



To: Mayor and Commissioners

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in black ink, appearing to be "C. Leen", is written over the end of the "From:" line.

RE: Legal Opinion Regarding Title VI Equity Analysis – Proposed Permanent Trolley Facility In The South Dixie Highway Location

Date: February 5, 2015

Please see the Title VI equity analysis for the proposed permanent trolley facility on South Dixie Highway. Based on my review, it is my legal opinion that the City can proceed with this location consistent with Title VI.

Herbello, Stephanie

From: Chen, Brigitte
Sent: Friday, February 06, 2015 9:14 AM
To: Herbello, Stephanie
Subject: FW: Title VI Equity Analysis - Proposed Permanent Trolley Facility - South Dixie Highway Location
Attachments: Final Title VI Report - Permanent Site.pdf.html

From: Leen, Craig
Sent: Thursday, February 05, 2015 4:37 PM
To: Chen, Brigitte
Subject: FW: Title VI Equity Analysis - Proposed Permanent Trolley Facility - South Dixie Highway Location

Please place in the opinion folder.

Craig E. Leen, City Attorney
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From: Leen, Craig
Sent: Thursday, February 05, 2015 4:37 PM
To: Commissioners
Cc: Swanson-Rivenbark, Cathy; Foeman, Walter; 'Kara Nickel'
Subject: RE: Title VI Equity Analysis - Proposed Permanent Trolley Facility - South Dixie Highway Location

One clarification: it is my legal opinion that the City can proceed with this permanent location consistent with Title VI. (I had a typographical error and wrote VII instead of VI in the email below; please excuse the typo). Best regards, Craig

Craig E. Leen, City Attorney
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From: Leen, Craig
Sent: Thursday, February 05, 2015 4:30 PM

To: Commissioners
Cc: Swanson-Rivenbark, Cathy; Foeman, Walter; 'Kara Nickel'
Subject: Title VI Equity Analysis - Proposed Permanent Trolley Facility - South Dixie Highway Location
Importance: High

Mayor and Commissioners,

Please see the Title VI equity analysis for the proposed permanent trolley facility on South Dixie Highway. Based on my review, it is my legal opinion that the City can proceed with this location consistent with Title VII.

Please do not reply to all, and please call me with any questions.

Craig E. Leen, City Attorney

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**City of Coral Gables:
Trolley Maintenance and Storage Facility
Title VI Equity Analysis**

February 2015

Completed by: **RS&H**
Completed for: The City of Coral Gables, Florida

Introduction

This report has been developed as part of a Title VI compliance plan developed by the City of Coral Gables ("Coral Gables") and City of Miami ("Miami"), in coordination with Miami-Dade Transit ("MDT") for property to serve as the Coral Gables Trolley Maintenance and Storage Facility ("the Facility"). The Facility provides storage and maintenance capabilities for the Coral Gables Trolley, which is a free service provided by the City of Coral Gables and assisted by the Miami-Dade County Half Penny Transportation Surtax, the Florida Department of Transportation, and the Miami-Dade Metropolitan Planning Organization. The north/south trolley route runs along Ponce de Leon Boulevard from the Douglas Metrorail Station to Flagler Street. The property site proposed to house the new facility ("the proposed Facility") is located at 525 South Dixie Highway in the Riviera neighborhood of Coral Gables near the intersection of Riviera Drive and Dixie Highway. The proposed Facility would replace the existing Trolley Maintenance and Storage Facility located at 4133 South Le Jeune Road ("the South Le Jeune Road Facility").

Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." Per FTA C 4702.1B, Chapter III, "Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc." Also per FTA C 4702.1B, a Title VI equity analysis shall be completed "during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin."

The purpose of this study was to perform a Title VI equity analysis to determine whether and to what extent the location of the proposed Facility has a disparate impact on the surrounding residents. The objective of the analysis is to compare the equity impacts of the chosen site relative to the existing Facility.

Background

In 2010, the City of Coral Gables entered into an exchange agreement with Astor Development Group ("Astor"). As part of the 2010 agreement, the City agreed to convey the property which contained the South Le Jeune Road Facility to Astor, which planned to build a condominium project on that site and an adjacent site. In exchange for the City's conveyance of the site, Astor agreed to build the City a new trolley maintenance and storage facility on an alternative site. The new trolley facility built by Astor was on a site located within the City of Miami.

