

City of Coral Gables City Commission Meeting
Agenda Item F-4
October 26, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Public Speaker(s)

Maria Cruz

Agenda Item F-4 [Start: 10:42 a.m.]

An Ordinance of the City Commission providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 1, “General Provisions” Section 1-109, “Construction Rules” to clarify that where the provisions of this Zoning Code vary from the applicable requirements of any law, statute, rule, regulation, ordinance, or code, the most restrictive provisions which shall be deemed to be the higher standard of zoning shall govern, including provisions of zoning within the Miami-Dade County Rapid Transit Zone; providing for severability clause, repealer provision, codification and providing for an effective date. (Sponsored by Vice Mayor Mena) (Sponsored by Commissioner Fors)

Vice Mayor Mena: We’ll move onto item F-4.

City Attorney Ramos: F-4 is an Ordinance of the City Commission providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 1, “General Provisions” Section 1-109, “Construction Rules” to clarify that where the provisions of this Zoning Code vary

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from the applicable requirements of any law, statute, rule, regulation, ordinance, or code, the most restrictive provisions which shall be deemed to be the higher standard of zoning shall govern, including provisions of zoning within the Miami-Dade County Rapid Transit Zone; providing for severability clause, repealer provision, codification and providing for an effective date. This is a public hearing item. Ms. Levi-Garcia will speak about the ordinance as well as give you an update on the RTZ.

Mayor Lago: Ms. Garcia, if I may, just before you start, Mr. Clerk, I'd like to be recorded as a yes on the previous vote.

City Clerk Urquia: Yes sir.

Mayor Lago: Thank you. The floor is yours.

Ms. Levi-Garcia: Thank you. Good morning. So, this ordinance makes a minor change to the construction rule section of the Zoning Code to specifically state that when there is a variation between the zoning code and applicable law, the more restrictive provision applies and is considered the higher standard. This is the well-established legal principle that the city has consistently used, and this just makes it abundantly clear within the zoning code for construction purposes. As far as an update on the RTZ item, the Manager, the City Attorney and myself, we met with Vice Chair Gilbert. There is not a subsequent proposal up for consideration, but the meeting with the Vice Chair went extremely well. I would say it went as well as it possibly could have gone. He made every assurance that he is taking all of the city's concerns into account that the subsequent maps that are put together will specifically exclude residential areas that he felt generally the city had done everything it needed to do, in terms of, not encouraging, but in terms of having the necessary density around the RTZ that he's looking to encourage in other areas, and so, from his perspective he had achieved what he wanted to achieve at least in the City of Coral Gables, so that additional development would not be necessary. So, I think it went very well. We are going to be in touch with the planning department for the county. We are going to be heavily involved in future iterations of the map and hopefully of the ordinance and the proposal itself. So, we are keeping the lines of communication open, but at least at this stage we've gotten some assurances from the sponsor that things are going in the direction that we want them to go in.

Mayor Lago: Thank you.

Vice Mayor Mena: Well, I don't know if Mr. Trias had something.

Mayor Lago: Do you have anything?

Planning and Zoning Director Trias: I have a map if you want to see it. If I could have the PowerPoint. As you know, the county has been trying to come up with some mapping. The map that we've done, very clearly if you look at the areas that are within the black dotted line. They are mostly mixed-use, and they are mostly within walking distance of the station, and they are mostly what best practices are for transcended development, so I think that's what Naomi and the City

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Manager were able to convey so effectively. We will keep working on that map, but the existing conditions and the existing zoning and land use map of the city are very consistent with the ideas of the county. So that's the conclusion that we reached.

Vice Mayor Mena: If I may. First of all, I want to say I appreciate Commissioner Gilbert's meeting with us, and the feedback, I was a part of the meeting, but the feedback I received from staff is that he was very supportive of what our position is with respect to this issue, and that he's been very responsive in terms of meeting with us and hearing us out. I want to make clear that this is really not about that per say. All this proposal does is expressly codify what is already our position on this issue as a broader matter. Its not in any way intended to reflect if there is any sort of conflicts currently with what's being proposed and what the meetings that we've had that have been very positive, but I think its important for this to be more clear in our code, because again, we may not be here, Mr. Gilbert may not be there, five, ten, fifteen years from now when somebody comes along with another idea for a corridor like this one, or really any other, and I think its important there maybe some dispute on the legal issues, you know how they interplay here, but my position is that our city and all cities should have the ability to govern their zoning in this fashion and to have more restrictive zoning. And so, all this is intended to do is to make that more expressed in our code.

Mayor Lago: Thank you Vice Mayor.

Commissioner Anderson: Appreciate it.

Commissioner Fors: Nothing. Just to echo what the Vice Mayor said, very optimistic about the conversation we had with Mr. Gilbert. I think he started to realize that, not to say he didn't before, but he was looking at a much wider area, that the problem he's trying to solve in certain areas which is a valid problem in certain areas, simply doesn't exist in Coral Gables, because of the way our area, our section of the RTZ has developed over the past few years. So, I'm very optimistic about that. Just between first and second reading, and this may be things of terms of art that maybe are just not clear to me, because I don't draft construction rules as often as the City Attorney does, but the language regarding the most restrictive requirement which shall be deemed to be the higher standard, I'd like the City Attorney's office and yourself to look at whether that should be more specific, in other words, what's more restrictive to one person may not be as restrictive to another. What I mean by that is, perhaps because I don't...

