economically beneficial or productive use of the property. In a “partial” or “as-applied” taking under *Penn Central Transportation Co. v. City of New York*, 438 U.S. 104 (1978), the court must evaluate: “(1) the economic impact of the regulation on [the property owner]; (2) the extent to which the regulation has interfered with distinct investment-backed expectations; and (3) the character of the governmental action.”

Here, the City's actions threaten to take significant entitlements from the Property. In the first instance, it sought to arbitrarily reduce the allowable height by 50%, from 150 feet to 75 feet. Then, after Biltmore agreed to the lower height (with a commensurate adjustment to its allowable FAR), the City then threatened to arbitrarily reduce the allowable units by 8% from 25 to 23.

A. Any reduction in the permissible height or density will constitute a partial taking.

As noted above, there is no legal basis for the City to reduce the approval issued by the Board of Architects such that any reduction would deprive Biltmore of its investment backed expectations. As noted above, Biltmore has expended over **\$3,897,000.00** to purchase the Property and then sustained years of work required to obtain its City approvals. See *Lucas v. South Coastal Council*, 112 S.Ct 2866 (1992); *City of New York*, 98 S. Ct. 2646 (1978).

With respect to the loss of it's reasonable investment backed expectations for reducing its building height from the 124 height approved by the Board of Architects to 75 feet, Biltmore has made a preliminary estimate of a loss of approximately **\$1,000,000.00**.

With respect to the loss of it's reasonable investment backed expectations from losing two units in its current building, Biltmore has made a preliminary estimate of a loss of approximately **\$2,643,500.00**. Both estimates are based on a conservative fair market value of \$850.00 per square foot.

Please note that the lost profit loss of two large units is larger than losing five stories as a taller building involves significantly greater construction costs. Finally, please note that these estimates are preliminary, and Biltmore Developers reserve its rights to further supplement these estimates and provide alternative measures of loss including the lost opportunity costs associated with the project extended by at least five years.

CONCLUSION

In summary, Biltmore has demonstrated that it has, for over six years, acted in good faith and in reliance with express City written representations and Code provisions to *twice* successfully show compliance with the City's zoning criteria for its development. To modify the most recent approvals for 25 units would abrogate Biltmore's vested rights and constitute a significant taking of its property rights.

I hereby certify that I have reviewed the foregoing statement and that, to the best of my knowledge, the facts recited herein are true and correct and is supported by good and proper grounds and has not been presented for delay.

Respectfully Submitted



Augusto E. Maxwell

AEM/mg

Enclosures

EXHIBIT A



The City of Coral Gables

*Building and Zoning Department
ISO Class 1*

CITY HALL 405 BILTMORE WAY
CORAL GABLES, FLORIDA 33134

March 23, 2007

VIA FACSIMILE

Mr. Clifford A. Schulman
Greenberg Traurig
1221 Brickell Avenue
Miami, Florida 33131

Re: 701 Valencia Ave / Folio Numbers 03-4117-008-1770 and 03-4117-008-1780 / Request for Zoning Verification and Rights of Owner

Dear Mr. Schulman:

I am in receipt of your letter dated April 12, 2006, regarding the above referenced property, seeking verification of its zoning designation and development rights. Because this letter is being issued in settlement of a dispute, the City has agreed to waive the fee for issuing the letter. In exchange, the City has received an executed general release from your client, a copy of which is attached hereto.

Presently, 701 Valencia Avenue (the "Property") is designated Multi-Family High Density Residential ("RMH") on the City of Coral Gables Future Land Use Map, and is zoned "MFSA" Multi-Family Special Area. On January 9, 2007, the City of Coral Gables Commission adopted a new "Zoning Code for the City of Coral Gables.

According to the City of Coral Gables Comprehensive Plan, the RMH designation allows for multi-family residential units with a maximum density of 60 units per gross acres. The maximum permitted height is 13 stories. If architectural incentives are provided, the density increases to a maximum of 75 units per gross acre and the maximum height is 16 stories.