Subsequently, a member of the public filed a discrimination complaint with the Federal Transit Administration ("FTA") about the City of Miami trolley facility, asserting a violation of Title VI of the Civil Rights Act of 1964 ("Title VI"). The FTA commenced an investigation of the City, the City of Miami and Miami-Dade County. After the discrimination complaint was filed, the City filed a lawsuit against Astor

concerning the 2010 land exchange agreement and the placement of the new trolley facility.

In 2014, the discrimination complaint with the FTA was resolved. As part of this resolution, the City agreed that it would adopt a Title VI program plan (which was approved by the City on June 25, 2014) and that it not move its trolley operations to the City of Miami site, but instead would select an alternative site. Additionally, the City agreed that it would not take possession of or use the City of Miami site for any other purpose.

On September 17, 2014, the City entered into a settlement agreement with Astor to resolve the litigation between them concerning the 2010 land exchange agreement. As part of the settlement, the City sold the property containing the South Le Jeune Road Facility to Astor in exchange for a monetary amount, and Astor leased the property back to the City on a temporary basis. Under the terms of the lease back agreement, the City is leasing the South Le Jeune Road site from Astor until at least April 15, 2015. After that date, the lease back arrangement will end and the City must vacate the South Le Jeune Road Facility when either Astor obtains a building permit to build on the property, or twelve (12) months after the effective date of the lease agreement, whichever is earlier. Thus, the City may continue to use the South Le Jeune Road Facility for a period of time after April 15, 2015.

As a result of its agreements with the FTA and Astor, the City commenced a search for a location to house a new trolley maintenance and storage facility.

Methodology

The steps outlined in this section were completed to site the proposed Facility and evaluate potential impacts. First, Coral Gables established preliminary criteria required for the site candidates, and evaluated various potential sites based on these criteria. Second, potential impacts to the surrounding community were identified based on the physical and operational characteristics of the proposed Facility. Third, an analysis area was defined through coordination with FTA to encompass anticipated impacts related to the construction of the proposed Facility. Finally, the minority composition of the analysis area was calculated and compared to that of the City of Coral Gables to determine if a disparate impact exists.

Identification of Siting Alternatives

The City established the following criteria for a trolley facility site:

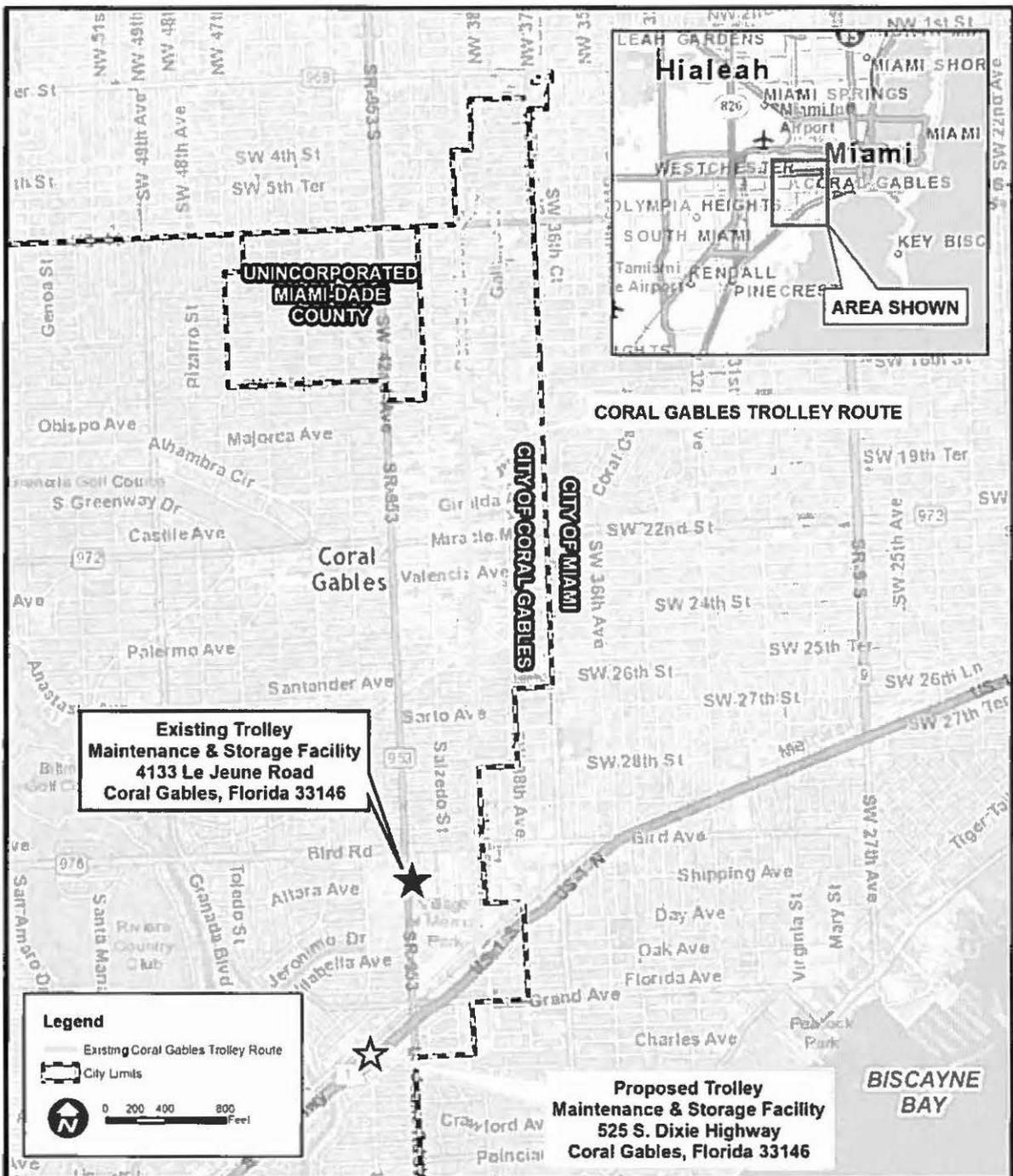
1. **Size:** The land area of the site had to be large enough to hold an approximately 15,000 square foot facility with maintenance bays for trolleys and administrative and support areas, a wash bay and outside parking for trolleys and staff. The City currently has eleven (11) trolleys and desired space for up to 16 trolleys.
2. **Location:** The location of the facility had to be within the City limits and close to the start of the trolley's existing route. The purpose of this was to minimize travel time and operating costs (fuel, driver time), which would be higher if traveling from a site far away from the City's trolley route.

