

THE CITY OF CORAL GABLES



The City Beautiful

OFFICE OF CITY MANAGER

CITY HALL 405 BILTMORE WAY
CORAL GABLES, FLORIDA 33134

November 1, 2016

Roxanna Hinzman
Field Supervisor
U.S. Fish and Wildlife Service
South Florida Ecological Services Office
1339 20th Street
Vero Beach, FL 32960-3559

Re: Assessment of structure located at 803 Alhambra Circle, Coral Gables, Florida (“Property”) by the U.S. Fish and Wildlife Service (“Service”) for removal of the Florida bonneted bats (“Protected Bats”)

Dear Ms. Hinzman:

As you are aware, the attic or roof of the single-family home (“Structure”) on the Property is a roost for Protected Bats. On April 11, 2016, you wrote a letter to the registered agent for the Property owner, 803 Alhambra HFL LLC (“Owner”) and sent a copy of the letter to the City of Coral Gables (“City”). You stated that the Service wanted to work with the Owner to identify the proper process for authorized removal or exclusion of the Protected Bats. You also invited the Owner to contact the Service in advance of any work to discuss any plans for renovations and to identify the most appropriate path forward.

You may also be aware that the Property is in violation of the City of Coral Gables (“City”) Code of Ordinances because renovations began without the required development approvals (“Permits”). In addition, the Structure is deteriorating because of roof leaks. Therefore, the City is extremely concerned that the Structure, which is historic, may suffer demolition by neglect, also in violation of the City Code, if the renovations do not resume soon. While the Owner’s consultant, Lucy Lusette Lopez, has been working with the City to obtain the Permits and bring the Structure into compliance, the City cannot issue the Permits while the Protected Bats continue to roost in the Structure.

Consequently, the City has also been working with Ms. Lopez to monitor and help expedite the process to remove the Protected Bats. To that end, the City first contacted the Service on May 10, 2016. The Service informed that Owner and the City that, once the breeding season ended on

August 14, 2016, the Service would assess the site to begin the removal process. On August 25, 2016, the City and Ms. Lopez began following up with the Service to schedule a date for the assessment. While the Service has repeatedly stated that it would conduct the assessment within two weeks, the Service did not set a date for the assessment until today and the site visit is now scheduled to take place on November 3, 2016 at 3 p.m.

As a result of the delays, the City and Owner are very concerned that the process to remove the Protected Bats, which the Service has already indicated may involve multiple site visits, may not be concluded before the next mating season begins, on April 14, 2017, or in time to preserve the historic Structure. The City is also concerned that the delay the Service is imposing on the Owner's efforts to preserve the Structure may amount to a regulatory taking of the Property in violation of the Fifth Amendment.

Therefore, the City renews its request that the Service expedite the process for removal of the Protected Bats. Please contact the City Attorney, Craig E. Leen, at (305) 460-5218, to discuss this matter further. Finally, please find attached the City's letter to the Hon. Ileana Ros-Lehtinen requesting her assistance in asking the Service to expedite its review and work with the City and Owner to reach a final resolution.

Thank you for your prompt attention to these requests.

Very truly yours,



Cathy Swanson-Rivenbark, ICMA-CM, AICP, CEcD
City Manager

cc: 803 Alhambra HFL LLC,
c/o Hubert Weisslinger and Lucy Lusette Lopez
City of Coral Gables Commission
Craig E. Leen, City Attorney
The Hon. Ileana Ros-Lehtinen, U.S. Representative