The City of Coral Gables Zoning Code designates the Property as "MFSA" Multi-Family Special Area. Below is the estimated development potential of the site:

- *Density:* maximum 75 dwelling units per acre.
- *FAR:* Floor areas ratio shall not exceed 2.0.

Clifford Schulman
March 23, 2007
Page 2

- *Height:* If the parcel is between 10,000 and 20,000 square feet in area, the maximum permitted height is 70 feet.
- *Parking, setbacks, landscape requirements etc.* Please see copy of attached Section 4-104 Multi-family Special Area (MFSA) District of the "Zoning Code" for additional zoning regulations pertaining to the property. For purposes of determining setbacks, the south side of the Property, which fronts Valencia Avenue, would be designated as the front and southeastern side which fronts Biltmore Court would be considered a front and the eastern side which fronts Cardena Street would be considered a side property line.
- *Lot 26, Block 10 of the Coral Gables Biltmore Section:* The portion of the Property which is designated as Lot 26, Block 10 of the Coral Gables Biltmore Section (Folio No. 03-4117-008-1780) and is 2,800 square feet in size may be developed as a "stand alone" townhome.

Please be advised that this determination does not constitute a development order. If you need additional information in regard to this matter please do not hesitate to contact me.

Sincerely,



Dennis S. Smith, C.B.O., MCP
Assistant Building & Zoning Director

cc: Elizabeth M. Hernandez, City Attorney
Susan L. Trevarthen, Attorney
Martha Salazar-Blanco, Zoning Administrator

EXHIBIT B

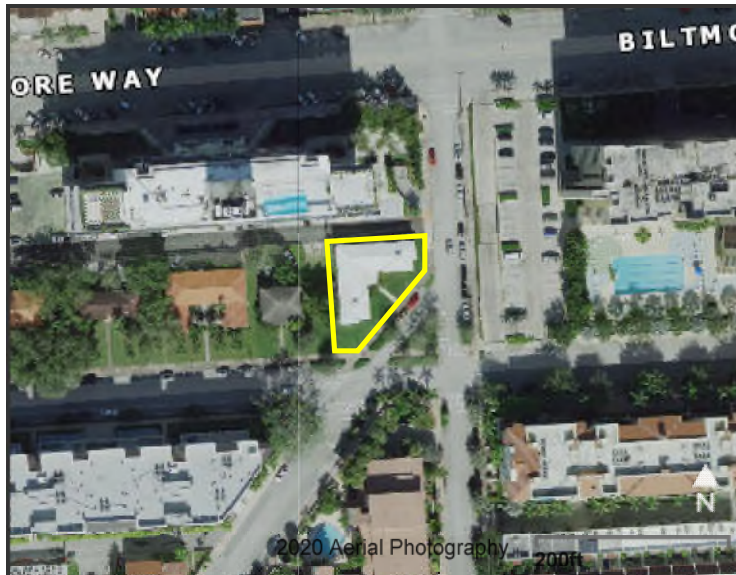


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 3/8/2021

Property Information	
Folio:	03-4117-059-0010
Property Address:	701 VALENCIA AVE UNIT: 1 Coral Gables, FL 33134-5665
Owner	BILTMORE DEVELOPMENT LLC
Mailing Address	9100 S DADELAND BLVD 901 MIAMI, FL 33156 USA
PA Primary Zone	5000 HOTELS & MOTELS - GENERAL
Primary Land Use	0407 RESIDENTIAL - TOTAL VALUE : CONDOMINIUM - RESIDENTIAL
Beds / Baths / Half	2 / 1 / 0
Floors	0
Living Units	1
Actual Area	Sq.Ft
Living Area	776 Sq.Ft
Adjusted Area	776 Sq.Ft
Lot Size	0 Sq.Ft
Year Built	1949



Assessment Information			
Year	2020	2019	2018
Land Value	\$0	\$0	\$0
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$174,915	\$174,915	\$163,472
Assessed Value	\$174,915	\$174,915	\$163,472

Benefits Information				
Benefit	Type	2020	2019	2018
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description
701 VALENCIA CONDO UNIT 1 UNDIV 0.1505% INT IN COMMON ELEMENTS OFF REC 25219-3835