3. **Cost:** The site had to be City-owned so that the City did not have to appropriate or raise funds to pay for the property (either as an acquisition or through eminent domain).
4. **Immediately Available:** The City determined that the site had to be immediately available for the building of a trolley facility because the City had significant time constraints in the selection of a site and the building of a new trolley facility. This criterion had two effects in application. First, the site had to be City-owned because the time required to acquire land from a private owner (either through purchase or eminent domain) would delay the process to build a new trolley facility. Second, the site could not have any other existing use (such as for parking or another building) that the City would have to relocate in order for the site to house a trolley facility. Any relocation of an existing use would require the City to find space for that use. Additionally, the time required to complete a relocation of an existing use would delay the process to build a new trolley facility.

After review of various properties listed in Table 1, only one replacement site, located at 525 South Dixie Highway and shown in Figure 1, met the City's criteria and time constraints for relocation. The 525 South Dixie Highway site is located between Ponce De Leon Boulevard and South Dixie Highway, just north of Riviera Drive and south of SW 42nd Avenue. This site is located adjacent to the elevated Metro line and is the current location of Coral Gables Fire Station Number 2, which includes a drill area, fuel depot, a fire fighter training tower, and parking space for city vehicles. Currently, the fire station employs approximately 30 firefighters. The fuel depot located on site is a refueling site for all city vehicles, including the Trolleys, and the number of vehicles visiting the site varies by day. The Trolleys currently refuel at the site at the end of the day and remain there for the night, or return to the current maintenance facility at 4133 South Le Jeune Road for the night.

Table 1: Properties Considered for the Proposed Facility

Folio Number	Physical Address	Property Size (sq. ft.)	Distance from Trolley Route (mi.)	Reason for Elimination
03-4120-024-0010	525 South Dixie Highway	86,200	0.5	None
03-4120-017-2240	350 Greco Avenue	13,343	0.2	Size
03-4108-006-1710	2151 Salzedo Street	39,387	0.1	Availability
30-4010-032-0010	2800 SW 72 nd Avenue	767,527	3.9	Location and Availability
30-4023-000-0197	SW 74 th Ave./SW 43 rd St.	150,376	3.8	Location and Not City-owned



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FIGURE 1:
TROLLEY MAINTENANCE AND STORAGE FACILITY
SITE LOCATION MAP

Identification of Potential Impacts

The new Trolley Maintenance Facility would be a two story facility approximately 18,100 square feet in size with an employee break room and eight (8) garage bays for maintenance and storage on the first floor and a second floor space that would be used as a training room for the fire department or as additional office space. The new facility would add 35 regular parking spaces and four (4) ADA parking spaces, and parking for eight (8) additional trolleys outside. The Facility is expected to have two city employees on site during the day along with two trolley dispatchers and approximately 6 to 7 trolley drivers on site between shifts. The proposed Facility would replace the one currently operating at 4133 South Le Jeune Road. This existing facility is not climate controlled and is too small to store all 16 trolleys, and so some of the trolleys are already being stored at the 525 S. Dixie Highway site. Due to the lack of climate control, the garage bays at the existing site remain open while trolley maintenance work is performed on the vehicles.

