



**Miami-Dade Commission on Ethics & Public Trust**  
**Report of Inquiry**

Investigator: Sylvia Batista

<b>Case:</b> PI16-045	<b>Case Name:</b>	<b><u>Date Opened:</u></b>	
<b>Complainant(s):</b> City of Miami Beach Commissioner Kristen Rosen Gonzalez,	<b>Subject(s):</b> Thomas R. Mooney, City of Miami Beach Planning Director.	10/11/16 <b>CASE CLOSED</b>	

Date: 1/18/17

**Allegation(s) and Background:**

City of Miami Beach Commissioner Kristen Rosen Gonzalez (Commissioner Rosen Gonzalez) requested an investigation into what she referred to as the “million-dollar loophole deal for the Shore Club” proposed as part of the amendment to Sec. 130-36, Off-Street Parking ordinance. A presentation on the second reading of the ordinance was made by the City’s Planning Director, Thomas R. Mooney (Mooney) at the 09/27/16 commission meeting. By way of background, the proposed ordinance had been referred as a discussion item to the Land Use and Development Committee which in turn referred it to the Planning Board for consideration and recommendation. Mooney and the City Administration recommended that the City Commission adopt the amended ordinance. The sponsor of the ordinance was Commissioner Michael Grieco.

The proposed ordinance was transferred to the City Commission with a favorable recommendation from the Planning Board. The Administration made its recommendation that the City Commission adopt the ordinance with certain amendments. The City Commission approved the proposed ordinance at First Reading on 07/13/16.

**Summary of proposed ordinance and review of the 09/27/16 City Commission meeting –**

The ordinance proposes modifications to Chapter 130 of the City Code by amending and clarifying standards and procedures for off-street parking requirements. The changes proposed in the draft ordinance do not modify or affect the number of off-street parking spaces required within each of the City’s Parking Districts, but does include a number of non-

substantive changes intended to clarify and simplify the application and administration of Chapter 130 of the City Code, "Off-Street Parking."

The amended ordinance contains several proposals. The first proposal expands the distance for providing off-site parking facilities from 500 feet in non-historic districts, and 1200 feet in historic districts to an across the board 1500 feet for the area South of 5<sup>th</sup> Street. Further, for changes in use, a 'lease' would be introduced as a connection option, in addition to unity of title and covenant in lieu of unity of title. Solutions as to what could be done once the lease expires were discussed in public comments and by the City Commission.

Lastly, the discussion turned to a recommendation made by the Land Use and Development Committee involving modification to allow for the removal of parking spaces required for a building when there is a change in use which results in the reduction of required parking spaces without requiring payment of impact fees to the City. This modification would apply to buildings in the architectural district and/or local historic district constructed after 10/01/93. Commissioner Rosen Gonzalez, realizing that the City stood to lose a million dollars in impact fees, challenged the desirability of passing an ordinance containing "a million dollar loophole." Commissioner Rosen Gonzalez asked why this amendment was being considered at that point in time. Upon learning that the motivating factor behind this portion of the amendment was the Shore Club, due to its plan to convert from hotel to condominiums, thus requiring fewer parking spaces, the Commissioner opposed the provision recognizing that such reduction without penalty would translate to less impact fees to the City. The Shore Club was not mentioned in the proposed amendment, which was the reason that Commissioner Rosen Gonzalez requested an inquiry of Mooney's presentation.

Mooney's presentation at the meeting was straightforward and his answers to questions from Commissioner Rosen Gonzalez, the Mayor and the other commissioners were undisputed. However, Commissioner Rosen Gonzalez felt that not mentioning the Shore Club in his presentation until he was asked was misleading.

After discussion, which involved comments from Attorney Kent Robbins, it was decided that the section regarding the impact fee question would be deleted and referred to Land Use for recommendation. Other proposals amending the ordinance were approved as amended.

**Relevant Law:**

Miami-Dade County Home Rule Charter, Citizens Bill of Rights Sec. (A)(2),

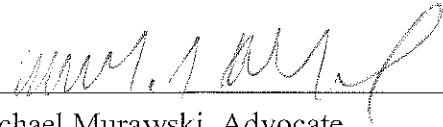
"No County or municipal official or employee shall knowingly furnish false information on any public matter, or knowingly omit significant facts when giving requested information to members of the public."

**Conclusion:**

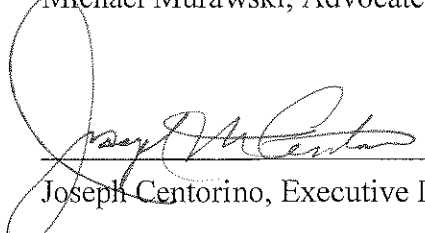
After review by the Ethics Commission Advocate it was determined that the evidence of an ethics violation or a Citizens' Bill of Rights violation was insufficient to meet the standard of proof for such a violation, and that this matter should be closed with no further action.

  
Sylvia Batista, COE Investigator

Date: 1/25/17

  
Michael Murawski, Advocate

Date: 1/18/17

  
Joseph Centorino, Executive Director

Date: 1/10/17