Taxable Value Information			
	2020	2019	2018
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$174,915	\$174,915	\$163,472
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$174,915	\$174,915	\$163,472
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$174,915	\$174,915	\$163,472
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$174,915	\$174,915	\$163,472

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
02/06/2015	\$1,601,800	29508-0265	Qual on DOS, multi-parcel sale

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

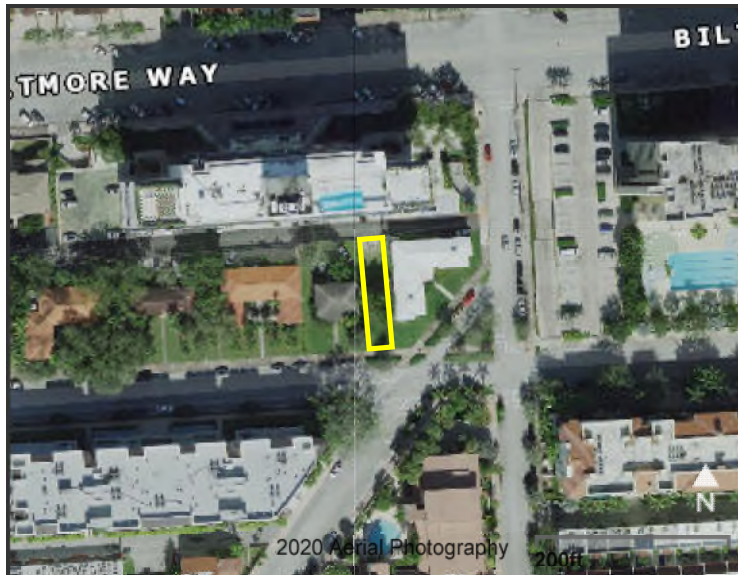


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 3/8/2021

Property Information	
Folio:	03-4117-008-1780
Property Address:	
Owner	BILTMORE DEVELOPMENT LLC
Mailing Address	9100 S DADELAND BLVD STE 901 MIAMI, FL 33156 USA
PA Primary Zone	5000 HOTELS & MOTELS - GENERAL
Primary Land Use	1081 VACANT LAND - COMMERCIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	2,800 Sq.Ft
Year Built	0



Assessment Information			
Year	2020	2019	2018
Land Value	\$322,000	\$280,000	\$280,000
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$322,000	\$280,000	\$280,000
Assessed Value	\$286,963	\$260,876	\$237,160

Benefits Information				
Benefit	Type	2020	2019	2018
Non-Homestead Cap	Assessment Reduction	\$35,037	\$19,124	\$42,840

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
17 54 41 PB 20-28 CORAL GABLES BILTMORE SEC LOT 26 BLK 10 LOT SIZE 25.000 X 112 OR 19351-2201/19380-884 1000 2 2

Taxable Value Information			
	2020	2019	2018
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$286,963	\$260,876	\$237,160
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$322,000	\$280,000	\$280,000
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$286,963	\$260,876	\$237,160
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$286,963	\$260,876	\$237,160

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
02/06/2015	\$373,300	29508-0263	Qual by exam of deed
10/01/2000	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed
11/01/1996	\$23,200	17417-4426	Other disqualified
09/01/1976	\$5,200	00000-00000	Sales which are disqualified as a result of examination of the deed