The Coral Gables Trolley operates Monday through Friday between 6:30 a.m. and 8:00 p.m., except the first Friday of each month when it runs until 10:00 p.m. on 10 to 15 minute headways. The Trolleys do not operate on municipal holidays. Each morning, the Trolleys would depart the Facility via Ponce De Leon Boulevard and travel north to access the route at the intersection of Ponce De Leon Boulevard and Ruiz Avenue. During employee breaks or at the end of the day, the Trolleys would return to the Facility via Ponce De Leon Boulevard for fuel and maintenance. **Figure 1** shows the proposed Facility location in relation to the Trolley route.

The primary impacts that were identified in conjunction with the proposed facility include:

- Noise impacts from the trolley vehicles going to and from the facility, from maintenance work being performed on the trolley vehicles, and potentially from employees gathering outside the facility;
- Air quality impacts from trolley vehicles and employees' private vehicles going to and from the facility;
- Traffic impacts from increased trips near each site due to both trolley movements and employee trips to and from work. The analysis also considered impacts to traffic along the potential paths trolleys would use (Ponce de Leon Boulevard) to access the trolley route from the proposed site; and
- Visual impacts related to the placement of a two story building on the proposed site which could potentially obstruct views for surrounding residents and businesses.

Identification of the Analysis Area

The disparate impact analysis involves comparing the racial makeup of some defined "analysis area" around the proposed site to a defined comparison population. Per FTA C 4702.1B, "for a statistical measure of disparate impact" the comparison population is defined as "all persons who are either affected by...changes or who could possibly be affected by the...change." For the purposes of this study, the comparison population was defined as all residents within the city limits of the City of Coral Gables.

The goal for the analysis areas was to define an area around the proposed site that would encompass the anticipated impacts if the trolley facility had been constructed there. The analysis area for the proposed site was defined as a half mile buffer in accordance with FTA Guidance. The racial makeup for the analysis areas of the proposed site was compared against that of the comparison population to determine if a disparate impact exists

Figure 2 illustrates the defined analysis area around the proposed site, an area encompassing approximately 632 acres. As shown in the existing land use map (**Figure 3**), nearly half of this acreage consists of residential land (49%) or transportation/utilities (33%). The analysis area is divided by the Metrorail line, which is flanked by Ponce De Leon Boulevard on the north side and Dixie Highway, lined with commercial land uses, on the south side. The analysis area also includes a portion of the University of Miami campus south of Riviera Drive.



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FIGURE 2:
 525 SOUTH DIXIE HIGHWAY SITE
 ANALYSIS AREA MAP



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FIGURE 3:
 EXISTING LAND
 USE MAP

Equity Analysis

U.S. Census 2010 data was used to determine the racial make-up of the analysis area for the proposed site as well as that for the comparison population. All Census Blocks within the defined analysis area for the proposed site were included in the calculations. Table 2 shows the total population, minority population and minority percentage within each analysis area for the proposed site, the existing facility, as well as the figures for the comparison population.