City Attorney Ramos: I got you.

Commissioner Fors: Alright. More or less density that could be one that's more restrictive as others, or more or less uses. I think the implication when you just read it normally without giving it, thinking about it too much is that restrictive means less density, less uses, but look at whether we should or need to be more specific as to which is going to be deemed to be the quote-unquote "higher standard."

City Attorney Ramos: We'll tweak that before it goes to Planning and Zoning and then it will come back to Commission.

Commissioner Fors: If you think it's necessary.

Ms. Levi-Garcia: We can look at that, yes.

Mayor Lago: Thank you. I just want to say thank you to staff and Naomi in particular for her leadership, along with my colleagues, the Vice Mayor and Commissioner Fors for their leadership in regard to this issue. I serve at the pleasure of this city as the TPO representative under Chairman Gilbert, and I brought this up at the last TPO meeting last week on Thursday. Again, on the record, I wanted to place that the city has been a leader, that the RTZ is nothing new to the City of Coral Gables. We've lead the efforts in regards to infill, in regards to our TOD, and that we have not one, not two, potentially over 2,000 units that have been built on the TOD once all the projects are done, if you include the projects at Merrick Park, along with Douglas Station, Gables Station, Paseo, there's been a litany of different projects that have been built on the TOD right now that we are the example in regards to what other cities could potentially do. And like the Vice Mayor said, Commissioner Fors echoed, we want to make sure that we control our own destiny and what we have done has obviously paid dividends, as you can see by the standards that we set forth here in the City of Coral Gables. And I want to tell you, the Chairman, Chairman Gilbert was very receptive; he was kind; he was a gentleman, like I mentioned on the record, I actually called him a gentleman and he understood the importance of pushing other cities to do a little bit more but understanding that certain cities have certain standards that should be upheld and respected. So, I wanted to thank him on the record for that.

Vice Mayor Mena: I agree with everything you just said about what the city has already done, which is I think, a lot. The Manager made this point to me yesterday, which I hadn't really factored in, as we discussed this. We also have a university in this corridor with student housing and professors and staff and students who commute.

Mayor Lago: Thousands – thousands.

Vice Mayor Mena: Right in the heart of this corridor, so I think that alone uniquely, is unique to our city along this corridor and is an important factor that I know Chairman Gilbert appreciates, but I think we sort of lose sight of as we discuss this, because we only think of it in the context of traditional sort of development projects.

Commissioner Menendez: I just want to congratulate everyone involved, because between the meetings, this piece of legislation its very clear, I hope to the community that we are taking a very proactive stance, instead of waiting for things to happen and then reacting, we're ahead of the curve, we're ahead of what's happening. So, I want to commend my colleagues and the law department and management, and everyone involved, this is the way that government should work, and this is the way we are making it work. So, I want to congratulate everybody on a phenomenal job.

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Mayor Lago: I'll entertain a motion on this item, F-4.

Commissioner Anderson: I'll move it.

Commissioner Menendez: I'll second.

City Clerk Urquia: Mr. Mayor before the vote is taken, we do have a member of the public requesting to speak.

Mayor Lago: Perfect.

City Clerk Urquia: Ms. Maria Cruz.

Mayor Lago: Ms. Cruz, Mayor Cruz, the floor is yours.

Ms. Cruz: I don't know how you can...okay. This is, while I was sitting here, I was thinking of something that I've been meaning to bring up. You know where I live, on Miller Road, between San Amaro and Red Road, right, and Alhambra really. We can hear what people call the train from my house, okay. When I go to Publix, we can hear it too. That area does not have any acoustic barriers.

Mayor Lago: Its coming.

Ms. Cruz: Why doesn't it?

Mayor Lago: They are coming.

Ms. Cruz: Oh, they are coming, okay.

Mayor Lago: I spoke to staff at the county, they are being replaced, as you can see up and down U.S.-1 and those are forthcoming, probably in the next year you'll see them finally be installed.

Ms. Cruz: I'll let you stay as a Mayor.

[Laughter]

Mayor Lago: Trust me, because you're not the only one that can hear it. I can hear it from my house when I'm outside gardening, I can hear it from my house also.

City Manager Iglesias: I think, Mayor, some of those panels were falling off...

Mayor Lago: It was actually a liability they fell off and that's why they came to terms, they rusted, like Commissioner Anderson, they actually came to terms, we actually have to replace these now.

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They were a little bit reactionary, not so proactive, but now they are putting some beautiful panels up that I think will provide that necessary sound barrier and won't fall. Anything else Mr. Clerk?

City Clerk Urquia: No sir.

Commissioner Fors: Yes

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Mayor Lago: Yes

(Vote: 5-0)