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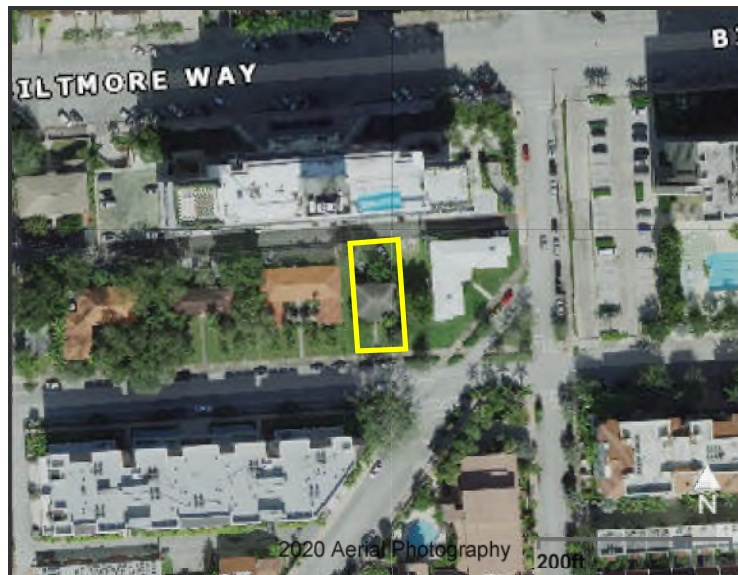


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 3/8/2021

Property Information	
Folio:	03-4117-008-1790
Property Address:	711 VALENCIA AVE Coral Gables, FL 33134-5639
Owner	BILTMORE DEVELOPMENT LLC
Mailing Address	1390 S DIXIE HWY 1105 CORAL GABLES, FL 33146 USA
PA Primary Zone	5000 HOTELS & MOTELS - GENERAL
Primary Land Use	0802 MULTIFAMILY 2-9 UNITS : 2 LIVING UNITS
Beds / Baths / Half	2 / 2 / 0
Floors	2
Living Units	2
Actual Area	2,541 Sq.Ft
Living Area	2,320 Sq.Ft
Adjusted Area	2,168 Sq.Ft
Lot Size	5,600 Sq.Ft
Year Built	1951



Assessment Information			
Year	2020	2019	2018
Land Value	\$644,000	\$560,000	\$560,000
Building Value	\$37,723	\$33,951	\$33,951
XF Value	\$0	\$0	\$0
Market Value	\$681,723	\$593,951	\$593,951
Assessed Value	\$653,346	\$593,951	\$593,951

Benefits Information				
Benefit	Type	2020	2019	2018
Non-Homestead Cap	Assessment Reduction	\$28,377		

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
CORAL GABLES BILTMORE SEC PB 20-28 LOTS 27 & 28 BLK 10 LOT SIZE 50.000 X 112 OR 18234-2320 0898 1

Taxable Value Information			
	2020	2019	2018
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$653,346	\$593,951	\$593,951
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$681,723	\$593,951	\$593,951
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$653,346	\$593,951	\$593,951
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$653,346	\$593,951	\$593,951

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
12/27/2016	\$0	30381-1547	Corrective, tax or QCD; min consideration
04/27/2016	\$850,000	30067-2614	Qual by exam of deed
08/01/1998	\$215,000	18234-2320	Sales which are qualified
04/01/1992	\$207,000	15467-0428	Sales which are qualified

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Version:

EXHIBIT C



T.A. Builders
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VIEW TEAM

Viewed by: Project 5880003-701 Valencia Multifamily - Pre - Construction

Date: 03/08/2021

Service Provider

No Service provider Members selected for this section

Customer

No Customer Members selected for this section

Third-Party

Akerman, Senterfitt, & Eidson, P.A.
Augusto Maxwell, Counsel
augusto.maxwell@akerman.com

One SE Third Avenue, 25th Fl
Miami, FL 33131

(p): 305-374-5600
(m): 305-755-5827
(f): 305-374-5095

Bellin Pratt & Fuentes Architects LLC
No contact

Bellin Pratt & Fuentes Architects LLC
Glenn Pratt, Architect
glenn@bpfarchitects.com

285 Sevilla Avenue
Coral Gables, Florida 33134-6613

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(f): 305-443-5986

Guirola & Associates P.A.
David Guirola, President
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884 NW 136 Pl
Miami, Florida 33182