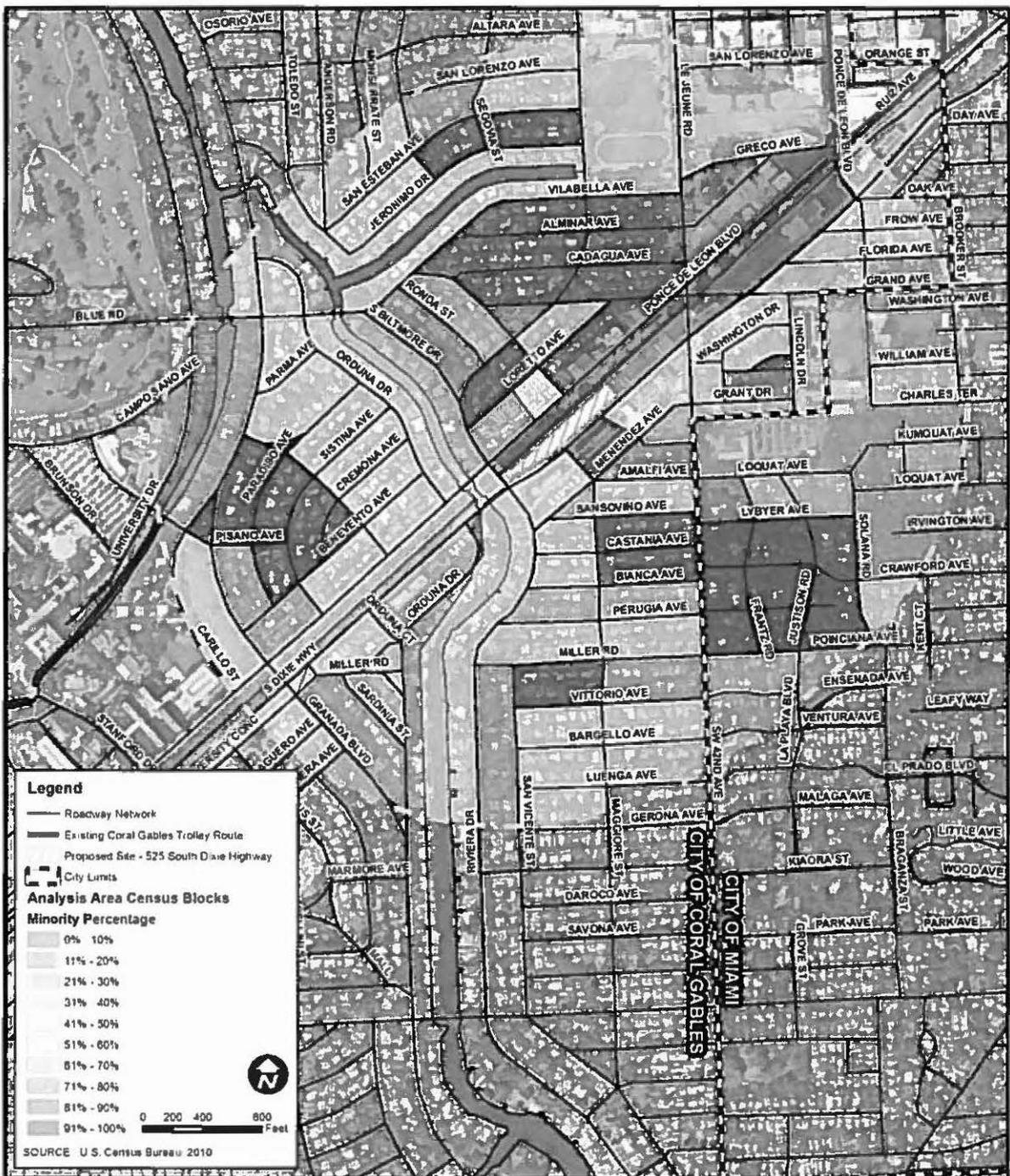
For the purposes of this evaluation, “minority persons” include the following:

- (1) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- (2) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- (3) Black or African American, which refers to people having origins in any of the Black racial groups of Africa.
- (4) Hispanic or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- (5) Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Table 2: Minority Composition – Existing and Proposed Sites

Location	Totals within Analysis Areas		
	Total Population	Minority Population	Percent Minority
<i>Comparison Population (City of Coral Gables)</i>	46,780	28,016	60%
4133 South Le Jeune Road (Existing Facility Site)	1,370	957	70%
525 South Dixie Highway (Proposed Facility Site)	4,163	2,589	62%

The proposed facility site’s minority percentage within the analysis area is within two percentage points of the comparison population, indicating that the minority composition of the analysis area is similar to that of the City of Coral Gables as a whole. Also, the existing facility site has a higher minority percentage within the analysis area than the proposed facility site. Figure 4 illustrates the minority percentage for each of the Census Blocks of the analysis area for the proposed Facility.



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FIGURE 4:
 ANALYSIS AREA BY
 MINORITY PERCENTAGE MAP

Impact Analysis

Impacts to the analysis area surrounding the proposed site are expected to be minimal considering the existing land uses already found on the site. Specifically, the site currently functions as right-of-way for the Metrorail, a refueling station for city vehicles, an overflow storage area for city vehicles (including trolleys), and as a fire station. There are already noise, air quality, traffic, and visual impacts associated with these uses. Because the new Facility would be replacing the South Le Jeune Road Facility, all trolleys already using the Dixie Highway site for refueling could remain on site.