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(f): 305.553.1994

Third-Party

Other

No Other Members selected for this section

Vendors

Division 01: GENERAL CONDITIONS

AEC Drone Services LLC Nelson Salazar, President nelson@aecdroneservices.com	4941 SW 74th Ct Miami, Fl. 33155	(p): 305.539.9092
Akerman LLP Augusto Maxwell, Attorney augusto.maxwell@akerman.com	One Southeast Third Ave Miami, Fl 33131	(p): 305.755.5827 (m): 305.632.5823 (f): 305.349.4691
American Testing Materials (ATM) Engineering, LLC Waseem Quadri, Owner/Estimator waseem@atmeng.com	1950 West 84th Street Hialeah, Fl 33014	(p): 305-646-1888 (f): 305-646-1887
AMEX No contact		
AMTV, LLC DBA +TOM Aline Tom, Creative Director Owner aline@tomtom.rocks	161 W 10 Street , Suite 3D New York, NY 10014	(p): 305.215.2130
Bellin Pratt & Fuentes Architects LLC Marshall Robert Bellin, Architect marshall@bpfarchitects.com	285 Sevilla Avenue Coral Gables, Florida 33134-6613	(p): 305-447-1927 (m): 305-274-6000 (f): 305-443-5986

Vendors

Biscayne Engineering Company
Albert Dettbarn
adettbarn@biscayneengineering.com

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Miami, FL 33130

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(f): 305-324-0809

Camero & Associates, Inc.
Jorge Camero, President
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(p): 305-665-7602
(m): 3057207602
(f): not entered - fax

City of Coral Gables
No contact

(p): 305-446-6800
(f): 305-460-5371

Decar Consultants
No contact

Doral Digital Reprographics
No contact

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(f): 786-264-6643

Eastern Engineering Group
Mario Morales, Engineer
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3401 NW 82nd Ave., Suite 370
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(m): 786-259-5940
(f): 305 599 8076

Kabat Schertzer De La Torre & Taraboulos Company
No contact

(p): 305-670-3370
(f): 305-670-3390

Longitude Surveyors, LLC
Eduardo Suarez, President
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7769 NW 48 Street, suite 375
Doral, FL 33166

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(m): 786.202.1753
(f): 305.513.5680

Luis Arevalo
No contact

(p): 305.442.4142
(f): 305.442.4377

Miami-Dade Water and Sewer Department
No contact

Vendors

MLL Design, Inc 5880 Collins Ave, # 1006 (p): 305.490.8510
Miriam Llorens
llorensmiriam@gmail.com Miami Beach, FLORIDA (FL) 33140

NV5, Inc 14486 Commerce Way (p): 305-901-2151
Alfredo Budik Miami Lakes, FL 33146
Alfredo.budik@nv5.com (f): 305.666.3069

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Samuel B. Reiner Miami, FL 33156
SBR@reinerslaw.com (f): 305.670.8989

U.S South Engineering and Testing Lab Inc 14400 NW 77th Court Suite #201 (p): 305.558.2588
Rama Parast Miami Lakes, FL 33016
rama@ussetl.com (m): 305.525.2910
(f): 305.362.4669

US Engineering Consultants LLC (p): 305-206-2581
No contact

Division 02: SITEWORK

Living Water Irrigation & Lighting, Corp. 14407 NW 88 COURT , (p): 954-643-4490
Juan Quiroz MIAMI LAKES, FL 33018
livingwaterirr@gmail.com

Division 08: DOORS & WINDOWS

Another Garage & Gate Inc. 3771 NW 51 STREET (m): 786-362-4344
Richard Brieva MIAMI, FL 33142
anotherbrieva@gmail.com

Division 09: FINISHES

Interior Production Masters 770 W 56 Street (p): 786 424 2055
Efrain Gil, Estimating Hialeah, FL 33012
interiorproductionmasters@gmail.com

J. Jireh Interiors Inc. (p): 786-444-4508
No contact

Division 16: ELECTRICAL

AT&T

Jaime Lehman, Geo Manager
jl6584@att.com

9500 SW 180 St
Palmetto Bay, FL 33157

(p): 305 971 9103
(m): not entered
(f): 305 971 9083

Integrated Electrical Sevices of Dade

Frank Rodriguez, President
frodriguez@iesofdade.com

4921 SW 74th Ct.
Miami, Fl. 33155

(p): 786 260 3384

Others

Associated Photo Imaging

No contact

(p): 305-373-4774



T.A. Builders
Powered by RedTeam

VIEW TEAM

Viewed by: Project 5880001-701 Valencia Pre Construction

Date: 03/08/2021

Service Provider

No Service provider Members selected for this section

Customer

No Customer Members selected for this section

Third-Party

CC Interior Architecture

Maria Antonia Caicedo, President
antoniam@ccinteriorarchitecture.com

Bogota,

(p): 57 310 250 1650

Fipro Holdings, LLC

Mohamed Fikree
mohammedfikri@hotmail.com

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Coral Gables, FLORIDA 33134

Henry Paper

Henry Paper
henry.paper@yahoo.com

340 Minorca Ave, ste 9
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Mendez Professional Eng. Corp.

Jose Mendez, President
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1385 Coral Way Suite # 203
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(p): 305-450-8238
(m): 305 450-8238
(f): 305-856-1797

Third-Party

Other

No Other Members selected for this section

Vendors

Division 01: GENERAL CONDITIONS

Akerman LLP
Augusto Maxwell, Attorney
augusto.maxwell@akerman.com

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(m): 305.632.5823
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Alfredo J. Ravinet
No contact

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(f): 305-220-3198

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4815 NW 79 Ave #6
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(p): 305.820.7000

City of Coral Gables
No contact

(p): 305-446-6800
(f): 305-460-5371

Decar Consultants
No contact

Doral Digital Reprographics
Gian Carlo Annitto, President
JC@ddrepro.com

8280 NW 27th St. Suite#506
Doral, FL 33122

(p): 305-704-3194 OPT 2
(f): 786-264-6643

Vendors

General Post Tensioning & Engineering Services Inc (GPES) Miguel Collado, President/CEO mcollado@gpesinc.com	1800 NW 96th Avenue Doral, FL 33172	(p): 305.639.4755 (f): 305.639.4739
Guirola & Associates, P.A. David Guirola, President guiro5@aol.com	1150 N.W. 72nd Ave., Suite 451 Miami, FL 33126	(p): 305 513 9665 (f): 305 513 9680
JFS Design, Inc Jimmy Socash, Architect jimmy@jfsdesignfl.com	1833 NW 140 Terrace Pembroke Pines, FL 33028	(p): (954) 447-1852 (f): none
Longitude Surveyors, LLC Eduardo Suarez, President esuarez@longitudefl.com	7769 NW 48 Street, suite 375 Doral, FL 33166	(p): 305.463.0912 (m): 786.202.1753 (f): 305.513.5680
Miami-Dade Water and Sewer Department No contact		
NV5, Inc Richard Fesdjian Richard.f@nv5.com	14486 Commerce Way Miami Lakes, FL 33146	(p): 305-901-1921 (f): 305.666.3069
NV5, Inc Alfredo Budik Alfredo.budik@nv5.com	14486 Commerce Way Miami Lakes, FL 33146	(p): 305-901-2151 (f): 305.666.3069
NV5, Inc Garfield Wray garfield.wray@nv5.com	14486 Commerce Way Miami Lakes, FL 33146	(p): 305.666.3563 (f): 305.666.3069
Sykes Printing Brian Piper files@sykesprinting.com	222 Andalusia Avenue Coral Gables, FL 33134	(p): 305 444-6505 (f): 305 567-9003
US Engineering Consultants LLC No contact		(p): 305-206-2581

Vendors

VTM Production
No contact

(p): 305-673-6733

Division 02: SITEWORK

**Miami-Dade Water and Sewer
Department**
No contact

Division 07: THERMAL & MOISTURE PROTECTION

Biscayne Construction Co. Inc.
Dave McCaffrey, Vice President Business
Development
DMcCaffrey@biscayneroofting.com