Noise and impacts associated with the new Facility would be from trolley noise as vehicles enter and exit the facility, maintenance work, and from additional employees on the site. Noise impacts are expected to be minimal as compared to current conditions on the site. Trolleys are already entering the site to refuel and in some cases for overnight storage. With the closure of the South Le Jeune Road Facility, no trolleys would have to exit the site at the end of the day, and so the return trip to South Le Jeune Road would be eliminated. Additionally, improvements to the new Facility such as climate control would allow the garage doors to be closed while maintenance work is underway, creating less exterior noise than produced at the South Le Jeune Road Facility site.

Traffic and air quality impacts are expected to be near current levels at the existing site due to the site's current use as a refueling station for city vehicles. Due to the number of city vehicles and trolleys already accessing the site to refuel, any increases in traffic and air quality could be attributed to the addition of approximately 12 new employees to the site. Assuming each employee drives to work each day and leaves the site at the end of the day, the addition of 12 employees to the site would generate an additional 24 trips to the site each day, and 48 trips if each drives to make a lunch trip as well. These trips would be dispersed throughout the day based on each employee's shift. Based on the hours of operation of the trolley, 6:30 a.m. to 8:00 p.m. or 10:00 p.m. on weekends, many of these trips would be occurring outside of peak morning and afternoon travel times. The Dixie Highway site is approximately $\frac{3}{4}$ of a mile from the Douglas Road Metrorail Station, and within close proximity to numerous restaurants, so walking to work or using Metrorail would be a viable transportation option for employees at the proposed Facility. Any traffic impacts would be restricted to Ponce de Leon Boulevard, as the proposed facility would be designed with ingress and egress points on the north side of the property.

Visual impacts associated with the placement of a two story new Facility on the Dixie Highway Site are expected to be minimal considering the adjacent Metrorail structure. The proposed Facility would be moderately higher than the existing Metrorail structure. For residential areas north of Ponce de Leon Boulevard, the Metrorail structure and surrounding landscaping would obscure the view of the new Facility. For residences and businesses south of Dixie Highway, the new Facility would obscure the view of the Metrorail structure. Considering the age and current appearance of the Metrorail structure and other facilities located on the Dixie Highway site, the construction of the new Facility and provision of landscaping could be an improvement over the existing aesthetics of the site if designed properly.

Results and Conclusions

The proposed Dixie Highway site's location between two busy roadways and adjacent to an active Metrorail line indicates that the analysis area already experiences impacts similar to the ones anticipated to occur from the proposed Facility's use. The analysis area's proximity to the Metrorail line indicates the area is already subjected to noise and vibration impacts associated with the operation of Metrorail trains passing overhead. The Metrorail line also acts as a visual barrier obstructing views on both sides of the structure. The design of the proposed Facility could improve the visual aesthetics within the analysis area by providing an opportunity to use landscaping to better screen the Metrorail line from view.

Functioning as a fire station, refueling station, and vehicle storage area, existing land uses on the proposed Dixie Highway site also adversely affect the analysis area. The Dixie Highway site already generates noise, air quality, and traffic impacts associated with fire truck sirens and numerous city vehicles accessing the site to refuel or to be stored while not in use. The Coral Gables Trolleys are already among the city vehicles using the site for fuel and overflow storage in some cases. Relocation of the existing South Le Jeune Road facility to share the Dixie Highway site would eliminate some trips as trolleys could remain on site after refueling rather than returning to an offsite location for storage.

Although the proposed Facility would add approximately 12 additional employees to the site, traffic impacts associated with commuting to the site would be dispersed due to shift start times. Early morning and afternoon shifts would begin and end generally outside of peak travel times because the trolley's service schedule is designed to keep the trolleys in service at these peak times. The proposed Facility's proximity to the Douglas Road Metrorail Station and area restaurants keep pedestrian access to the site a viable option for employees commuting or taking mid-day breaks. The additional trips associated with 12 additional employees on site would be negligible compared to the existing traffic volumes on the surrounding road network.

Noise, air quality, traffic and visual impacts within the analysis area associated with the proposed Facility are expected to be minor due to the location and existing land use characteristics of the 525 South Dixie Highway site. Within the analysis area, the proposed Dixie Highway site's minority composition is similar to that of the City of Coral Gables comparison population. Any minor impacts associated with the construction of the Trolley Maintenance and Storage Facility are not expected to disproportionately impact minority populations.