4700 SW 30th Street,
Ft. Lauderdale, FL 33134

(p): (888) 440-7663
(m): 954) 540-0676
(f): (877) 973-7663

Envirotech Roofing Group, Inc
Ernesto Sierra
sierraernesto@bellsouth.net

1372 SW 21 Terrace
Miami, FL 33175

(p): 305 207-4993
(m): 305-987-4412
(f): 305 207-4993

Triple M Roofing
Sam Lee
sam@triplemroofing.com

914 NW 19th Avenue
Ft. Lauderdale, FL 33311

(p): 954-524-7000
(f): (954) 524-0248

Others

ATM Engineering LLC
Waseem Quadri, Professional Engineer
waseem@atmeng.com

1950 West 84 Street
Hialeah, FL 33014

(p): 305-646-1888
(m): 786-777-8178

EXHIBIT D

PAGE 7
BOA MINUTES
 Agenda Date: 07/18/2019

SEQ	BOA #:	STA	OWNER	JOB LOCATION	PROJECT	ARCHI/ENG	REMARKS
39 e	AB-19-06-4757	BOA COMPLETE (LESS THAN \$75,000)	SHIRLEY M MAROON TRS	3160 PONCE DE LEON BLVD	COMMERCIAL -NON-ILLUMINATED SIGN(1) "MARJELL GALLERY" \$850		APPROVED BY C. MINDREAU
40 e	AB-19-06-5280	BOA COMPLETE (LESS THAN \$75,000)	ALFREDO S GARRANZA &W ROSA MAR	1119 OBISPO AVE	RESIDENTIAL -HISTORIC -ALUMINUM IMPACT WINDOW(13)/ DOOR(1) - WHITE FRAMES/ CLEAR GLASS \$22300		DEFERRED BY L. JAUREGUI, J. CARTY
41 e	AB-19-06-5312	BOA COMPLETE (LESS THAN \$75,000)	MERRICK PARK LLC	358 SAN LORENZO AVE	COMMERCIAL -FABRIC AWNING(2) RECOVER FOR **TILY PULITZER/ COLOR: SUNBRELLA MAYFIELD COLLECTION 4893 PINK (SIGNAGE UNDER SEPERATE PERMIT) \$8000		APPROVED BY C. MINDREAU
42 e	AB-19-06-5487	BOA COMPLETE (LESS THAN \$75,000)	MERRICK PARK LLC	358 SAN LORENZO AVE	COMMERCIAL -REPLAGE LOUVER OPENINGS \$12,500		APPROVED BY C. MINDREAU
43 e	AB-19-06-5688	BOA COMPLETE (LESS THAN \$75,000)	MARC S ERSTEIN	5910 TURIN ST	RESIDENTIAL * ALUMINUM FENCE ADDITION INBETWEEN ALREADY EXISTING CONCRETE COLUMNS \$15,000		APPROVED BY C. MINDREAU
44 e	AB-19-06-5827	BOA PRELIMINARY/MED BONDS/FINAL	BILTMORE DEVELOPMENT LLC	701 VALENCIA AVE	COMMERCIAL -PRELIMINARY -NEW 28 UNIT APARTMENT BUILDING (45,336 SQFT)*HW/ TRES/ CD/ POSTED* TIME CERTAIN 11:00AM ** \$7,500,000		APPROVED PRELIMINARY BY FULL BOARD VOTE VAYE, J. RESCO(1), P. KILDUAN(2), D. SACKMAN, A. ALVAREZ, L. JAUREGUI, H. RODRIGUEZ, J. CARTY NAYE: NONE
45 e	AB-19-06-5802	BOA COMPLETE (LESS THAN \$75,000)	ENRIQUE J COS &W JEAN	4011 ANDERSON RD	RESIDENTIAL -INSTALL 24" PAVERS AT SIDE AND BACKYARD W/ PEBBLE INFILL (WHITE) \$10,000		APPROVED AS NOTED BY C. MINDREAU

From: Ramos, Miriam <mramos@coralgables.com>
Sent: Tuesday, May 19, 2020 1:56 PM
To: Maxwell, Augusto (Ptnr-Mia) <augusto.maxwell@akerman.com>
Cc: Suarez, Cristina <csuarez@coralgables.com>
Subject: FW: 701 Valencia_BOA Final Review_Request for Med Bonus_04-30-2020 (002).docx

Gus,

The plans have been reviewed by the City Architect who concluded as follows: “Having carefully reviewed the architect's response to the requirements of the Zoning Code of Coral Gables, I can wholeheartedly agree that they comply with the regulations and that the result is a sophisticated design that is clearly grounded in classical design principles. I can give the Board a favorable staff recommendation and recommend approval for compliance with Mediterranean Design.”

I have attached his email here. If you need anything additional, please let me know.

Sincerely,

Miriam Soler Ramos, Esq., B.C.S.

City Attorney

Board Certified by the Florida Bar in City, County, and Local Government Law

City of Coral Gables

405 Biltmore Way, 2nd Floor

Coral Gables, FL 33134

(305)460-5084 direct dial



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From: augusto.maxwell@akerman.com <augusto.maxwell@akerman.com>
Sent: Monday, May 4, 2020 2:31 PM
To: Ramos, Miriam <mramos@coralgables.com>
Subject: 701 Valencia_BOA Final Review_Request for Med Bonus_04-30-2020 (002).docx

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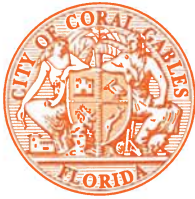
700+ Lawyers

25 Offices

akerman.com

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EXHIBIT E



The City of Coral Gables

Planning and Zoning Division

427 BILTMORE WAY, 2ND FLOOR
CORAL GABLES, FLORIDA 33134

May 2, 2017

T.A. Builders

ATTN: Luis Arevalo

1390 South Dixie Hwy, Suite 1105

Coral Gables, FL 33146

Re: Property Address: 701 Valencia Ave, Coral Gables, FL 33134
Folio No.: 03-4117-059-0010, 03-4117-008-1780 and 03-4117-008-1790; Plat Book 20, Page 28
Legal Description: Lots 23-28, Block 10, Coral Gables Biltmore Section

Dear Luis Arevalo:

In response to your request for zoning verification information in regard to the subject property above, after research and study of City records and the information that you provided, the following pertinent information has been determined:

1. Zoning District: MFSA; Multi-Family Special Area District (see Zoning Map Plate 6).
2. Future Land Use Classification: Residential Multi-Family High Density (see Future Land Use Map Plate 6).
3. Coral Gables Zoning Code permitted uses and performance standards can be found in Article 4, Section 4-104. Multi-Family Special Area (MFSA) District.
4. Subject property may qualify for Mediterranean Design Bonus; see Coral Gables Zoning Code Article 5, Section 5-604 and Section 5-605 for rules and regulations.
5. Site Specifics apply to the subject property, see Zoning Code Appendix A – Site Specific Zoning Regulations, Section A-12 – Biltmore Section for applicable regulations.
6. Permissible height is pursuant to City of Coral Gables Deputy City Attorney letter dated August 25, 2015, "RE: 701 Valencia Avenue - Zoning."

Please be advised that Zoning Code provisions have been adopted by the City Commission to implement the Comprehensive Plan and must be considered with all requirements, processes or regulations applicable to the development of a parcel in the City. Prior approvals and certain characteristics of the site or its vicinity may place further limits on the development potential, including density, intensity, lot coverage, setbacks, height and permitted uses. It is recommended that you consult qualified professionals should you require accurate information about the development potential of the parcel. **This letter does not constitute a development order, convey any development rights or describe the specific type, intensity or form of development that may be approved for the site.**

If you have any questions in regard to this matter please do not hesitate to contact the Development Services Department at (305) 460-5211.

Sincerely,

A handwritten signature in blue ink that reads "Ramon Trias".

Ramon Trias, AIA AICP LEED AP
Director of Planning and Zoning

cc: Charles K. Wu, AICP CUD, CNU-A, Interim Development Services Director

Note: View the Coral Gables Zoning Map, Future Land Use Map, and Zoning Code at: www.coralgables.com. Pursuant to Ordinance No. 2004-35, Section 6-128 a disclosure report may be obtained from the City of Coral Gables which provides additional information on the property.